

# Reconciliation

## PROCESS OVERVIEW

### **FOR SOME TIME, THE NATIONAL NETWORK FOR SAFE COMMUNITIES (NNSC)**

has been developing an approach to police/community reconciliation work to be applied at city-wide scale. This document describes the principal elements we have identified as essential to the reconciliation process, and identifies a process and key steps. It is focused on police/community relations, while recognizing that the framework presented here may ideally be extended to other criminal justice institutions.

### **I. Process Elements**

In the course of this work, we have identified key elements as central to a successful reconciliation process. These are: 1) a recognition of past harms; 2) sustained listening to members of the public comprising important constituencies and stakeholders; 3) an explicit commitment to changing policing in specific ways and in accordance with a clear normative vision; 4) fact-finding; 5) the identification and promulgation of key experiences and narratives on both sides; 6) the specification of concrete changes in policies and practices that will move toward new policing practices and new relationships; 7) a mechanism for driving the implementation of those changes.

We absolutely recognize that work along many, if not all, of these lines will already be going on in many cities. One common reaction to sharing this framework with police departments nationally has been, “We’re doing a lot of this already, but haven’t had an overall framework or plan.” We present our framework below and proceed to specify activities in each of these areas while also expecting that cities will be incorporating work and activities already under way and that we expect to be strengthened by, and to strengthen, this explicit reconciliation framework.

We also expect that while this framework is designed as an extensive process leading to higher levels of trust, improved relationships, and changes in both official and community practice, it is likely to produce opportunities and ideas for more or less immediate change (for example, a meaningful alteration in police practice). We would support those early actions and would expect them to themselves be markers and indicators of increased trust and common ground.

#### **1) A recognition of past harms**

In discussion with police departments nationally (and additionally with some city officials) we have found a willingness to be bold and specific about where policing has erred in the past and that it should change

in important and fundamental ways going forward. They do not need to be persuaded that things need to change; they're already there. They are in a position to begin an engagement with the community from this very advanced stance. These would include conveying to the community their recognition of such things as:

- a. The role of police in the long, legally racist history of slave and pre-civil-rights-reform in their city;
- b. Harms of both commission and omission in their city's civil rights movement;
- c. Some degree of racist and biased policing since then;
- d. The part played by police in producing mass incarceration;
- e. Some degree of outright illegality by police officers, including egregious behavior by a very small number of officers who do tremendous damage to the public trust;
- f. Disrespectful treatment of the public by police officers;
- g. The unintended consequences (for example, large numbers of minority men with criminal records) of often well-intentioned recent policing strategies;
- h. Overuse of particular tactics like stop and frisk;
- i. An affirmative desire to police differently, in ways that are more effective, more respectful, employ less criminal sanction, focus on key offenders rather than the broader community, do less unintended/collateral damage, and the like.

Though the most alienated communities could also improve in ways that would build trust—such as forcefully speaking out against “stop snitching” norms—it is essential that the police “go first” in both acknowledging the harmful impact various criminal justice policies have had on communities of color, and other affected populations, as well as owning the harms perpetrated by law enforcement actors. The harms committed are not equal, and the greater onus falls on the police. While explicit apology is an option and has been embraced by some police executives, a frank acknowledgement is essential.

Leading national law enforcement figures have made a number of strong statements along these lines. As one example, NYPD Commissioner Bill Bratton said in February 2015:



**Some of the worst parts of black history would have been impossible without a perverted, oppressive law and order, too. Slavery, Reconstruction, Jim Crow, lynchings, blockbusting. None of us did these things. None of us were troopers on the bridge at Selma. But it doesn't matter that these things happened before many of us were even born. What matters is that our history follows us like a second shadow. We can never underestimate the impact these had. The hate, and the injustice, and the lost opportunities—for all of us. But where does this leave us, the police? Because law and order should never be the tool of oppression, not today.**



And while unfairness and inequality persist, we, as police, face a truth that some others would rather deny [. . .] We cannot forget what is behind us, nor the legacies still with us—but we cannot ignore the duty laid before us. As police, that duty is two-fold: As police, we must prevent crime and disorder. As police, we must fix what we’ve done and what we continue to do wrong. It’s ours to set right. It’s the crisis, it’s the challenge, it’s the opportunity.

## **2) Sustained listening to members of the public, including important constituencies and stakeholders**

Alienated communities tend to have a deep conviction that the police do not listen to them and are not genuinely open to community perceptions and ideas. Chiefs and other members of departments need to spend a meaningful amount of time hearing what the public thinks and wants. Even when chiefs are closer than their publics probably understand to accepting and being willing to work for what the public wants, effective action alone is not a substitute for genuine, respectful, and sustained attention. In practice, such engagement will probably begin in relatively small settings and develop into larger and more public ones.

## **3) An explicit commitment to changing policing in specific ways and in accordance with a clear normative vision**

Based on what should emerge as a shared set of goals, police and communities should agree on a set of core ideas that should govern policing, and concrete steps that will move policing in that direction. This could include, for example, key tenets of not damaging families and communities through overuse of the criminal sanction; a desire to keep juveniles and the mentally ill out of the criminal justice system; to focus policing as narrowly as possible on the small numbers of hot people and hot places that drive crime; to strengthen community collective efficacy and self-help around crime prevention; to enhance procedural justice; to reduce implicit bias; to heighten transparency and accountability; to have mutually respectful relationships; and the like. Real changes in policies and practices that will support those goals should be identified for implementation (see 6, below).

## **4) Fact-finding**

The process should produce a clear, objective account of the history that has necessitated the reconciliation process. It could include, for example, a process of researching and reporting on the realities of the legal position of black city residents, and other affected populations, at different stages of the city’s history; the role of the police in governing the public during those stages; historical abuses under color of law; current perceptions of police and policing; facts around profiling, arrest rates, and the burden of incarceration; individual stories of members of the public and of police officers; the role of community silence in undermining homicide clearances; and the like. This process could include hearings, the submission of written testimony, ethnography in the community and with police officers, commissioned research, and

other such steps. Ideally this process will produce a broadly accepted consensus statement of the core essentials of the pre-reconciliation state of affairs.

## **5) Narrative sharing and promulgation**

Police and alienated communities need to understand what those on each side think of the other and why they have come to think it. Police officers and members of the communities they serve cannot confront the historical or emotional scope of their mutual mistrust without sharing, and listening to, each other's accounts of the experiences that shape their present-day perceptions. Police officers often believe, for example, that the community is tolerant of crime and violence, that "everybody is living off drug money," and other mistruths. Community members often believe in a deliberate attempt by the government and police to harm them through facilitating the drug trade, locking up their young men, and the like. Both ideas are wrong but have been shaped by experiences and understandings that need to be understood by the other side. Similarly, police officers frequently carry a deep devotion to protecting the community, and community members to living in safety and security, in ways that are often not evident to the other side. The reconciliation process should help bring those attitudes and experiences to the fore in ways that are understandable by all parties and will help each see the other more clearly.

Because direct, face-to-face engagement – as valuable as it is – is almost certainly going to be too limited to reach large numbers on both sides and shift broadly held attitudes and beliefs, some mechanism for identifying and disseminating key narratives should be employed as an additional measure.

## **6) Specification of concrete changes in policies and practices that will move toward new policing practices and new relationships**

Reconciliation and the enhanced trust it is designed to produce should be linked to and drive concrete changes in policing that will produce the better relationships and enhanced policing outcomes both sides want. In order to aid this effort, we have developed a roster of scores of examples of actual, innovative work currently being done nationally that will serve those ends and are available for consideration for implementation by cities undertaking reconciliation processes. For example, the Greensboro Police Department in North Carolina decided to counter large racial disparities in traffic stops and arrests by ending the practice of pulling motorists over for minor infractions like broken taillights (the measure was temporary but appears to have led to lasting policy changes). Other departments have changed their use-of-force guidelines to prioritize de-escalation and consider the impacts of implicit bias. Officers in Watts, Los Angeles, are trained to consider the local history of police-community tension in interactions with residents, and to exercise discretion based on "the spirit of the law rather than the letter of the law" when considering whether to pursue an enforcement action so as to build productive relationships that can help undermine more serious crime. Police departments and other city agencies are taking the lead in concrete actions to foster the expungement of criminal records; void warrants; dismiss outstanding fines; contain and even

eliminate money bail; and a host of other concrete changes. Actual movement on the implementation of such steps should be an explicit goal of the reconciliation process.

## **7) A mechanism for driving the implementation of those changes**

A formal body whose purpose is to consider and implement concrete policy and practice changes should be constituted to carry out the actual changes in policies and practices that will change policing and police-community relations in the city. The structure and make-up of this body will vary from city to city but likely will ideally include criminal justice, community, elected leadership, and civic figures. It will be explicitly communicated to the public that policy changes are being made in acknowledgment of the harm on which the reconciliation process is based.

## **II. The reconciliation operational model**

To put these core ideas into practice, the NNSC has designed an “essential” and an “expanded” model for police departments nationally. The “essential” model is designed to be implemented without any additional resources, while the “expanded” model would require additional funding and staffing (through some mechanism such as, for example, foundation funding). The “essential” model (see Appendix for a diagram), addressed here, has the following key elements: small group consultations between the chief and community leadership; rank-and-file and community circles; narrative collection and promulgation; a focused police department/community communications strategy; a police acknowledgment of (at minimum) issues with historical and even recent police practice and an affirmative intention to do better going forward; and a standing policies and practices board.

The process should identify influential community leaders with whom they would like to begin the close engagement process of a series of **small group meetings**. Chiefs and other police personnel should spend a considerable part of these sessions simply inviting the views of community members and taking those in. Chiefs should articulate their positions with respect to police reform and ways their thinking on concrete steps that can be taken to advance that reform. This process should be recorded to capture key themes and stories for the fact-finding and narrative collection and promulgation processes.

The process should support **officer/community circles**: close, facilitated engagement between lower-level officers and community members. These meetings should be monitored to draw out key themes and experiences to be considered in the fact-finding process and included in further focused communications between the police department and the community.

The process should include a **narrative gathering and promulgation** process to draw out the experiences and perceptions of police officers and community members. Especially powerful narratives can be highlighted and disseminated more widely. As with the “close engagement” process, key themes and stories can be included in the fact-finding process.

The process should support a formal **fact-finding** process that produces a study describing their city’s history of police/community relations, with special attention to the objective reality of race relations under

color of law: slave periods (if applicable), the pre- and civil-rights eras; disparities in policing and enforcement; key incidents; and key narratives and beliefs (see section 4 above for greater detail).

Chiefs should take **a public position with respect to prior policing practices** in the city. These communications can include framings of concrete ways in which chiefs desire to change policing practice, in partnership with communities. They may also include a description of the elements of the reconciliation process that the chief hopes to pursue.

Finally, local law enforcement and community leadership should work together to develop a **policy and practice body** to drive **concrete changes in practices and outcomes in directions identified during the reconciliation process**. A large body exists nationally of actual policy and practice changes, aimed at producing concrete changes in policing and community outcomes.

## Appendix

### Essential Reconciliation Process

