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Secretary

December 23, 2019

The Honorable Michael D. Hurley
Clerk of the Senate
State House, Room 335
Boston, MA 02133

The Honorable Steven T. James
Clerk of the House
State House, Room 145
Boston, MA 02133

Dear Mr. Hurley and Mr. James:

Please find enclosed the report of the Restorative Justice Advisory Committee. This report is being submitted, pursuant to Section 202 of Chapter 69 of the Acts of 2018. Please do not hesitate to contact me with any questions or concerns. Thank you for your time and attention to this matter.

Sincerely,

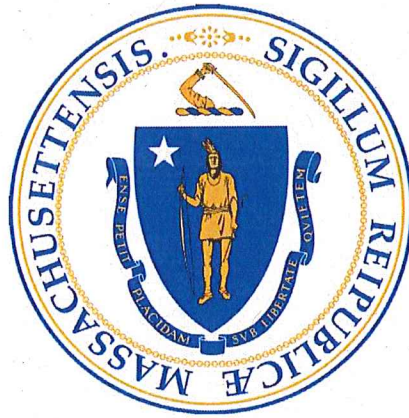
A handwritten signature in blue ink that reads "Andrew Peck".

Andrew Peck, Chair of the Restorative Justice Advisory Committee
Undersecretary for Criminal Justice
Executive Office of Public Safety and Security

cc: Governor Charles D. Baker
Secretary of Public Safety and Security Thomas A. Turco, III
Joint Committee on the Judiciary
Joint Committee on Public Safety and Homeland Security
House Committee on Ways and Means
Senate Committee on Ways and Means

The Restorative Justice Advisory Committee

2018 – 2019 Annual Report



Submitted by: The Executive Office of Public Safety and Security

Seat	Member	Appointed By
Secretary, EOPSS	Undersecretary Andrew Peck	Ex Officio
Secretary, HHS	Scott Taberner	Ex Officio
House of Representatives, Speaker	Rep. Sean Garballey	Legislature
Senate, Senate President	Senator Jamie Eldridge	Legislature
President, MA District Attorneys Association	District Attorney David Sullivan/ ADA Becky Michaels	Ex Officio
Chief Counsel, Committee for Public Counsel Services	Allison S. Cartwright	Ex Officio
Commissioner of Probation	John Millett	Ex Officio
President, MA Chiefs of Police Association	Chief Fred Ryan	Ex Officio
Executive Director, MOVA	Diane Coffey	Ex Officio
MA Sheriff's Association	Sheriff Nicholas Cocchi	Ex Officio
Retired Trial Court Judge	Hon. Rosemary Minehan (ret.)	Governor
Restorative Justice 1	Erin Freeborn	Governor
Restorative Justice 2	Cheis Garrus	Governor
Restorative Justice 3	Irene "Strong Oak" Lefebvre	Governor
Restorative Justice 4	Susan Jeghelian	Governor
Restorative Justice 5	Kara Hayes	Governor
Restorative Justice 6	Carolyn Boyes-Watson	Governor

THE CREATION AND PURPOSE OF THE RESTORATIVE JUSTICE ADVISORY COMMITTEE

The Restorative Justice Advisory Committee (hereinafter “RJAC” or “the Committee”) was established by Section 202 of Chapter 69 of the Acts of 2018, *An Act Relative to Criminal Justice Reform* (hereinafter “The Criminal Justice Reform Act”). Pursuant to the Criminal Justice Reform Act:

“The advisory committee shall consist of 17 members: 1 of whom shall be: the secretary of public safety and security or a designee who shall serve as chair; 1 of whom shall be the secretary of health and human services or a designee; 1 of whom shall be a member of the house of representatives appointed by the speaker; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be; the president of the Massachusetts district attorneys association, or a designee; 1 of whom shall be the chief counsel of the committee for public counsel services or a designee; 1 of whom shall be the commissioner of probation or a designee; 1 of whom shall be the president of the Massachusetts chiefs of police association, or a designee; 1 of whom shall be the executive director of the Massachusetts office for victim assistance or a designee; 1 of whom shall be the executive director of the Massachusetts sheriff’s association, or a designee; and 7 of whom shall be appointed by the governor, 1 of whom shall be a retired trial court judge and 6 of whom shall be representatives of community-based restorative justice programs or a member of the public with expertise in restorative justice. Each member of the advisory committee shall serve a 6-year term.”

Section 202 of the Criminal Justice Reform Act charges the RJAC with the following obligations:

“The advisory committee may monitor and assist all community-based restorative justice programs to which a juvenile or adult defendant may be diverted pursuant to this chapter.”

“The advisory committee shall track the use of community-based restorative justice programs through a partnership with an educational institution and may make legislative, policy and regulatory recommendations to aid in the use of community-based restorative justice programs including, but not limited to: (i) qualitative and quantitative outcomes for participants; (ii) recidivism rates of responsible parties; (iii) criteria for youth involvement and training; (iv) cost savings for the commonwealth; (v) training guidelines for restorative justice facilitators; (vi) data on gender, racial socioeconomic and geographic disparities in the use of community-based restorative justice programs; (vii) guidelines for restorative justice best practices; and (viii) appropriate training for community-based restorative programs.”

“The advisory committee shall annually, not later than December 31, submit a report with findings and recommendations to the governor, the clerks of the house of representatives and senate and the house and senate chairs of the joint committees on the judiciary and public safety and homeland security.”

Education and Training of Advisory Committee Members

Our first task as a committee was to lay the groundwork for a collective understanding among members about what constitutes restorative justice.

Section 202 of the Criminal Justice Reform Act defined Restorative Justice as:

“a voluntary process whereby offenders, victims and members of the community collectively identify and address harms, needs and obligations resulting from an offense, in order to understand the impact of that offense; provided, however, that an offender shall accept responsibility for their actions and the process shall support the offender as the offender makes reparation to the victim or to the community in which the harm occurred.”

The RJAC recognizes the continuum of restorative justice that, in some instances, may begin prior to any contact with the criminal justice system and, in others, may begin much later in the process, up to and including post-conviction. The RJAC is working to navigate the landscape of restorative justice work and programs throughout the Commonwealth, some of which do not fit neatly within this statutory definition.

We began our collective education process by reading *The Little Book of Restorative Justice* by Howard Zehr, copies of which were provided to all committee members by committee member Hampden County Sheriff Nicholas Cocchi. Committee members also watched a documentary "Circle Up" by Director Julie Mallozz.

Additionally, we have included presentations by committee members at our meetings, including:

1. Presentation by Erin Freeborn, Executive Director, Communities for Restorative Justice (C4RJ) "Respect, Responsibility and a Path Forward"

2. Presentation by Strong Oak Lefebvre, Co-Founder and Executive Director of the Visioning B.E.A.R. "An Indigenous Perspective on Promoting and Restoring Community Wholeness Through Circle Practice"
3. Presentation by Kara Hayes, Suffolk County District Attorney's Office, Chief of Community Engagement/LGBTQ Liaison: "Preparing for the Process, Restorative Justice and the SCDAO"
4. Presentation by Hampden County Sheriff's Department staff Monica Dominique and Mary Quinn: "Restorative Justice Initiatives"
5. Presentation by Carolyn Boyes-Watson, Director of Center for Restorative Justice at Suffolk University: "An Overview of the Restorative Justice Movement"

Future presentations will include leaders from within the restorative justice community both in the Commonwealth and nationwide.

Members of the public who attend the meetings further illuminate our understanding through their responses during the public comment session. The Committee is grateful for their participation.

Inventory of Restorative Justice Programs State-Wide

Our statutory mandate requires that the Committee partner with an academic institution to track the use of community-based restorative justice programs. The Committee initially attempted to create this partnership without a funding source. This attempt proved unsuccessful. (*See Request for Information, Appendix A.*)

The Committee subsequently recognized that to fulfill its mandate requires both funding and a succinct and structured description of the breadth of programs to be inventoried. The membership of the full Committee would like to extend a special

thanks to members Susan Jeghelian and Carolyn Boyes-Watson for the extensive work they did in bringing the membership of the full Committee to this decision point.

To that end, the Committee created two subcommittees that convened in July and August: The Scope Subcommittee and the Funding Subcommittee. These subcommittees reported their findings to the full membership of the RJAC in September.

The Scope Subcommittee

The Scope Subcommittee consisted of the following RJAC members:

1. Chair-Strong Oak Lefebvre
2. Becky Michaels
3. Carolyn Boyes-Watson
4. Representative Sean Garballey
5. Diane Coffey
6. Andrew Peck
7. Senator James Eldridge
8. Hon. Rosemary Minehan (ret.)

The Scope Subcommittee was charged with determining the breadth of programs to be included in the state-wide inventory. The Subcommittee examined the statutory definition of "Community-based restorative justice programs" in conjunction with the mandate of the RJAC to inventory programs state-wide and concluded that a broad interpretation of restorative justice programs was necessary to achieve the intended legislative outcome.

Section 202 of the Criminal Justice Reform Act defines a Community-based restorative justice programs as a *"voluntary program established on restorative justice principles that engages parties to a crime or members of the community in order to develop a plan of repair that addresses the needs of the parties and the community. Programs may include the parties to a case, their supporters and community members or 1-on-1 dialogues between a victim and an offender."*

The Subcommittee determined that the inventory should include "all restorative justice programs in the Commonwealth" beyond only those used for juvenile and adult diversion. This definition was accepted by the Committee as a whole at its September meeting.

The Funding Subcommittee

The Funding Subcommittee consisted of the following RJAC members:

1. Chair-Sheriff Nicholas Cocchi
2. Scott Taberner
3. Erin Freeborn
4. Fred Ryan
5. Susan Jeghelian
6. Allison Cartwright

At its first two meetings, the Funding Subcommittee determined that the RJAC should seek funding in two areas:

1. The first prong would be funding for administrative resources of the Committee.
2. The second prong would be funding for restorative justice initiatives, such as a state-wide inventory of restorative justice programs, research into other state-sponsored restorative justice systems, and demonstration grants to inform recommendations of the advisory committee.

In its third meeting, the Funding Subcommittee developed a proposed budget request for funding in the FY20 Supplemental Budget and funding in the FY21 State Budget through a proposed new line item under EOPSS.

Following further discussion and analysis with EOPSS personell, the membership of the Funding Subcommittee and the full Committee decided to make a more targeted funding request of \$120,000. The full Committee believes that the most prudent course of action at this time is for the legislature to appropriate \$120,000 to EOPSS for the purpose of

funding the Committee's statutory obligation of partnering with an educational institution to track the use of restorative justice programs. Until such an appropriation is made the membership of the full Committee does not believe it will be possible for this statutory obligation to be satisfied.

The Funding Subcommittee is an ongoing subcommittee of the RJAC.

The Reporting Subcommittee

The Reporting Subcommittee consisted of the following RJAC members:

1. Chair-Becky Michaels
2. Kara Hayes
3. Allison Cartwright
4. Strong Oak Lefebvre

The Reporting Subcommittee was tasked with compiling and summarizing the work of the RJAC and its subcommittees throughout calendar years 2018 - 2019.

Commonwealth of Massachusetts – Request for Information Issued by the Restorative Justice Advisory Committee

Respondents to this Request for Information (RFI) are invited to respond to any or all of the questions in this document. Responses to this RFI shall serve solely to assist the Commonwealth in understanding the current state of the marketplace with regards to the solicited information or to inform the development of a possible solicitation for a Request for Responses (RFR) or Request for Quotes (RFQ) in the future. This RFI does not in any way obligate the Commonwealth to issue or amend a solicitation or to include any of the RFI provisions or responses in any solicitation. Responding to this RFI is entirely voluntary, and will in no way affect the Commonwealth's consideration of any proposal submitted in response to any subsequent solicitation, nor will it serve as an advantage or disadvantage to the respondent in the course of any RFR or RFQ that may be subsequently issued or amended.

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Introduction

The RJAC is charged with tracking the use of community-based restorative justice programs through a partnership with an educational institution. The purpose of this RFI is to elicit the advice and best analysis of knowledgeable persons in the vendor community to enable the Restorative Justice Advisory Committee (RJAC) to craft a potential future solicitation for a program tracking system (PTS). Responses to this RFI should include information that will be useful to RJAC in subsequently drafting more detailed procurement solicitation(s) related to the PTS.

Agency

The Restorative Justice Advisory Committee was created by Section 202 of Chapter 69 of the Acts of 2018 (*"An Act Relative to Criminal Justice Reform"*), which was signed into law by Governor Baker on April 13, 2018. The duties and responsibilities of the RJAC include monitoring and assisting all community-based restorative justice programs to which a juvenile or adult defendant may be diverted pursuant to G.L. c. 276B. The RJAC is charged with tracking the use of community-based restorative justice programs through a partnership with an educational institution and may make legislative, policy and regulatory recommendations to aid in the use of community-based restorative justice programs including, but not limited to: (i) qualitative and quantitative outcomes for participants; (ii) recidivism rates of responsible parties; (iii) criteria for youth involvement and training; (iv) cost savings for the commonwealth; (v) training guidelines for restorative justice facilitators; (vi) data on gender, racial, socioeconomic and geographic disparities in the use of community-based restorative justice programs; (vii) guidelines for restorative justice best practices; and (viii) appropriate training for community-based restorative justice programs. For purposes of this document, these community-based restorative justice programs are collectively referred to as "Restorative Justice Programs." The RJAC is further required to submit an annual report with findings and recommendations to the governor, the clerks of the house of representatives, and senate and the house and senate chairs of the joint committees on the judiciary and public safety and homeland security. For the purposes of this RFI, RJAC is interested in systems that will enhance the advisory committee's ability to monitor and track restorative justice programs and develop recommendations as outlined above.

Purpose of RFI

The purpose of this RFI is to discover what will be necessary to create a central PTS or data warehouse for restorative justice programs.

RJAC wants to develop a system that, as a primary objective, would allow the RJAC full access over all client, program, and owner-level data in order to inform policy decisions, respond to legislative and advocacy data requests, monitor for program compliance and accurately project future costs and budget implications. Secondly, RJAC is interested in systems that could improve and enhance the delivery of services and program administration.

The purpose of this RFI is to assist RJAC in understanding the systems that are currently available and the level of customization that is possible in existing systems to meet the requirements of a state-wide PTS. RJAC will use this information as we continue the outreach and engagement process with administering agencies and move toward the formal procurement and system development.

Information Solicited

Project Scope

The proposed scope for the PTS is intended to develop and implement a system that will standardize and centralize data from all of the agencies that administer restorative justice programs. This will enhance RJAC's ability to monitor programs and develop policy recommendations.

Questions

1. Please identify and describe your institution's currently-available software offerings and how its features could be a solution to RJAC's data needs.
2. Describe customization that would be necessary to support RJAC's structure of many administering agencies across the state and multiple subsidy programs with different program requirements.
3. Describe whether your institution would be able to custom-develop a PTS to meet RJAC specifications, if a current build-out of a product is not possible.
4. Indicate whether or not your institution will abide by the Massachusetts Contract User Guide ITS58.
5. Identify and describe all suggested consulting services that would support the goals detailed in this RFI.
6. Describe any current known implementations of your institution's PTS or other relevant software and note any business partners involved with that implementation.
7. Please describe similar projects that have been successfully completed and describe the critical success factors for such projects.
8. Please deliver relevant product literature and marketing materials as attachments or links. Please also include any available reviews, testimonials or references for the applicable product(s).
9. Describe any third-party relationships or dependencies that would be relied upon for the solution described in response to this RFI.
10. Please provide a copy of a standard associated license agreement.
 - a. Are administration and technical user training offered with these solutions?
 - b. What levels of maintenance and support are available for the software?

General Instructions

This RFI is issued solely for the purpose of obtaining information. Nothing in this RFI shall be interpreted as a commitment on the part of RJAC to enter a contract with any respondent or to make any procurement.

This RFI has been posted on Massachusetts' procurement and solicitation system, COMMBUYS (<http://www.commbuys.com>), on January 7th, 2019. The instructions for responding to this RFI are as follows:

- Educational Institution Questions – Potential respondents who have questions regarding this RFI may e-mail them to the contact listed below by January 22, 2019. Respondents may only make inquiries and request clarification concerning this RFI by written questions via e-mail with the subject line "RFI Questions." Responses to inquiries and clarification questions will be provided electronically to all interested parties via a posting on COMMBUYS.
- Educational Institution Presentations – RJAC, at its discretion, may schedule a product demonstration or presentation to be given by one or more educational institutions at a mutually agreed upon date, time and location. All schedules will be finalized within three weeks of the response due date.
- Response Submissions – All responses to this RFI are due no later than 5:00pm on January 22, 2019. Respondents must submit responses through COMMBUYS. All responses must include the official name of the institution or entity submitting the response on the first page of the response and in the footer of the rest of the document.
- RJAC Contact Information – Please direct all questions via email with the subject line "RFI Questions" to the following contact:

Anjeza Xhemollari, Executive Assistant to the Chair of the Restorative
Justice Advisory Committee
Executive Office of Public Safety and Security
One Ashburton Place, Suite 2133
Boston, MA 02108
Telephone: 617-274-5540
Email: anjeza.xhemollari@mass.gov

- Additional Information: RJAC retains the right to request additional information from respondents. RJAC may, at its sole discretion, elect to request formal presentations from certain vendors and/or create an RFR or RFQ, which will include the detailed requirements and key success criteria for the procurement, which are based, at least in part, on the responses received from this RFI. RJAC may request further explanation or clarification from any or all respondents during the review process.

Costs

By submitting a response, respondents agree that any cost incurred in responding to this RFI, or in support of activities associated with this RFI, shall be the sole responsibility of respondent. RJAC shall not be held responsible for any costs incurred by respondents in preparing their respective responses to this RFI.

Review Rights

Responses to this RFI may be reviewed and evaluated by any person(s) at the discretion of RJAC, including independent consultants retained by RJAC now or in the future.

Public Record

All responses to this RFI will be public record under the Commonwealth's Public Records Law, Mass. Gen. L. ch. 66 s. 10, regardless of confidentiality notices set forth on such writings to the contrary.

Information Requested

1. Educational Institution Name
2. Address
3. Website
4. Contact name and information (e-mail address required)
5. Provide a description of your educational institution and the basis of your expertise in offering a response to this RFI.
6. Please provide responses to questions identified in the Information Solicited section of this RFI.