

MEMORANDUM

TO: Restorative Justice Advisory Committee (RJAC)

FR: Carolyn Boyes-Watson and Susan Jeghelian, RJAC Members

DT: April 3, 2019

RE: Request for Subcommittee Name and Description

This memo responds to the RJAC request at the March Meeting for us to confer and report back on the name and description of a Subcommittee to figure out how best to partner with a higher education institution to assist the RJAC in carrying out its statutory responsibilities.

We have concluded that this Subcommittee could help the RJAC in the following ways:

1. clarify the role of the RJAC as advisory not regulatory;
2. determine the areas where RJAC advice would be the most useful and highly leveraged;
3. ascertain the information the RJAC needs to address those areas effectively; and
4. scope the RFP for the higher education institution to assist in compiling that information, including creating an inventory of MA community-based RJ programs.

The following are some preliminary thoughts and questions we have on each of these to share with the RJAC and spark further discussion.

A. Name

We are *tentatively* proposing we call this the “Planning Subcommittee”. This name could help distinguish the focus of this Subcommittee in on developing the plan for scoping the work for the higher education consultant rather than doing the work ourselves, and it could also help distinguish the purpose of this Subcommittee from other Subcommittees that may be organized to undertake tasks and functions of the RJAC. Reviewing and discussing the below description of the Subcommittee may help the RJAC to answer the following question:

Are there any other names for this Subcommittee that would be suitable?

B. Description

The purpose of this Subcommittee could be to help the RJAC clarify its advisory role and figure out where best to concentrate its work so that the RJAC advice would be the most influential in how people think about and deploy RJ for the benefit of Massachusetts citizens and institutions. This Subcommittee could assist the RJAC in identifying the type of information and resources that the RJAC needs in order to address priority areas effectively, and then scope the RFP for the higher education institution to assist in compiling that information.

Are there other ways to define this Subcommittee’s work?

Here are some further thoughts and questions for the RJAC to consider:

1. Role

A review of the statutory language makes it clear that the RJAC role is to be “advisory” not regulatory. This is particularly important given where the state of the restorative justice field is right now – still emerging, needing to raise awareness broadly, deepening understanding of restorative justice best practices, studying evidence-based impacts and seeking to shift the focus from criminal justice outcomes to “restorative” outcomes. For example, such a shift would mean assessing outcomes on victim satisfaction, community participation and sense of procedural fairness for responsible parties. These are typical outcomes for a restorative process rather than a criminal justice process.

Our reading of the statute suggests that the RJAC’s charge is to advise policy-makers, public officials and public institutions (the courts, DYS, DCF, DMH, law enforcement, public schools) who refer individuals to restorative justice programs and practitioners. The advice provided could be in the form recommended guidelines for the purpose of assuring quality and accountability in the public institutions that use restorative justice for a variety of purposes including but not limited to juvenile and adult diversion, and post-disposition and reentry support. The guidelines would highlight the best practices, criteria and standards to guide selection of community-based RJ programs for diversion and other initiatives and guide decisions to invest public funding and resources in them. As the RJAC considers its role, it may want to take up the following questions for discussion:

What is the best way to describe the advisory role of the RJAC?

Are we cheerleaders for restorative justice? Does the RJAC have an educative function as well as an advisory function?

2. Priority Areas

We are concerned that some of the itemized statutory tasks such as tracking impact of restorative justice on recidivism rates should not be placed on community-based restorative justice programs who would not have access to data or resources to be able to do. This is a task more appropriately charged to system holders, who have access to comparative data (matched samples/randomization) to do such an analysis. Similarly, the assessing and tracking of cost savings for the commonwealth and of data on racial/gender/social/geographical disparities in how restorative justice is used should be charged to system holders who are the source of referrals to community-based RJ programs.

Of the itemized statutory tasks, the RJAC may best be able to help in the following areas: figuring out what data community-based restorative justice programs regularly gather and should gather from restorative justice participants; developing training guidelines for restorative justice facilitators, setting guidelines for restorative justice best practices and guidelines for appropriate training for community-based restorative justice programs. Here are some further questions for discussion and consideration:

How can the work of the RJAC bring restorative justice forward in a supportive way?

Will establishing guidelines for the system holders help them to equitably and responsibly utilize restorative justice?

3. Information and Resources

This Subcommittee would help the RJAC figure out the information it needs to know based on its statutory charge, and to support the work in its priority areas. This would also include helping the RJAC keep focus on restorative justice in the criminal justice system, not in the education system for example, so that the RJAC work would not impact school-based restorative justice programs for team-building and conflict resolution purposes, but would cover court, school, police department and District Attorney referrals, and relevant state agency referrals such as referrals from DYS.

What information and resources does the RJAC need?

Will the RJAC want to collect information from restorative justice practitioners and scholars in MA in understanding existing programs and creating guidelines?

Will the RJAC want to understand the effectiveness of restorative justice training, facilitation and programming guidelines in other jurisdictions?

4. Higher Education institution Partner

The scope of work for the RFP with the higher education institution would focus on assisting the RJAC with obtaining the necessary information to carry out the tasks that RJAC believes to be the most influential or highly leveraged. This could include compiling an inventory of community-based restorative justice programs (and experienced/trained restorative justice practitioners) in MA that are prepared to take cases referred from the criminal justice system.

We would also suggest that this inventory go beyond this narrow scope to include restorative justice programs within and connected to public institutions in MA. This would give the RJAC a sense of what is out there for instance, programs such as Community Accountability Boards for pre-release in Hamden County; or victim-offender dialogue inside the Department of Correctional facilities as a part of victim services. The inventory could also identify restorative justice education and training programs in MA such as the new certificate program being launched at Suffolk University in 2020. Further discussion will be helpful on:

How best can a partner higher education institution assist the RJAC with obtaining information and resources?

In sum, with further clarity and agreement among RJAC members on its role and focus areas, and armed with relevant information on what is going on in MA and best practices in the field, the RJAC would be in a position to effectively advise policy-makers and public institutions how to responsibly use community-based restorative justice programs and build capacity and public accountability mechanisms for informed investment and expansion.