

Key Considerations for Community Leaders Facing Civil Unrest: Effective Problem-Solving Strategies That Have Been Used in Other Communities

Submitted by the Divided Community Project
The Ohio State University Moritz College of Law



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THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW PROGRAM ON DISPUTE RESOLUTION

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Suggested Citation:

DIVIDED COMMUNITY PROJECT, KEY CONSIDERATIONS FOR COMMUNITY LEADERS FACING CIVIL UNREST: EFFECTIVE PROBLEM-SOLVING STRATEGIES THAT HAVE BEEN USED IN OTHER COMMUNITIES (2016), available at moritzlaw.osu.edu/program-on-dispute-resolution/wp-content/uploads/sites/37/2016/02/Key-Considerations-January-2016.pdf

EXECUTIVE SUMMARY

Local leaders facing the immediate aftermath of a divisive incident should consider helping their staffs to take the following six steps roughly simultaneously, all discussed in more detail in this document:

1. Bring in **intervenors** with experience in volatile community conflicts and conflict resolution expertise to advise your leadership team and begin discussions with stakeholders on a process for solving problems.
2. Identify and engage **stakeholders**, those persons who have a stake in the conflict or can be a resource for developing and implementing a durable resolution.
3. Keep in mind the brittleness of some residents' **trust** in their local leaders in the midst of volatile conflict and follow approaches likely to develop or enhance that trust.
4. Agree to **protocols between law enforcement and other local officials** so that public officials do not work at cross-purposes.
5. Develop **communications** strategies that match the unfolding situation and the variety of interested media.
6. Identify the factors external to the triggering incident that may have contributed to the conflict and then define and **frame** the issues, right from the beginning, to reflect the way in which residents view the conflict.

Once the immediate crisis has passed, local leaders should consider longer-term strategies for addressing the underlying causes of the conflict:

1. Work with intervenors to **deepen the collaborative processes** established immediately after the conflict began with the aim of developing long-term plans and implementation strategies.
2. Maintain **interaction with the public** throughout this extended collaborative process to assure that it is addressing the issues that the community is grappling with.

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PREFACE

What begins as a normal day in a local community can erupt in protests and demonstrations by evening; looting and violence may follow as the evening progresses. The spark may be an incident that illuminates a deep divide among residents and touches emotional nerves. Media coverage can spread the news quickly, and social media can both feed emotions and lead to gatherings to express opinion or foment disorder.

Local public officials and other community leaders have little time to react when faced with divisive issues and events. Many recent incidents triggering unrest have galvanized concerns about racial profiling in law enforcement though this document offers strategies more broadly. For example, imagine the following: Several members of a non-majority religious group announce plans and funding for a high profile center celebrating its tenets. Within hours, the community faces conflict. Or another community learns that buses full of refugees will be brought to their community for temporary care, and a mob forms to stop the buses.

Though leaders in these situations have little time to act, their early decisions influence the course of events for months to come. In one recent situation, for example, the decisions that left a body of a young man shot by a police officer uncovered for hours and that moved military-type tanks into position near a protest, conveyed to some members of the public a deep lack of respect and an “us versus them” attitude. Those decisions shaped the form, tone, and content of subsequent interactions between public officials and community stakeholders as they acted to promote order, sustain dialogue, address issues, and advance the general welfare.

This document grows out of an April 9, 2015, meeting of leaders (city officials, police chiefs, civil rights organization leaders, and mediators) from throughout the country who came together and shared their experiences, knowledge, and insights

about dealing with civil unrest in communities. The meeting was so productive in terms of coming up with “lessons learned” that participants urged the organizers to compile, organize, and transmit those lessons to leaders in government, business, the faith community, and others with an opportunity to contribute.

This document identifies for local leaders some considerations for actions that they might take to deal with such conflicts in those critical early moments as well as in the weeks that follow. The primary intended audience is these local leaders who will take charge in the event of unrest, as well as the staff they charge with various tasks. But we also hope to make it useful to business, bar, faith community, and advocacy group leaders who play crucial roles in these situations. We invite and encourage those serving particular sectors of this audience – mayors, law enforcement, advocacy groups, for example – to draw from and tailor this document for each constituency. In fact, The Creative Commons Attribution-Share Alike International License (see page 2) authorizes this collaboration, seeking only attribution as other groups publish this or an adapted text for nonprofit and nonexclusive purposes.

The Divided Community Project has also written [Planning in Advance of Civil Unrest](#) (2016), a document to guide communities that seek to improve the resilience of a community, to identify issues and create ways to address them before they cause an eruption, and to be prepared to deal constructively with unrest if it occurs. The Divided Community Project’s goal is to continue to develop and distill materials for public officials and other community leaders in communities facing volatile conflict as new insights are developed by those who work with or study divided communities. It is an iterative project; as the Project learns of new information, it will add to and modify this document and other project materials to reflect new insights.

ACKNOWLEDGEMENTS

The Divided Community Project is housed at The Ohio State University Moritz College of Law. The steering committee for the Project includes: Nancy Rogers, Professor Emeritus, The Ohio State University Moritz College of Law, and former Ohio Attorney General; Josh Stulberg, Moritz Chair in Alternative Dispute Resolution, The Ohio State University Moritz College of Law, and mediator in community conflicts; Susan Carpenter, public policy and community mediator, trainer and co-author of *Mediating Public Disputes*; Andrew Thomas, mediator in community conflicts and Community Relations and Neighborhood Engagement Director, City of Sanford, Florida; Chris Carlson, public policy mediator and Chief Advisor, Policy Consensus Initiative; Sarah Rubin, Program Manager, Public Engagement, Institute for Local Government (serving California); and Craig McEwen, Professor Emeritus, Bowdoin College, and social scientist evaluating mediation and dispute resolution. Grande Lum, Director, Community Relations Service in the U.S. Department of Justice, generously shared his counsel as the project was shaped and joined the meeting on April 9, 2015 at The Ohio State University Moritz College of Law. William Froehlich, Langdon Fellow in the Program on Dispute Resolution at The Ohio State University Moritz College of Law, later joined the project and has helped to shape this report.

We are grateful as well to the others who, in addition to steering group members, attended the April 9, 2015 meeting, many of whom also contributed to editing this document.

- Community Relations Service conciliators: Derryck Dean and Thomas Battles; League of United Latin American Citizens, and Hilary O. Shelton, Senior Vice President for Advocacy, NAACP;
- Sanford, Florida leaders: City Manager Norton Bonaparte, Jr., former Sanford Police Chief Richard Myers (now Chief of Police, Newport News, Virginia); Valarie Houston, Chair of the Sanford inter-faith coalition; and city mediator Andrew Thomas, mentioned above;
- Public officials from other state or local communities: Kimberly Jacobs, Chief of Police, Columbus, Ohio; Derrick Diggs, former Chief of Police, Toledo, Ohio; Jennifer Thornton, Outreach Coordinator for the U.S. Attorney's Office (S.D. Ohio); and Lou Gieszl, Assistant Administrator for Programs, Administrative Office of the Courts, Maryland;
- Advocacy group leaders: Mickie Luna, Immediate Past National Vice President, Representative of an institute devoted to educating local officials: Terry Amsler (emeritus), California's Institute for Local Government;
- Experienced divided community mediators from outside CRS: Michael Lewis, JAMS, and Gwendolyn P. Whiting, Everyday Democracy;
- Bar leaders: Reuben Shelton, President, Missouri Bar Association, and Carl Smallwood, Immediate Past President, National Association of Bar Presidents;
- Researchers in the field: Maxine Thomas, Vice President and General Counsel, Kettering Foundation, and April Young, New Equity Partners.

We are indebted to the Kettering Foundation for its collaboration on the project and The Ohio State University Democracy Studies Program for their resources, and to The Ohio State University Moritz College of Law and particularly its Dispute Resolution Program for hosting the meeting and the Project, Dean Alan Michaels for his enthusiastic support, the Moritz Law Library for superb technical assistance to the Project, the Moritz Communications Department for their design and technical assistance, and the National League

of Cities' REAL (Race, Equity And Leadership) Initiative and staff.

We thank many others who made helpful suggestions to earlier drafts, including Rachel Allen, Peace and Justice Institute Coordinator, Valencia College; Napoleon A. Bell II, Executive Director, Community Relations Commission, Columbus, Ohio; Mike Kasperzak, Councilmember, Mountain View, California; Julie Nelson, Director, Government Alliance on Race and Equity; Scott Paine, Florida League of Cities University Director of Leadership and Education, Florida League of Cities; Gloria Reyes, Deputy Mayor to Public Safety, Civil Rights and Community Services, Madison, Wisconsin; C.J. Robbins, Program Coordinator, Black Male Achievement, Portland, Oregon; Cindy Schmidt, Director, Center for Law and Policy, Department of Legal Studies, University of Central Florida; Karl Skala, Council Member, Columbia, Missouri; Carter Stewart, U.S. Attorney for the Southern District of Ohio; Jonas Subaar, Data Analyst, Savannah, Georgia; Harold Thompson, Mayor, Union, South Carolina; Jeff Weisensel, Council member, Rosemount, Minnesota; Mike Wojcik, Councilman, Rochester, Minnesota; Victoria Woodards, Council Member, Tacoma, Washington; and Lana Zaghmout, Policy Analyst, Detroit, Michigan.

We express appreciation as well to the dedicated work by the students in the 2015 Ohio State University Moritz College of Law Dispute System Design Workshop, particularly Shanell Bowden, Baylee Butler, Elisabeth McClear, Curt Priest, Robin Reichenberger, and Sara Scheinbach, who used their dispute resolution background to provide research for the April 9 meeting, act as co-facilitators, and distill results. Lauren Madonia, a teaching assistant for the Workshop, Baylee Butler, Robin Reichenberger, and Sara Scheinbach stayed involved after the class and interviewed April 9 participants as well as using their talents and expertise in many other ways to further the Project.

INTRODUCTION

When community leaders are faced with civil unrest, they find themselves playing critical roles in restoring peace and public safety, protecting the community, and responding to the media. But these leaders can achieve greater success if they organize their staffs to juggle even more interests and issues, according to those experienced in dealing with these conflicts.

In order to respond effectively to civil unrest, leaders need to be able to quickly create a framework for getting people from across the spectrum to work together to address the many challenges. The level of response called for, and the necessity of dealing with difficult issues, requires coordinated actions among many players. The nature of the political environment in the community also has an impact. Such things as whether the political players are on the same “team”, or whether previous divisions existed are factors that can make it more challenging to deal with the situation and develop the working relationships needed to address the problem.

This document addresses key considerations for leaders faced with these difficult situations. The first section provides suggestions leaders can employ to help their communities handle the immediate aftermath of a divisive incident. These considerations include: bringing in skilled intervenors to help mediate the conflict and assist in developing strategies at every step; working with law enforcement, key stakeholders, and the media; defining and framing the issues; and building trust. The second section deals with longer-term strategies for addressing the causes of conflict. The goal of the strategies is to facilitate the constructive expression of concern and to guide this advocacy to enduring resolutions rather than to violence and deeper bitterness.

Each of the suggestions includes some possible strategies for implementation and an illustration of the strategy in practice. The Appendix lists resources for securing additional information. A second document by the Divided Community Project, [*Planning in Advance of Civil Unrest*](#) (2016), counsels on how communities might plan to deal with civil unrest while also developing ways to deal with division before it escalates to polarization and civil unrest.

Dealing with the Immediate Aftermath of a Divisive Incident

As conflict emerges, community leaders will be focused on providing safe avenues for expression of concerns and on de-escalating or reducing the intensity of the conflict in order to preserve peace and protect the community. It may not be until the immediate impact of the incident has been handled that they will think of moving toward achieving outcomes that will deal with the heart of the problems and create a more resilient community, the topic of the next section, but there is reason to work on both objectives together as soon as feasible. This section aims to synthesize and consolidate the collective wisdom of community leaders and professionals with experience in dealing with the most pressing early issues.

I. INTERVENORS

Bring in intervenors with experience in volatile community conflicts and conflict resolution expertise to advise your leadership team and begin discussions with stakeholders on a process for solving problems.

Bringing in an intervenor who has worked in other volatile community conflicts allows the community to benefit from first-hand knowledge developed in other communities. The intervenor can draw on this experience to help leaders shape the crucial first responses to the conflict.

The intervenor can help local leaders develop a process to deal with the threat of violence or actual violence that has occurred, develop safe avenues for people to express their views and emotions, and begin to address the issues that are at the heart of residents' concerns. Organizing these processes immediately is important, but feasible in that short timeframe only with the engagement of intervenors. Once this happens, people may feel less need to escalate their actions in order to gain the community's attention. In the context of a conflict

regarding racial disparities, Hilary Shelton, Senior Vice President for Advocacy, NAACP, advises leaders, "Lay out a strategy for de-escalation that demonstrates a way forward (a pathway to better conditions). For example, [local officials] need to demonstrate an understanding of the racial disparities, historic context and a way to address those issues."

Local intervenors may effectively assist with de-escalating a volatile community conflict and brokering a durable solution. However, some of those involved in the conflicts may only speak to outsiders from agencies like the Community Relations Service (CRS). Congress created CRS to assist communities when community conflicts or tensions arise from differences of race, color, national origin, gender, gender identity, sexual orientation, religion and disability. "Third parties can make difficult conversations safe," explains Grande Lum, Director of the Community Relations Service, a U.S. Department of Justice agency that has statutory protection for its confidential mediations.

POSSIBLE STRATEGIES

- Call the Community Relations Service of the U.S. Department of Justice. Even if CRS does not intervene directly, it can provide confidential counsel. CRS uses a neutral, behind-the-scenes approach of assisting in conflict situations. CRS is not an investigatory or prosecutorial agency, and it does not have any law enforcement authority nor does it forward confidential information to law enforcement agencies within or outside the Department. For more on CRS, see the Resources section at the end of this document.
- When possible, engage local intervenors/mediators who have experience in volatile community conflicts. This strategy makes sense even if CRS intervenes. CRS can partner with local intervenors, who can stay in the community longer to create a sustainable solution and construct a process that can adapt to address subsequent community conflict. To identify these persons, contact CRS, city officials in communities like Sanford, Florida that have recently dealt with community conflict, or nonprofit organizations such as Everyday Democracy and Public Conversations (see Appendix).
- Look for conflict experts within and outside your communities who can supplement the work of these individuals. Bar associations, businesses, and faith communities, for example, may suggest people whose mediation training allows them to be a positive force as demonstrations unfold or as people need an opportunity to discuss emotional issues. They may have the background to arrange events that will be helpful in expressing emotions and identifying underlying concerns. In addition, conflict experts from within your community may be able to provide context and insight regarding the origins of the conflict or the culture of the local community to aid the other intervenors in their work.

ILLUSTRATION

“In 2012 George Zimmerman, a Hispanic neighborhood watch volunteer, shot and killed Trayvon Martin, [an African-American teenager]... When the Sanford Police Department did not immediately arrest George Zimmerman, a group of African-American residents issued demands related both to the arrest and prosecution of Zimmerman and to their concerns about broader racial injustice within Sanford. Once the state appointed a special prosecutor, and the prosecution of Zimmerman began, the legal system’s response to the shooting moved to the prosecutor’s and court’s domains.

“Some city officials spoke optimistically about resolving the concerns about and moving past what they viewed as a single incident, but Andrew Thomas [a city official who had spent his career [as a mediator] dealing with community conflict in New

York] had a different view. Thomas had been talking with African-American residents broadly. The issues would have to be shaped over time, and they would be broader than Zimmerman’s shooting of Trayvon Martin. Moreover, having worked in polarized situations before, Thomas predicted that national groups of various kinds and media would arrive within days and would assert additional demands and viewpoints. These groups would sometimes attract crowds and sometimes seek confrontation....

“Because many African-American residents distrusted the city officials, city officials asked the Community Relations Service at the U.S. Department of Justice to send mediators to improve relationships across the communities within Sanford. If CRS mediators succeeded, that would give some resilience to the community in

the coming months as national media and national groups arrived and might ultimately make it possible to have a cross-community dialogue about the issues that divided the city's residents. CRS recognized the potential for serious consequences in Sanford and sent mediators from a number of regional offices. Sanford and CRS officials agreed that CRS would first build relationships among the clergy in Sanford; the clergy after all cared about a peaceful resolution, and people from [across] Sanford's communities trusted their pastors.... In time, Thomas helped facilitate conversations about changes in Sanford....

"No violence occurred in Sanford during these demonstrations. Sanford's police made no arrests. Local talks continue, and Thomas sees people talking with each other who would not have done so a few years ago. The police continue to change. Residents remain engaged. Thomas expects that it will take more time, though he says that, increasingly, people are proud to be Sanford residents."

– Andrew Thomas in N. Rogers, *When Conflicts Polarize Communities*, 30 Ohio St. J. on Disp. Resol. 173 (2015).

II. STAKEHOLDERS

Identify and engage stakeholders, those persons who have a stake in the conflict or can be a resource for developing and implementing a durable resolution.

Early engagement of key stakeholders serves a number of purposes. First, even in the earliest actions, leaders can be more effective if they understand key groups' fundamental concerns. "Community leaders need to understand what the hot button issues are and what interests there are," explains Thomas Battles, CRS Conciliator and Regional Director.

Second, as discussed above, conflict escalates when people feel their voices are not being heard. Conflict may also escalate if those who hold the key to the solution do not appear to be engaged. But seeking the engagement of these individuals offers hope of a solution.

Third, community bridge-builders within the community can be helpful from the start. People listen to key community leaders and they can help people understand the issues causing conflict as well as the goals that bind the community together. Community leaders can introduce and explain the processes for enabling community members to be heard. But business leaders, leaders in the legal profession, and others often will not come forward unless asked. Gwen Whiting, experienced intervenor and Senior Associate at Everyday

Democracy, suggests "Ministers have the ear of the public." Richard Myers, who served as police chief in several cities, notes the importance of adding other bridge-building leaders as well as faith leaders. "Leadership is situational," he says. "We need to be nimble enough to work with the leadership that develops in a given situation. It won't always be faith leaders. Young people aren't going to church the way their parents were."

Gathering the right people to be involved – and involving them in the right ways – will probably require consultation with the intervenor. For example, on the questions of what individuals to involve, Andrew Thomas, a mediator who played a key role in Sanford, Florida, and who spent his career mediating in New York, notes that those who step forward to be heard are not necessarily those who should be engaged on a regular basis, though one should always be in communication with them. For regular involvement, he urges looking for those who are influential or who are decision-makers within particular communities of interest. In addition, the intervenor may identify points of view or areas of expertise that should be represented by someone.

Getting the right people involved will also be an iterative process. As the group begins to suggest solutions, for example, involving a more people may facilitate implementing the solutions. Or if one

group demands that a public official be dismissed there will likely be another group outraged at such a decision. In other words, that demand may indicate a need to involve others. The choices of which people to involve may also be influenced by a desire to diminish the likelihood that partisan

politics become a barrier to achieving solutions.

Stakeholder groups can also build trust in leaders (see the next section), particularly if they are as diverse (taking into account the issues raised) as the community as a whole.

POSSIBLE STRATEGIES

- Assign a staff member to identify, in consultation with the intervenor and others, individuals who may be affected by or have an effect on the effort, and to continue that process of identifying additional persons on an ongoing basis.
- Establish liaisons between community officials and these diverse community members, using a strategy that keeps local officials in communication with some people on a limited basis and engages others who can be more constructive on a regular basis. See, e.g. a U.S. Attorney's Office outreach, <http://www.justice.gov/usao-ndoh/community-outreach>.
- Identify interests that need to be represented even when no one with that interest has asked to be heard and choose those who can represent these interests. "Community leaders have to find a way to engage the disenfranchised," pointed out Richard Myers, Chief of Police, Newport News, Virginia; former Chief of Police, Sanford, Florida, noting especially the importance of reaching "the new generation, the new political leaders, the new group of activists."
- Involve people who can help build bridges to various interest communities and to organizations that can help provide solutions, and facilitate communications between these groups. Depending on the community and the issues, these might include faith leaders, business and bar leaders, youth leaders, and others. In one rural community, the only local physician served this role.
- Consider involving experts, individuals who know the community well and local conflict intervenors, who may help officials understand historical and other background issues in conflict. Understanding the depth of the problems underlying the conflict will help identify stakeholders to engage in finding solutions.
- Consider whether these individuals need training to participate effectively. CRS and nonprofit organizations can provide training.

ILLUSTRATION 1

“In February 2012, CRS worked closely with leaders of the African American community and Korean merchants to reduce tensions stemming from an incident that occurred between an influential religious leader and a merchant during a store purchase. The incident received considerable coverage by local media and resulted in boycotts, protests, and heightened community and police concerns over the potential for violence. In response, CRS convened community leaders and the local clergy alliance, members of the Korean merchants’ association, and local officials to engage in a facilitated dispute resolution process. The groups met, were led through a problem-

solving dialogue, and developed an action plan that included an agreement by the members of the association to increase customer-service standards and to develop a collaborative program to educate both the African American and Korean communities about the other’s cultural norms. In addition, CRS worked with African American community leaders and the Korean Merchants’ Association to establish a permanent working group that would meet regularly to address a number of long-standing community issues beyond the scope of the initial conflict.”

– CRS website, <http://www.justice.gov/crs/who-we-work-with/community-groups>.

ILLUSTRATION 2

In Sanford, Florida residents recently sought an apology for the closing of a city pool fifty years earlier. Some of the city leaders at first found the demand irritating; it occurred so long in the past. But involving a city historian helped the city officials to understand that people still living had been excluded from swimming in a city pool because of “whites only” policies and that these people recalled vividly that the city had closed the pool

because federal law otherwise required them to integrate. The historian helped officials realize that, though they had not perpetrated this harm, they could be a part of resolving this still-current bitterness by acknowledging what had occurred and the effects of the insult on many of its residents and suggesting an official city apology. Though the apology did not occur, the conversation was cathartic for participants.

III. TRUST

Keep in mind the brittleness of some residents’ trust in their local leaders in the midst of volatile conflict and follow approaches likely to develop or enhance that trust.

In order to de-escalate a community conflict, it is important that people feel that they can trust those in charge – that their leaders are honest and open and that they understand and care about all segments within their community. The incident that sparks unrest may be one that undermines that public trust, at least for a part of the community.



“Cincinnati Riots 2001” by Ryan Thomas is licensed under CC BY-NC-ND 2.0.

Public officials' early actions and statements following such an incident may also build or diminish trust. For example, if the problem is characterized in terms of "us versus them," some portion of the community will doubt that public officials view it as their duty to serve them. In emotional conflicts, an official's silence or lack of openness, a typical reaction in such situations, may weaken public trust. Treating something as "business as usual," when a segment of residents are upset, may engender a lack of trust that officials care about those residents. Norton Bonaparte,

City Manager, Sanford, Florida, underlines the importance of focusing public officials on this issue: "People don't care what you know, until they know that you care."

Actions and decisions also affect trust. If a quick promise is made that the official has no ability to keep, it may cause people to doubt the honesty of their leaders. So, too, people may feel alienated from leadership when a leader announces a decision without explaining all of the viewpoints that were taken into consideration before making it.

POSSIBLE STRATEGIES

- *Help your staff understand that some conflicts are precipitated or arise because of a lack of trust, and they must work to earn public trust in this context.*
- *Develop an understanding of the needs and concerns of all of those involved and demonstrate that understanding.* Hilary Shelton, Senior Vice President for Advocacy, NAACP, put it this way: "If a government official came to the people and said, 'Trust me,' the first question they want to have answered is 'Why?' As we think about what we expect from those we empower in our government, there is an expectation that they know what our needs are. Government needs to demonstrate an understanding of what those needs are."
 - Involve people from multiple disciplines and viewpoints in examining the economic, social, and political realities for each community within the community and be sure that those speaking for the community understand these realities.
 - Convey compassion for people expressing a sincere viewpoint, regardless of their stance or the issue at hand.
- *Demonstrate an understanding of the heart of the problem, not just the most recent incident.* Leaders can do this by defining the issues broadly enough so that all can embrace the definition. For more detail on doing this assessment, see another Divided Community document, [Planning in Advance of Civil Unrest](#) (2016), Step 2.
- *Determine whether those representing the government side are as diverse (taking into account the issues in conflict) as the community as a whole.* If they are not, it may help to involve diverse individuals and demonstrably listen to them. "We can't simply listen to the insiders, we need to hear from all the voices in the community," said Carl Smallwood, immediate past president, National Association of Bar Presidents. "Community leaders must surround themselves with diverse partners in order to speak with authority." Speaking to the law enforcement context, he added, "It's hard to promote faith in the rule of law if there is a stark racial contrast between those charged with enforcing the law and the communities they serve."

- *Explain clearly what has been decided and why, and convey those explanations so that they will reach all parts of the community, even if this is not typically done.* “The community leaders need to show courage, integrity, and leadership. They need to make decisions that maybe everyone won’t agree with, but will understand why the decision was made and what went into making it,” said Richard Myers, Chief of Police, Newport News, Virginia; former Chief of Police, Sanford, Florida.
- *Determine whether and how public officials can respond to some issues early on.* For example, Andrew Thomas suggested the following based on what occurred in Sanford, Florida: “Officials should go to the town-hall meetings and be prepared to listen. Determine if there are things that you can address that will establish good will and show that you care (find the ‘low hanging fruit’).”
- *Form a communitywide advisory council to provide advice and counsel in matters of policy, strategy, and tactics to the community leadership.* An advisory council can provide valuable suggestions and feedback as the city develops its response strategy as well as become a conduit for disseminating a consistent message. Though it may help do to this immediately, the advisory council may also become the platform for addressing underlying issues in the future. Because of the strategic gains in forming this council with current considerations in mind, it may make sense not to charge an existing council, such as a mayor’s police advisory council, with these new tasks.
- *Show a sense of urgency regarding the concerns of all parts of the community.* The public wants community officials to “show some urgency.” “When there is something ‘cooking,’ people don’t want their government moving at snail pace,” points out Richard Myers, Chief of Police, Newport News, Virginia; former Chief of Police, Sanford, Florida.
- *Be certain that all parts of the government “walk the walk.”* Consider training code enforcers, law enforcement, courts clerks and others on issues of equity and sensitivity. Train those who will represent the local government at various gatherings. Two forms of training illustrate what may be helpful:
 - One trainer suggests the following: “Many intervenors will first demand compliance from the escalated person by telling them to be quiet or to ‘calm down’... As a way to unplug the power struggle, ask the person why they are upset or what they wish to achieve. Your question, together with a demonstration that you are listening, signals to the escalated person that you are interested in supporting them” (Services Alternatives Training Institute).
 - CRS conciliator Thomas Battles also suggests that training in conversations about race might be appropriate: “People are afraid to take on the issue of race and racial tension even though we know it exists. For city officials, it is key to deal with it from the outset and understand how to manage those conversations – an issue of preparing for these instances.”

ILLUSTRATION

In Sanford, Florida, police and community leaders met buses of those coming in for the rally and welcomed them, got elderly grandparents of the victim to the rally by providing a golf cart, opened city council meetings and added huge video screens outside for the overflow crowd,

mixed with crowds at demonstrations, and advised local persons to yield the stage when outside groups tried to provoke a confrontation.

– Andrew Thomas, Community Relations and Neighborhood Engagement Director, City of Sanford, Florida

IV. PROTOCOLS BETWEEN LAW ENFORCEMENT AND OTHER LOCAL OFFICIALS

Agree to protocols between law enforcement and other local officials so that public officials do not work at cross-purposes.

Often the first individuals on the ground helping to defuse community conflict are members of law enforcement. It is important that mayors and other city leaders, both formal and informal, establish a working relationship with law enforcement in order to properly establish rules of engagement and to coordinate the de-escalation measures. The strategy may change depending on whether law enforcement is the lightning rod in the conflict. In all situations, though, a goal should be to help law enforcement be a part of the solution and be viewed by the public in that way.



"BerkeleyDay1-3434" by Annette Bernhardt is cropped and licensed under CC BY 2.0

POSSIBLE STRATEGIES

- *Engage law enforcement early;* encourage them to work together with the intervenor and community officials to de-escalate the conflict. Develop protocols – who calls whom and who does what – for each likely situation.
- *Divert those who do not belong in the criminal justice system as much as feasible, both pre- and post-arrest.*
- *Develop a protocol, sensitive to the situation, regarding informing the public.* If the public is concerned about whether the mayor is in charge of law enforcement, for example, it may be best for the mayor's office to issue media releases about police matters. In other situations, police departments may directly stay in touch with the public about what they have learned and their actions.

- *Consider how law enforcement presence will affect efforts to de-escalate in each situation. Will it deter or precipitate violence? Should trained community members stand between demonstrators and law enforcement? Should law enforcement representatives participate as community members in town hall meetings? On the positive side, such participation may give them an opportunity to hear from the other side in an environment where a moderator is present and they can speak directly to residents about their decisions.*
- *In situations involving race particularly, consider whether to begin holding regular meetings between members of law enforcement and members of the community. Two law enforcement leaders explain the rationale:*
 - “To say that the minority community has a conflicted relationship with law enforcement is a profound understatement,” said U.S. Attorney General Loretta Lynch. She added, “But if you listen closely, you can hear how often both groups are saying the same thing: ‘Don’t look at me and just see the uniform.’ ‘Don’t look at me and assume the worst.’ There is a mutual desire to be understood. We can find commonality from this common ground” (U.S. DOJ COPS, Strengthening the Relationship Between Law Enforcement and Communities of Color 2014).
 - Cincinnati’s police chief, Jeffrey Blackwell, sounded a similar theme: “Policing is all about relationships, and in order to do that, we have to recognize that we have fractures. Be authentic, transparent, and a sustained force in the community and explain your culture. It’s all about how you treat people and the relationships you build” (2014 Conference by Office of Community Policing, U.S. Department of Justice).

ILLUSTRATION

Three years after the shooting of Trayvon Martin by a neighborhood watch volunteer in Sanford, Florida, national attention had turned elsewhere. One morning, the National Action Network (“NAN”), a group headed by Rev. Al Sharpton, notified a Sanford official of plans to march to the Sanford courthouse at 6:00 that evening, a Friday, to bring media attention to police actions in Baltimore. Sanford was holding an arts festival that weekend, with 200 vendors setting up in streets that had been closed for the event and thousands of visitors on their way to attend. Fortunately, Sanford had a list of about 25 people – city officials, city and county law enforcement, media relations, permit offices, and more – were ready to deal with urgent issues like this and could be part of handling the

NAN march and demonstration in the best possible way. A city official contacted someone at NAN indicating the willingness of the city to cooperate with planning the event and arranging for police protection for demonstrators, and asking if there was a willingness to be flexible about the route to the courthouse. The answer was yes. With quick cooperation among local leaders, the NAN march and arts festival proceeded simultaneously and without conflict that evening, with media connections and law enforcement protections, including police helicopters to ensure the safety of demonstrators, in place.

– Andrew Thomas, Senior Project Manager and mediator, Sanford, Florida.

V. MEDIA/COMMUNICATIONS

Develop communications strategies that match the unfolding situation and the variety of interested media.

The course of the conflict may depend in part on the media/communications strategy developed in the first hours after leaders first become aware of the problems. The first interview clip may be played again and again, potentially exciting negative emotions each time. As CRS Director Grande Lum has observed, “How the information is explained and made public has a great impact on reducing the potential for community disruption.”

Every aspect of de-escalating a conflict and moving to positive solutions depends on an effective media/communications strategy. That strategy will affect whether people know that their concerns will be addressed through a process, their levels of emotion, their trust in their leaders, their confidence in law enforcement, and their ability to work together as a community in the future. Thus, the group that develops the media/communications strategy should take into account these aspects in their strategy.

The protocols need to avoid confusion among local officials. Sanford, Florida’s City Manager Norton Bonaparte, reflecting on the aftermath of the Trayvon Martin shooting, said, “We need to not only get the story out accurately, but we also need to determine who is the appropriate person to get the story out. Find out who has the information, who can distill that information, and who should be the one to disseminate it. It’s important that everyone has the same story and understands the city’s position and legal obligations so that you are



[“CBS News: Chicago’s Free Tibet Protest March 18, 2008” by Alan C. is licensed under CC BY-NC-SA 2.0.](#)

prepared whenever the media stops you on the street.”

Communications by others may also affect the course of the conflict. Leaders can develop a strategy for dealing with them, though they do not control them. Many of these persons care about averting violence, for example, and, if reminded, will be open to including admonitions about peaceful responses in their statements. The communications strategy might also include plans for events at which people express emotions and listen to each other. Increasingly, the strategy must incorporate ways to deal with social media and with national media outlets. The perception broadcast by national media may not fit how local residents experience the conflict. In Baltimore, for example, in the aftermath of the death of Freddie Gray in police custody, one national media outlet featured an evening-long countdown to the implementation of a city-wide curfew, though the Baltimore streets were largely empty and local media had moved on to other stories.

POSSIBLE STRATEGIES

- *Immediately convene a media/communications strategy meeting.* It should include communications professionals (including those accustomed to dealing with the national media), those who understand the sensitivities regarding the conflict, those who have experience in other such community-wide conflicts (perhaps the intervenor), and key public officials, including law enforcement. Questions for this group include:
 - Who should speak to the media and in other settings?
 - How can the communications convey that the public official understands the importance of the situation?
 - Should law enforcement have a separate spokesperson from the other local government spokesperson?
 - Who decides what will be said?
 - What additional resources will be needed if national media become interested?
 - How can each audience be reached (social media, websites, faith leaders, for example)?
 - How should local leaders stay in touch with each regional or national advocacy group that may become involved?
 - What should be done to learn about and control false rumors?
- *Develop events and meetings that allow people to express emotions positively and also help people listen and learn.*
 - A carefully planned event, such as a memorial service or peaceful demonstration, allows people to express their emotions safely. Absent such events, people may choose unproductive ways to vent emotions. “When people become angry, the natural response is to do something aggressive: punch something, kick something, say something mean,” said Brad Bushman, Professor of Communication and Psychology, The Ohio State University. “And after venting, about 75 percent of people say they feel better, which is right – they do. But what they don’t realize is that the good feeling is fleeting and reinforces the destructive behavior.”
 - Town hall events may be productive or destructive for similar reasons. Thus, it may be helpful to seek an intervenor’s help to arrange a productive dialogue that offers those who participate the opportunity to:
 - Listen and be listened to so that all speakers can be heard
 - Speak and be spoken to in a respectful manner
 - Develop or deepen mutual understanding
 - Learn about the perspectives of others and reflect on one’s own views.

Thomas Battles, CRS Conciliator and Regional Director, suggests being creative in setting up such events: “Tap nontraditional resources. Get Radio DJ’s, athletes, corner leaders and others to control the crowd and give them a chance to talk the language and give everyone a chance to voice their concerns.”

- *To increase public confidence, public officials may decide to become more aggressively open in decision-making and in explanations about decisions.*
- *Social media offer new challenges in the midst of civil unrest. Thus, public officials may want to establish ways to monitor social media, as well as to communicate through social media and websites.*
- *Be precise in describing those committing unlawful actions that occur in the context of civil unrest. Painting with too broad a brush the actions of individuals that violate the law (“These protestors are criminals.”) can alienate and embitter law-abiding residents with the same views.*
- *It may be feasible to develop messages that most leaders and involved parties can subscribe to even if they disagree regarding the desired outcome of the conflict and promote dissemination of these messages. Gwen Whiting of Everyday Democracy, a nonprofit that sometimes helps with community conflict, explains it this way: “There needs to be a unifying voice of all parties. Not necessarily a unity of message (one message will not work for all people) but a unity of voice.”*
- *Develop an inter-faith task force and other task forces of people trusted by diverse stakeholders within the community. These task force members can be briefed thoroughly and then asked to communicate with their audiences.*
- *Determine the “flash points” that can raise tensions, and develop communication strategies to deal with them. For example, CRS Director Grande Lum summarized CRS views of predictable points of tension in conflict precipitated by police use of force: “1) initial incident, 2) initial law enforcement response, 3) media coverage, 4) protests, rallies and marches, 5) investigations, 6) results of investigations, 7) youth response, 8) collateral incidents, 9) trial or court decisions, 10) anniversaries.”*
- *When there are issues involving race, consider how leaders should discuss them. Hilary Shelton, Senior Vice President for Advocacy, NAACP, offers this advice: “People are sometimes afraid to take on the issue of race and racial tension even though we know it exists and must be addressed. For city and town officials, it is key not to hesitate and to deal with these crucial issues from the outset. Our officials must work to understand how to best manage these extremely important conversations. A major issue in bringing solutions to these challenges is preparing in advance for these instances.”*

ILLUSTRATION 1

The 2015 murders of a prominent African-American minister and state representative and eight other African-American individuals attending a Bible study group at the historic Emanuel AME Church in Charleston, South Carolina, brought to the consciousness of many that some segments of society continue to harbor racial hatred. Almost immediately, the President, South Carolina Governor, and Charleston Mayor held press conferences in which each expressed grief about the deaths and their understandings that the murders raised broader concerns about racism in society that must be addressed. Congress and South Carolina legislators held prayer vigils. Thus, media coverage included these statements that framed the issue broadly and expressed compassion. Officials expedited investigations and communications. The police chief held a news conference within 30 minutes of arresting the prime suspect. The U.S. Attorney General held a press conference to announce a federal investigation as well.

A memorial service at Emanuel AME Church, addressed by the President and covered by the media, provided a prominent event for expression of emotions. The South Carolina legislature expedited legislation to remove the Confederate flag, taking one clear first step responsive to these broader concerns.

In an interview with PBS, U.S. Representative James Clyburn, an African-American active in civil rights throughout his career, reiterated the larger issue of racism by some that remains to be addressed by the nation, but also reflected that that the sanctuary was racially diverse during the memorial service and expressed his belief that it evidenced a community coalescing, a joint approach that would serve the nation well as it addresses issues of racism in the future.

– <https://www.youtube.com/watch?v=33t0g4hBzA8>.

ILLUSTRATION 2

Sanford, Florida “hired a public relations firm so that the city could respond to media requests in a timely way.... Sanford [also] needed a means to control rumors. By the time Zimmerman’s trial occurred in 2013, the local clergy had formed an association, Sanford Pastors Connecting, that met regularly, and the Sanford Police Department, CRS, and the County Sheriff’s Office reserved seats

in the courtroom that could be rotated among members of that association. The pastors could provide information to members that would be trusted....”

– Andrew Thomas in N. Rogers, *When Conflicts Polarize Communities*, 30 Ohio St. J. on Disp. Resol. 173 (2015).

VI. ISSUE DEFINITION

Identify the factors external to the triggering incident that may have contributed to the conflict and then define and frame the issues, right from the beginning, to reflect the way in which residents view the conflict.

Conflict doesn't occur in a vacuum. The outward expression of conflict is usually a symptom of the overall problem. In order to get at the heart of the issue it is important for leaders to look at the external factors that may have contributed to the overall conflict. Defining the issues this broadly gives some portions of the community confidence that their leaders appreciate the depth of their concerns and also helps leaders explain those concerns to other parts of the community. Conversely, dealing only with the precipitating incident leads to bitterness, a "festering wound," in the words of Sanford, Florida City Manager Norton Bonaparte and April Young of Equity Partners.

Sometimes the issue may be initially named by a news organization. Who gets to name the



"Cincinnati Riots, 2001" by Ryan Thomas is licensed under CC BY-NC-ND 2.0.

problem and how it gets named are critical factors in determining whether and how the problem can be addressed. This framing of issues can determine what kinds of actions may need to be considered to address the issues. Many of the issues that may need to be dealt with will only be addressed by getting stakeholders from all sectors of the community involved.

POSSIBLE STRATEGIES

- *Stay in touch with the communities within the community and the ways that they define the issues.* For example, a police department that is truly reflective of the community that it serves allows the Chief of Police and members of the department an opportunity to keep a pulse on the community and its view on the issues, apart from a specific incident. Former Toledo, Ohio Police Chief Derrick Diggs explains, "You can tell when things are going to happen and when there is unrest in the community."
- *Call on experts who can help leaders understand the underlying politics, history, and economic aspects of the problems.* Protests may focus on the recent school discipline of a student but a former school board member may be able to explain how discipline had been a flashpoint during earlier school desegregation days and education experts may bring to bear research on the effects of certain school rules on low income families, leading to disproportionate violations of those rules by their children. Thus, local leaders may decide that a broader discussion of school rules and discipline might be warranted.
- *Remember that the issues need not be defined by demands, but rather by the concerns underlying them.* The demand may be for all public school teachers to be armed during the school day; but leaders may frame the issue as how to enhance safety in the classrooms.

ILLUSTRATION

In Tampa, Florida, when concerns about racially-biased enforcement of bicycle ordinances were raised, the police chief checked and found no resident complaints to that effect. But she also noticed that citations went disproportionately to African-American individuals. So she and the mayor requested a U.S. Department of Justice investigation. An open Justice Department community meeting led to an understanding that some African-American youths were afraid to ride bikes because they believed that the police would target them. A veteran who had returned from deployment in the Middle East spoke about being

pulled over for lack of a bike light and then suffered a rotator cuff tear as police threw him against the squad car. Civil rights advocates noted that an all-white residents complaint board made them doubt whether complaints through that route would be fairly heard, and that the ACLU and NAACP had received numerous complaints of racial profiling in bike ordinance citations. They learned about the differential impact of some bike ordinance requirements. By seeking more information before denying the validity of the concerns, public officials learned a great deal more about the breadth of them.

Longer-Term Strategies for Addressing the Cause of Conflict

The leader's role does not end when the immediate conflict subsides. Building solutions involves dealing with the heart of the community division that was illuminated by the triggering incident. Collaborative decision-making helps to establish solutions embraced by the community as a whole, engages those who might feel disenfranchised, and establishes a pattern of working across past divides to solve problems. Leaders need to demonstrate on-going commitment and support to addressing the problems.

I. COLLABORATIVE PROCESSES

Work with intervenors to deepen the collaborative processes established immediately after the conflict began with the aim of developing long-term plans and implementation strategies.

Public officials will make some decisions as the need for change becomes apparent but often need to involve a broader group in plans and actions to bring about deeper change. By collaborating with those who have concerns, leaders can offer a constructive way to express concerns, thus reducing the potential that conflict gets escalated in order to gain attention. They can help establish constructive patterns to deal with future division. They can ensure the continuing involvement of the broader community, not just government, in solving



"Jamar Clark Listening Session – Minneapolis Police" by Tony Webster is licensed under CC BY 2.0.

the problems. They can develop consensus on public policies and practices.

POSSIBLE STRATEGIES

- *Continue to use the intervenor engaged at the beginning of the conflict.* The CRS intervenors may have had to move to other communities by this time and therefore the local intervenors may take on greater roles.
- *Provide staff and logistical support on an on-going basis.*
- *Establish task forces for particular problems.*
- *Set up bridging groups for consultation over the long-term.*
- *With more time, expand the group of persons involved in resolving the issues.* Consider adding additional experts, depending on the nature of the issues, to provide background on, for example:
 - The economic realities of the community (What is the unemployment rate? Economically, where do residents fit on a continuum between an overall sense of confidence in their future and an environment of desperation?).
 - Community resources (How are public funds allocated among police, education, code enforcement and other local functions? What would it cost to pursue various options being proposed and what would be changed to secure those resources?).
 - Community history (What prior conflicts have arisen and how were they handled? What is the history regarding this particular conflict?).
 - The social realities of the community (What is the high school graduation rate? How is the health care system? Are we meeting the basic needs of our residents?).
 - The political realities (Are the political representatives actually representative of the community they serve? Are residents being heard?).
 - The legal/law enforcement realities (Do people have equal access to justice? Do people respect the justice system?).
 - Data regarding the underlying issues related to the subject matter of the incident.
- *Use the collaborative process you established to deal with issues that arise over time.* For example, an informal outdoor memorial to a violence victim with stuffed animals and toys may eventually need to be moved. The group might help find a respected place for some of the items, dispose of others, and confirm with those upset the careful consideration given to the decision.
- *Establish accountability measures to ensure continuing implementation of solutions reached.* Accountability measures might take the form of a review commission created to address a specific grievance, a specific change in a local government policy, or benchmarks with periodic reports back to the community.
- *Celebrate accomplishments as they happen to keep participants motivated and engaged.* This might take the form of a press conference with representatives of different groups in the

community taking part or a lunch to publicly thank different members of the community for their efforts.

- *Plan ahead for future unrest while people still appreciate the costs of not doing so.* The Divided Community Project has another document to help with that planning, [Planning in Advance of Civil Unrest](#) (2016).

ILLUSTRATION 1

“BRIDGES, an acronym which stands for Building Respect In Diverse Groups to Enhance Sensitivity, is a successful partnership between federal law enforcement agencies and leaders in the Arab American and Middle Eastern communities in the metro-Detroit region. It is the outgrowth of an alliance formed shortly after September 11, 2001, when John Bell, then the special Agent in Charge of FBI-Detroit, and Imad Hamad, Regional Director of the American Arab Anti-Discrimination Committee, gathered together government and community leaders to address backlash against the local Arab American and Middle Eastern communities. From this alliance evolved BRIDGES, which now meets

on a regular basis to provide a forum to address issues of mutual concern and to foster better understanding. BRIDGES addresses issues such as border crossings, no-fly lists, charitable giving, cultural sensitivity, hate crimes, law enforcement policies and procedures, and immigration. The Detroit BRIDGES model has been touted by at least one academic who studied it as the ‘gold standard’ for law enforcement partnerships with the Arab, Muslim and Sikh Communities. The success of BRIDGES has inspired other districts to form their own chapters.”

– <http://www.justice.gov/usao-edmi/community-engagement>

ILLUSTRATION 2

CRS had to withdraw its strong resources from Sanford, Florida over time and Andrew “Thomas helped facilitate conversations about changes in Sanford. The community would remain divided until residents believed that the police would act justly toward all residents. A community-wide resident group conducted a review of the police department. In response to that group’s report, the department

began making changes, reporting progress publicly every few months. For the first time in memory, residents participated in a significant way in the choice of a new police chief. Regular discussions began about other changes in Sanford.”

– Andrew Thomas in N. Rogers, *When Conflicts Polarize Communities*, 30 Ohio St. J. on Disp. Resol. 173 (2015).

ILLUSTRATION 3

“After using dialogue to address poverty and build prosperity, residents of the rural town of Wagner, S.D., realized that there was something

holding them back from making real progress: they needed to address the long history of racial inequity and tensions between the white people living in

the town and the American Indians living nearby. The racial tensions run deep, spanning many generations. In 2008, they began the first of many ongoing rounds of dialogues to address divisive issues in a peaceful manner. Eliminating racism and unpacking historical trauma won't happen overnight, and Wagner residents are committed to achieving their vision a unified community. Subtle changes can be seen throughout the town: Some American Indians have invited white people to attend traditional events and ceremonies. A movie theater owned by a white person displays a 'Thank you' sign in both English and the local native language. And, more American Indians are moving into town. Study circles have been implemented in the school system as well. As a result, teachers are more intentional about creating inclusive curriculums. Native symbols and ceremonies are now being incorporated into school functions. More American Indians are attending school events typically viewed as 'white,' such as prom. Efforts are being made to build relationships beyond the study

circles through book clubs, film screenings, and informal gatherings of study circles alumni. Wagner residents can point to many larger successes including:

- The establishment of a small business incubator. Half of the board members are American Indian, and half are white.
- The redefinition of the Secretary of Indian Affairs [was initially housed in the department of tourism but was redefined] to a liaison between the state government and the American Indian community.
- A significant increase in graduation rates of American Indians, which is now 30%. Before the program, very few American Indians graduated high school."

– Everyday Democracy, <http://www.everyday-democracy.org/stories/path-unified-community#.VXpADSiov8E>.

II. PUBLIC INTERACTION

Maintain interaction with the public throughout this extended collaborative process to assure that it is addressing the issues that the community is grappling with.

Community leaders, working with the intervenor, should develop a communications strategy for the period in which the collaborative process

is underway. Such a strategy should have the components of the communications strategy during the de-escalation phase but also might include broader education of the community.

POSSIBLE STRATEGIES

- *Set up the process so that the intervenor can conduct some conversations in private but, at the same time, ensure that there also are communications about progress with the public and some sessions open to the public.*
- *Engage the broader community in educational efforts that will aid implementation of the plan.* The Missouri Bar Association project described below illustrates that approach.
- *Monitor media, including social media, and correct inaccurate rumors.*

ILLUSTRATION

Following a police shooting in Ferguson, Missouri, the Missouri Bar Association developed a public education program about the legal issues implicated by the incident. Missouri Bar President Reuben Shelton explained, “We have a website with podcasts to help educate the public on the process surrounding the issue. . . . We have a mini law school for community members who come out once a month and pay for the class to learn about the legal issues of the day. . . . We have a civic role to make sure the community is educated about the law, about how it works, and to dispel some myths about the law and the legal profession. . . . Our major concern is to make sure that the rule of law is maintained from beginning to end.”

“In Toledo, Ohio former Mayor Mike Bell hired three or four young adults from the community as paid interns and administrative assistants in his administration. In addition to their administrative and intern assignments these young adults kept the Mayor informed on the issues and concerns of the youth and young adults in the communities. They were able to talk to the Mayor about what was going on in their respective communities and he in turn could send them out into the community to assist him in addressing these issues and concerns.”

– Derrick Diggs, Former Police Chief,
Toledo, Ohio



[“Black Lives Matter Black Friday”](#) by The All-Nite Images is licensed under CC BY-SA 2.0.



[“Eric Garner Protest 4th December 2014, Manhattan, NYC”](#) by The All-Nite Images is licensed under CC BY-SA 2.0.

RESOURCES

REACHING THE JUSTICE DEPARTMENT'S COMMUNITY RELATIONS SERVICE

The first recommended step in this document is to contact CRS. This may be done easily with a call to the regional office, as explained on CRS's website:

The Community Relations Service has 10 Regional Directors who supervise conflict resolution specialists (also called conciliation specialists) in regional offices and 4 smaller field offices. These offices are strategically located throughout the country to meet the unique needs of the states and communities they serve. The Regional Directors are highly trained professional mediators, facilitators, trainers, and consultants who are experienced in bringing together communities in conflict to help them enhance their ability to independently prevent and resolve existing and future concerns. Regional Directors oversee the regional conflict resolution teams in the development of customized and proactive local solutions. The 10 regional offices are located in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, Los Angeles, and Seattle. The field offices are located in Miami, Detroit, Houston, and San Francisco. The regional and field offices increase the availability of CRS services to rural communities and aid in rapid deployment during crises. <http://www.justice.gov/crs/about-crs>.

The 50-year-old CRS describes its functions as follows:

The Community Relations Service is the Department's "Peacemaker" for community conflicts and tensions arising from differences of race, color, national origin, gender, gender identity, sexual orientation, religion and disability. CRS is not an investigatory or prosecutorial agency, and it does not have any law enforcement authority.

Rather, the Agency works with all parties, including State and local units of government, private and public organizations, civil rights groups, and local community leaders, to uncover the underlying interests of all of those involved in the conflict and facilitates the development of viable, mutual understandings and solutions to the community's challenges. In addition, CRS assists communities in developing local mechanisms and community capacity to prevent tension and violent hate crimes from occurring in the future. All CRS services are provided free of charge to the communities and are confidential. CRS works in all 50 states and the U.S. territories, and in communities large and small, rural, urban and suburban. <http://www.justice.gov/crs>.

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