



## Community Resolve Concept Paper

### Purpose

The following Concept Paper is the precursor to a forthcoming Request for Proposals (RFP) to provide *Community Resolve*, a new Community Resolution Process (CRP) program to be provided by a contracting organization in collaboration with the New York City Department of Probation (DOP). *Community Resolve* would be instituted as part of DOP's implementation of "Raise the Age".

Through the upcoming RFP, DOP will be seeking an appropriately qualified not-for profit vendor to implement this initiative citywide. DOP is seeking comments on the Concept Paper presented herein.

### Background

DOP is a leader in community corrections, working within the criminal and juvenile justice systems and in the community to create a safer New York. Using Evidence-Based practices, and a balance of enforcement, structure, treatment and support, DOP holds people on probation accountable and gives them opportunities to forge new pathways so that they can move out of and stay out of the justice system. DOP works with them to get the education and skills they need to be successful in the job market; to repair and restore important relationships in their lives, including their relationship to their neighborhoods and larger community; and to make decisions that do not cause harm. In this way, probation becomes a stage of opportunity within the justice system, and a time to create a highly individualized "new now".

To accomplish its mission, DOP is in the midst of incorporating evidence-based policies and practices into virtually everything we do. Evidence-based policies and practices (EBPP) use current research and the best available data to guide decisions and produce the outcomes that our stakeholders- probation clients, victims, and communities- expect.

*Community Resolve* uses a restorative justice approach<sup>1</sup>, to repair harm caused by criminal activity. *Community Resolve* provides an opportunity for a collaborative process, facilitated by DOP PO's and the contracted provider ("CR provider"), to include arrested youth and/or complainants. Ultimately, *Community Resolve* strives to meet the needs of victims and the community, prevent further involvement in the justice system and assist participating youth in gaining a greater understanding of the harm they have caused.

*Community Resolve* is being implemented at a time when laws are changing for youth aged 16 to 17 years old as a result of "Raise the Age"<sup>2</sup>. "Raise the Age" legislation was signed into law by New York State Governor Cuomo on April 10, 2017. The legislation provides for phased-in

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<sup>1</sup> <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/>

<sup>2</sup> For more information on "Raise the Age" please visit: <https://www.ny.gov/programs/raise-age-0>

implementation, such that the age of juvenile delinquency will be raised from 16 to 18 years old over two years by October 1, 2019. Most cases for non-violent offenses involving 16-17 year olds will now ultimately be heard in Family Court.

## **Program Design**

### **a. Target Population**

The target population for *Community Resolve* would be complainants and youth who are arrested under the jurisdiction of Family Court in the following cases: (1) Youth is charged with assault or robbery; (2) Case is eligible and otherwise suitable for adjustment<sup>3</sup>. The CRP would engage both youth who are involved in the juvenile justice system (also referred to as participating youth, arrested youth or respondent for purposes of this Concept Paper) and those impacted by their behavior, which includes complainants (also referred to as victims), as well as the youth's family and circle of support.

### **b. Geographic Service Areas/Targeted Areas**

It is anticipated that one *Community Resolve* provider will implement the program citywide.

### **c. Program Overview**

The CRP will use the scripted model of conferencing (sometimes called the Australian Model or the Real Justice Model)<sup>4</sup> for formal meeting between youth and victims. All other services will be informed by this conferencing model to adhere to the same philosophical tenets. This model was selected because it is explicitly incident focused- designed to address the incident that brought the participants together. This strikes the balance of victim sensitivity, youth accountability, and community engagement for juvenile court cases eligible for adjustment<sup>5</sup>.

The CRP is designed to provide enhanced services for arrested youth and complainants, the potential for the parties to reach some resolution as well as a shared understanding of the crime and its impact. CR provider would share clear, precise information in everyday language to help parties understand the process, possible outcomes, their role, and their options. It is important to remember that the process is new to any party being called, and so it is important to provide sufficient opportunities to ask clarifying questions and to understand all facets of the process. It is especially important that participants know when their preferences may be overridden, any limitations to their choice and power, and what information they will and won't be entitled to going forward. Respondents and complainants can choose to voluntarily access any of the services offered, but retain their right to participate without consequence to the case, once the case is open for adjustment services. Complainants always retain their right to access the Court.

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<sup>3</sup> <https://www1.nyc.gov/site/familycourtdivision/juvenile-delinquency/general-stages-of-the-family-court-process.page>

<sup>4</sup> <https://www.iirp.edu/defining-restorative/restorative-conference>

<sup>5</sup> Training will be provided to the *Community Resolve* contractor, along with ongoing technical assistance, to ensure fidelity to the model.

Services would be offered collaboratively by DOP Probation Officers (PO) and the Community *Resolve* contracted provider. Services offered through this initiative would include options in three general categories:

- Services that assist arrested youth in improving behavior and repairing harm;
- Services that assist complainants and others affected by the incident;
- Services that provide an opportunity for direct interaction between arrested youth and complainants.

This approach is designed to meet the needs of victim and the community, prevent further involvement with the criminal justice system, and assist participating youth in gaining a greater understanding of the harm they have caused. Types of activities that may be appropriate within the options mentioned above include:

- Restorative Conferences
  - A restorative conference is a structured meeting between the arrested youth, complainants, both parties' family and friends or supporters, and others impacted by the crime, in which they deal with the consequences of the crime and decide how best to repair the harm. Conferencing is neither counseling, nor a mediation process; it is a victim-sensitive, straightforward problem-solving method.
- Victim meeting with CR provider
  - At times it may be preferable for victims to meet alone without the arrested youth. Based on the content of the restorative conference, CR provider's trained facilitator would guide victims and others impacted by the crime through a series of questions designed to help them process the impact and decide how to best move forward.
- Impact statement from victims and other affected parties
  - Some people impacted by the offense may wish to write a letter describing the impact the crime had on them and others. This statement will not affect the disposition of the case, but it is designed to help victims process the event. These statements will be delivered to the assigned PO who will work with the arrested youth to help increase their understanding of the impact the incident has had on others. In some cases, affected parties may choose to make an audio or video recording of their statement.
- Apology letter/Amends without Conference
  - Respondent may wish to take steps to repair the harm that was caused. Reparation can be concrete or symbolic and may happen in several ways: A verbal apology, a written apology or some type of service designed to help make things right. Written apologies can benefit both the author and the recipient, so it is important to allow for written apologies to be created, but only delivered when appropriate. Arrested youth will be encouraged to think broadly about those who were harmed. Amends may be appropriate for parents and friends of the respondent, in addition to direct victims.
- Youth meeting with CR provider alone (Restorative Interview)
  - When harmed parties are not involved in direct contact with the respondent, the respondent may meet to explore the impact of the incident and decide on a best way

forward. A series of questions, commonly referred to as restorative questions, will be used to guide this dialog.

- Support navigating the system of those affected
  - Regardless of the level of engagement in the Community Resolution Process, arrested youth and complainants may need assistance navigating the justice system and finding appropriate services and resources. The CR provider and PO will serve as guides for all involved parties in this regard.
  
- Connection to victim and other services

The CR provider would be responsible for discussing options available to possible participants and assisting participants in identifying the appropriate service from those available. Services offered to arrested youth alone will be delivered by the PO. Services involving complainants or other harmed parties- whether alone or with the arrested youth will be offered by the CR provider. Ongoing communication between the PO and CR provider will be critical to the effectiveness of the initiative. PO's will work with the provider to monitor client progress and actively support their participation and ensure appropriate follow-up. It is anticipated that services will be provided with the 2-month adjustment process, although extensions may be allowed if deemed appropriate.

CR provider would maintain impartiality in facilitation, ensuring that facilitators assigned to each case disclose any potential personal conflicts and refrain from imposing their own opinion on the process. The role of the facilitator is to support participants in dialogue and/or forming and agreement of their own making, while ensuring that restorative justice principles are upheld. The facilitator would also assess participants in a case to assure that there is a very low possibility that anyone could be re-victimized as a result of participation. If necessary, the facilitator would explore other restorative ways to meet the complainant without a face to face meeting with the arrested youth.

Core principles for engaging with complainants are as follows:

- EXPRESS empathy and compassion.
- RESPECT harmed parties' identity, culture, and belief systems.
- MANAGE expectations and offer a realistic picture of the Range of Services.
- RECOGNIZE the power of law enforcement to intimidate people.
- MAKE SPACE for the full range of emotions the complainant may feel.
- ALLOW for the whole range of options a harmed party may prefer.
- AFFIRM strength and resilience.
- PRACTICE patience.
- NORMALIZE their needs, reactions, and emotions.
- FOSTER connection and understanding.
- BE MINDFUL not to pressure them into one choice or another.

These complainant principles would be manifested in core practices such as those listed below:

- LISTEN to their story of what took place and its impacts on themselves and their loved ones.
- VALIDATE that what happened to them was wrong and undeserved.

- EXPLORE what they need to feel safe and that justice was served.
- SHARE information about the process and their options.

Similarly, the following principles will guide how arrested youth are engaged regardless of the charge:

- SEPARATE the deed from the doer.
- EXPRESS empathy and compassion for their situation.
- RESPECT respondent's identity, culture, and belief systems.
- MANAGE the expectations and offer a realistic picture of the Range of Services.
- RECOGNIZE the power of law enforcement to intimidate people.
- MAKE SPACE for the full range of emotions they may feel.
- AFFIRM strength and resilience and their ability to get through the CRP process.
- PRACTICE patience.
- NORMALIZE their needs, reactions, and emotions.
- FOSTER connection and understanding.
- BE MINDFUL not to pressure them into one choice or another.

These arrested youth principles will be manifested in core practices, such as those listed below:

- LISTEN to their story of what took place and its impacts on themselves and their loved ones.
- VALIDATE that what happened does not define them as a person.
- EXPLORE what they need to do to make things right.
- SHARE information about the process and their options.

#### **d. Service Hours**

It is anticipated that the CR provider would offer services and meeting appointments at times convenient to the youth and other participants. This may include provision of services outside of normal 9 to 5 business hours to accommodate school and work schedules.

#### **e. Site Information**

The CR provider would maintain a site that is conveniently located to public transportation and accessible to referred participants from all five boroughs. CR provider would also have the ability to secure additional neutral space for meeting locations, taking into consideration input from primary participants as to where meetings should take place.

#### **f. Service Levels/Staffing Levels**

It is anticipated that 1000 cases would be referred to the CR provider for initial contact with an approximately 50% rate of agreement to participate.

DOP anticipates that at least 2 facilitators would need to be available for scheduling, in the event that there are issues regarding impartiality. It is anticipated that staffing could be achieved with a combination of full-time, part-time and/or on-call.

## **Performance Measures**

### **a. Outcomes**

The following outcomes are anticipated as a result of participation in Community Resolve:

- Arrested youth, victims/complainants and any other affected parties will have a shared understanding of how the crime has impacted everyone
- A decision can be jointly made as to how best to repair the harm that has been caused

It is also expected that participation and completion rates for arrested youth will increase through participation in the CRP.

### **b. Reporting**

The CR provider will be required to work closely on reporting with DOP as well as measure and report regularly on program outcomes. CR provider will be responsible for monitoring and reporting on services provided and to whom. CR provider will work with DOP to administer self-report measures, collect anonymous satisfaction feedback from all participants, as well as input from participants and facilitators in order to assess outcomes and integrate such information into service delivery.

Case information will be forwarded to the CR provider when the case is referred. CR provider would maintain a secure system for record-keeping in order to keep all written documents and electronic communications confidential. CR provider would need to understand statutory confidentiality mandates of the adjustment process.

CR provider would submit reports to the assigned PO including the following: regular case updates, conference agreements, written apologies or complainant statements, information on any arrested youth referrals, and case outcome information. Other information may be required to be sent to the PO or other DOP program management staff as well.

## **Funding**

### **a. Funding Amounts/Anticipated Payment Structure**

The anticipated funding for the contract resulting from the forthcoming RFP is approximately \$100,000.00 annually. This amount must cover all operations costs associated with delivering the program. It is anticipated that the payment structure for the contract awarded will be line-item reimbursement. DOP also reserves the right to reduce the funding amount accordingly if less than anticipated cases are available for referral.

**b. Anticipated Number of Contracts/Contract Term**

DOP expects to issue one city-wide contract to a nonprofit organization to deliver the Community *Resolve* program. The anticipated contract term is for three years, with an option to renew for up three additional years. Contract terms and amounts are based on availability of funding and are subject to change.

**Evaluation of Proposals**

Proposals will be evaluated pursuant to the criteria set forth in the RFP. This will include the quality of the proposer’s approach and program design for each key service area comprising the Community *Resolve* program. In addition, the evaluation will assess the proposer’s successful, relevant experience providing similar services. Proposals will also be evaluated based on the organization’s staffing model and organizational structure as it relates to capacity to deliver these services. Evaluation of proposals may include interviews and/or site visits in addition to review of the written proposal.

**Procurement Timeline**

Release of the RFP is anticipated in Fall 2018, with services anticipated to begin February 1, 2019.

**Use of HHS Accelerator**

To respond to the forthcoming Community Resolve RFP and all other client and community services (CCS) Requests for Proposals (RFPs), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement.

Only organizations with approved HHS Accelerator Business Application and Services Applications for one or more of the following will be able to propose:

- Community Engagement
- Life Skills
- Case Management
- Conflict Resolution/Mediation
- Preventive Services

To submit a Business and Service application to become eligible to apply for this and other CCS RFPs, please visit <http://www.nyc.gov/hhsaccelerator>

**Contact Information/Deadline for Questions/Comments**

Written comments may be emailed to [acco@probation.nyc.gov](mailto:acco@probation.nyc.gov) (entering “Community Resolve Concept Paper” in the subject line) or submitted by mail to:

Eileen Parfrey-Smith  
Agency Chief Contracting Officer  
NYC Department of Probation  
33 Beaver Street, 21<sup>st</sup> Floor  
New York, NY 10004

The deadline for all written comments is **November 5, 2018.**