

REPORT

BLOOMINGTON, INDIANA

Bridge Initiative @ Moritz, December 30, 2019

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I. INTRODUCTION AND BACKGROUND

In Bloomington, in August, 2019, Mayor Hamilton contacted representatives of the Bridge Initiative @ Moritz to identify more information about what services the Project could offer the City and community leaders. Mayor Hamilton described the pain and fear that the recent events at the Farmers' Market brought to the fore, and his commitment to address longer standing and underlying concerns around white supremacy, racism, and other forms of discrimination. The Mayor also shared his perspective that Bloomington was a stronger and more resilient community because of its engaged and active citizenry who spoke up and out when they felt that the government and others were not living up to Bloomington's ideals. We were asked to help the community understand some of the longer-standing and underlying issues and to provide a structure upon which local leaders could begin to address these issues through action planning.

The Farmers' Market controversy was one manifestation of these deep, systemic, and underlying issues; we know that the community of vendors, activists, local mediators and government leaders are engaged in a process to identify a path forward with respect to the Farmers' Market. Many persons also recognize that the concerns around racism, including white nationalism, anti-Semitism, and other forms of discrimination and bigotry that are the source of the intensity around the Market controversy are deep and larger than the Farmer's Market. The recent Market controversy may have surfaced many of these issues for the majority of the City, but people of color, religious minorities, and other marginalized communities in Bloomington have been confronting these realities for generations. These issues merit their own process and their own focus. While the recent activity at the Farmers' Market necessarily informed our conversations with community leaders, our focus has targeted helping community leaders crystalize and advance discussion about these underlying issues.

The Bridge Initiative was represented by William A. Johnson, an experienced mediator who previously served three terms as the Mayor of Rochester, New York and served for over two decades as the President and CEO of the Urban League of Rochester. Over the course of three trips to Bloomington between the last week of August and October, 2019, Mr. Johnson had the opportunity to meet with city employees and community leaders. In addition, he was able to identify and meet with many others, including non-traditional local leaders who may not hold positions in local organizations but play critical roles in the life of the city. By non-traditional leaders, we are referring to conscientious people with good ideas who may not usually be included at the tables where important decisions are made. They do not hold official titles or represent major institutions. In too many instances in communities across the country, these individuals have not had the opportunity to raise their concerns or have their ideas considered at important decision-making tables. Indeed, experience in other communities confronting divisive challenge demonstrates that the process going forward (see below) is more effective when it empowers these non-traditional leaders in designing and implementing next steps.

The goal of this report is to convey these concerns that stem from longer-standing issues in a way that enables local leaders to work together to identify actions they can take independently as well as collaboratively with city government officials to address them. Bloomington is fortunate to have a diverse community of people who are committed to working to make their city as fair, just, and equitable as possible. Bloomington is therefore well situated to act.

Local leaders, including vendors, local advocates, and the Community Justice Center have already invested significant time in identifying the issues to be addressed that are specifically related to the Farmers' Market. We recognize the ways in which the Farmers' Market issues have helped bring to the fore the longer-standing issues that are the focus of this report, but we also respect the ongoing work of local leaders to raise concerns about the way the issues have been handled in the past and the ways in which they may be handled in the future.

Below, we identify several potential paths forward for local leaders to pursue to address some of the longer-standing issues the recent controversy brought to the fore. These recommendations are based on the information we learned from local community and city leaders in Bloomington. Many of the recommendations related to process are ones that we have seen work in other communities confronting division related to racism and other forms of discrimination. We start with a potential path forward because we recognized the sense of urgency shared by all of the local leaders with whom we spoke.

After these recommendations, we first summarize the concerns as we heard them from local government and community leaders, identifying common themes that may be good areas of focus for a community task force. In an Appendix, and for illustrative purposes only to identify some potential practical steps leaders may choose to take, we provide some examples of how other communities have responded to volatile conflict that revealed underlying issues to be addressed.¹

II. OPTIONS TO CONSIDER: NEXT STEPS IN BLOOMINGTON

There is no question that there is a shared and deep commitment across different stakeholders in Bloomington to working together make Bloomington an even better place to live and to work. There is also a shared recognition that part of what makes Bloomington strong is that it aspires to be a city that is inclusive and appreciative of one another's individuality. The sense of urgency we heard from different stakeholders reflects the recognition that Bloomington has not yet realized these aspirations, and that there are more people ready to contribute to this work.

A. Community Task Force

Because of the wealth of community leadership talent in Bloomington, our suggestion would be for local leaders to set up a community task force co-led by community leaders to devise a plan of action. We respect and recognize the strength of the existing organizations and movements in Bloomington. This Task Force should include as many of those groups and other voices as possible. The goal of the Task Force is not to seek agreement on all issues; rather, it is to identify a number of concrete actions community members and the City can take to see progress on some of the issues highlighted in this report. We anticipate there will be significant disagreement, and perhaps continued protest, on a number of issues, and this is a good thing; the goal here is to see the power of people coming together across different groups to act on initiatives where there can be consensus. Our hope is that the issues laid out in this report, while likely not

¹ We include these examples because they highlight some practical tools Bloomington could consider in crafting its own action plans. Although the specifics of each city's initiative are distinctive, such plans share the intentional use of mechanisms to support and help hold everyone accountable for making progress to achieve the plan's stated goals; these accountability mechanisms often include identifying the issues, developing an action plan, identifying metrics by which to measure success in realizing the goals, and requiring regular public reports on progress.

a surprise to most stakeholders, are summarized and presented in a way that will provide you with a strong foundation for identifying actions you could take to begin address some the concerns they highlight.

The City can support the Task Force in many ways, including helping to convene the initial planning meetings, assigning a staff member to be the point of contact and support for the Task Force when there are questions or information requests, and offering some financial support for the convening of the sessions. Experience in other communities demonstrates the importance of including the City in the process in order to help make sure the process has the resources, access to information as available, and sustainability necessary for success. In other cities, it has been important for the Mayor to state clearly that she or he supports the process, and that working with the community co-chairs is a priority, as will be the implementation of the plan that is developed.

B. Composition of Task Force

In our experience, the task forces that get the most done are led by people who are able to work effectively with people who may share some of these same goals, but differ in how to achieve them. They are also comfortable moving forward to realize progress on issues where they can reach agreement, while respecting the differences of opinion and ongoing disagreement in other areas. In some communities, this has included the heads of protest organizations and religious organizations, in others, it has included people who were well-respected by a diverse group of people in the community but did not hold any special titles. Many communities that have been able to realize sustainable change identify a role for the City from the beginning of the process. The City respects the fact that a community task force is, in fact, led by the community, but by making it clear that this is a priority and offering necessary resources to keep it running, the City is invested in its success. The City should assign someone to support the task force, answering questions about what the city is currently doing with respect to a particular issue, or getting a sense from other city officials as to the feasibility using current resources of proposed actions, for example. In these circumstances, the City may want to help launch the Task Force, but its ownership belongs in the Community, again, identifying co-chairs from the community who enjoy the respect of people from across different communities, will be critical.

Based on conversations with local leaders, it sounds like the Community Justice & Mediation center in Bloomington has been very effective in its ongoing work convening leaders, and the mediators involved in that process would be well situated to continue facilitating meetings of leaders who are interested in leading this process come to a meeting, and help participants decide on the governing structure that might work best. We are happy to help support their work on this, and have resources to help with organizing and leading a meeting that allows participants to reach decision points around the structure of a community task force, selection of the co-leaders, setting agendas for meetings, and identifying action steps and accountability mechanisms.

It would have been impossible for Mr. Johnson to meet with all of the extraordinary local leaders who have important ideas and actions to contribute to the process going forward. While this process may start with people who are reading this report and have been engaged in local action thus far, it has proven effective in other communities to continue to add other leaders as they learn about additional concerns and leaders. It proves difficult to identify all leaders and concerns at the outset, and the results are strengthened when many concerns are taken into account.

III. LEARNING FROM LOCAL LEADERS IN BLOOMINGTON – INITIAL CONVERSATIONS

As the City of Bloomington addresses immediate and ongoing concerns regarding public safety at the Market, it is clear that the City and Community members are committed to addressing longer-standing issues in the community regarding concerns about racism, anti-Semitism, and other forms of discrimination. As a part of our charge to support and transform that shared commitment into productive action, Mr. Johnson held initial conversations with local community leaders to better understand the underlying issues that drive division.

These initial conversations enabled the Project to gain a better understanding of concerns that may have persisted beneath the surface in Bloomington for many years, and are driving tension and concern. Without attributing any ideas or concerns to any one person,² and with an eye towards how this information can lead to action, Mr. Johnson has organized a summary of concerns and proposals which community leaders have offered to address them. These conversations and this report are not intended to provide a complete picture of every perspective in the community. However, they provide a starting point for the community to consider its next steps for moving the community toward action.

A. Underlying Concerns Expressed by Community Leaders – Foundation for Action Agenda – *Conversation Participants*

Mr. Johnson engaged in a series of conversations with city employees, local community leaders identified by the city, as well as local leaders identified by people not connected to city government and individuals who submitted information independently to the Divided Community Project.

Mr. Johnson spoke with the following individuals:

- 9 City Officials, including, The Mayor, Chief of Police and several department heads
- 37 Local Community Leaders
 - Individuals were connected to the following organizations
 - Jewish and Christian religious institutions
 - Organizations advocating for the rights of African Americans
 - Organizations advocating for the rights of the Latinx community, including the immigrant community
 - Vendors conducting business at the Framers' Market
 - The Community Justice & Mediation Center
 - Racial Composition
 - 12 identified as African American
 - 5 identified as Latinx
 - No fewer than 22 identified as alumni, faculty, staff, or a student of Indiana University

² In each conversation, Mr. Johnson received permission to use the substance of the conversation in this report without connecting identifying information to a specific comment.

In order to secure additional perspectives from community members, including people who may not have felt comfortable coming forward for an in person interview, the Bridge Initiative also posted a link to an online survey where people could submit their concerns and proposals. Of the 40 survey respondents, 5 self-identified as People of Color. 20 were female, 19 were male, and one could not be identified from their name. At the time of this report, Mr. Johnson has already conducted telephone interviews with 7 of them

The sampling of people with whom Mr. Johnson spoke is more diverse than the population of Bloomington as a whole.³ The Project made this choice intentionally in order to focus on understanding the underlying issues described above, including racism and other forms of discrimination.

B. Summary of Concerns and Recommendations from Interviews and Surveys

1) Visibility of African Americans in Bloomington / Loss of African American History in Bloomington

Bloomington's African American community, while small in number, has a rich and deep history marked by significant contributions to the city, and contributes to its continued success today. African American local leaders contribute to the strength of the city through many different avenues. Their service is demonstrated through such groups as the NAACP, the Black Democratic Caucus, the Black Strategic Alliance, Black Lives Matters, and, among others, some of the major Black fraternities and sororities.⁴

A few examples illustrate the breadth and depth of African American leadership in the Community:

- The elected City Clerk is an African American female, both of whose parents were very prominent in City affairs, including her mother who was a criminal court judge and her father who had been a dean in the law school.
- The former NAACP president was elected to the City Council.
- Other African American leaders include a prominent realtor originally from Bloomington whose target sales market extends to Indianapolis, is the current President of the Bloomington Redevelopment Commission. His father was the city's 2nd African American police officer.
- The Chairperson of the Commission on the Status of Black Males is a native son whose family roots extend back into the late 1800's, and a graduate of IU.

³ The 2018 census estimates indicate that the number of racial minorities included in the city's population (84,981) is 15,330. Approximately 4.6% of the city's population is African American; Approximately 3.5% is Hispanic or Latino. IU-Bloomington has more than 9,500 minority students and faculty. Thus, more than 62% of the city's minority population may be connected to the University. When all these factors are considered, racial minorities are neither students nor employees of the University constitute an extremely small portion of the city's permanent residents than the census numbers suggest.

⁴ This includes the prominent African American Fraternity, Kappa Alpha Psi, which was founded on the Bloomington campus in 1911.

- The Chairperson of the Monroe County Housing Authority is African American, and the pastor of the Second Baptist Church, located in the historic Black community (the near West Side) is a prominent community leader.
- The Chair of the Affordable Housing Commission, an activist who was one of the co-founders of the local Black Lives Matters group.
- Students at IU, including a young man born and raised in Bloomington, are focused on improving the climate in county-wide schools for African American students and staff.

African American leaders may have access to local power structures, but as more than one of these persons remarked, “there are so few of us that the same people end up in leadership and showing up at the same places. We need to find a way to diversify our ranks.” Indeed, despite these significant and ongoing contributions, several community members identified a sense that their contributions and presence go largely unnoticed in the broader community.

Moreover, it is also critical to recognize that there are many issues that African Americans who do not hold positions in local organizations may want to raise in a different forum. For example, the recent development of apartment buildings in what was once an African American neighborhood raised some attention in the broader community, but the concern that this was another way in which African American contributions and history were being erased in the city was not largely recognized. Including more African American voices concerned about this history would be welcome.

Other community leaders recommended actions that might help call attention to the ongoing history of African American leadership and contributions to the City, including the racism that these leaders confront in their work, would be welcome. Still other leaders suggested forums that enabled a broader cross-section of the African American community to identify additional priorities would be welcome as well.

2) Recognizing and Confronting the Ongoing Legacy of Klan Activity in Bloomington and Surrounding Areas and Impact on Multiple Communities

Several community leaders referenced the fact that Indiana has a long history of Klan activity. Indeed, shortly after some of the early incidents at the Farmers’ Market, Klan flyers appeared on IU’s campus, and flyers have been distributed in many areas around Bloomington. Organizations like No Place For Hate and The Purple Shirt Brigade helped provide some of this context for the ongoing Farmers’ Market activity. This activity terrorizes not only the people who receive the flyers, but all who learn about the activity and are intended targets, including Jewish people, Muslims, immigrants, and African Americans. There was appreciation for the ways in which the Police Department has been vocal in condemning the activity and inviting people to share information when they see it, but there was also a desire for some additional actions to reckon with this ugly history and ongoing activity.

3) Calling Out Anti-Immigrant Sentiment and Activity, Recognizing Fear in Community

Several people expressed deep concern about the treatment of immigrants, including immigrants who are a part of the Latinx community in the city. The Latinx population in Bloomington is not monolithic and includes many people who are not immigrants and who have lived in the city for generations. It also includes immigrants. While a relatively small in numbers (2,681), many Latinx community leaders expressed a grave concern that members of their community in the city were confronting small and large acts of racism and discrimination.

Volunteers in Medicine (VIM), a free medical clinic founded in 2007 serving both Monroe and Owens counties, was identified by several local community leaders as offering significant and meaningful support to the low-income community more broadly including many immigrants. For example, VIM services people who do not qualify for Healthy Indiana. Thirty percent of the 1200 patients they see on an annual basis are Latinx. Their clientele speaks over 30 languages.

Local leaders (connected and not connected to organizations) spoke about the living and working conditions some immigrants in Bloomington were forced to endure, including arbitrary wage reductions and unscheduled rent increases or threats of evictions. People reported that complaining about these capricious actions to landlords and business owners only produced threats of turning them in to ICE. Conditions described included severe wage and hour violations, including immigrants working for far less than half minimum wage for 16 hour days. Some people would come home from work to find that they had been evicted from their apartments without notice, and their furnishings and clothing tossed outside or even carted away as refuse. Volunteers often help with social services and legal needs as well.

Several Latinx individuals also spoke to their own personal experiences with subtle bias or blatant racism. Others recounted the recent verbal harassment of Dolores Huerta in September of this year. Ms. Huerta, the co-founder of the United Farm Workers with Cesar Chavez, was in Bloomington to speak. When she and her colleagues were walking to and from their hotel one evening, she was twice the subject of drive-by racial taunts. She is 89 years old, and publicly described these incidents during her speech.

There are also great acts of compassion and restoration of human dignity taking place in Bloomington on a consistent basis, due in large part to the generosity of time and money which a significant number of local citizens have contributed. Several leaders with whom Mr. Johnson spoke raised concerns about the need for additional services and support for the community, as well as a recognition that any additional actions must recognize and respect the unique concerns immigrants confront with respect to status, and the deep fear in the immigrant community related to actions taking place at the national level. There is a sense that many in the City don't recognize the ways in which the discrimination immigrants confront is connected to the discrimination other marginalized communities confront, and a real desire to take action to combat anti-immigrant activity.

4) Understanding that Racism, Anti-Semitism, and Other Forms of Discrimination in Bloomington Impact Students, Faculty, and Staff at IU and Vice Versa

Bloomington is justifiably a proud university town, benefiting from the intellectual and cultural contributions of its largest employer and its students, faculty, and staff. Bloomington's active and engaged community members and progressive policies contribute significantly to the university as well. While everyone recognizes the importance of the relationship between the City and University, there was a sense from several community leaders that the City and University could work together on a more regular basis to confront issues around white supremacy, racism and other forms of discrimination when they occur on campus and off. Students feel safer and more welcome on campus when they feel safe and welcome in the city where it is located, and people in the city are deeply impacted when there are acts of discrimination that occur on campus. There is also a recognition that while relatively small in absolute numbers, a significant proportion of the people of color in Bloomington are either part of the campus community or connected to the University in some way, and therefore feel particularly strongly the impact of racism and discrimination whether it occurs on or off campus. Several community leaders reflected on the importance of consistent and strong messages against discrimination and coordinated responses to hate activity across the city and university.

In addition to focusing on acts of discrimination, community leaders of color talked about importance of recognizing that when the number of people of color is as small as it is in Bloomington and at IU, when any one person is harmed, regardless of whether it was connected to discrimination, other people of color may also feel less safe and would want access to information. For example, when a young African American female freshman at IU was shot and seriously wounded in the city on October 13, African Americans in Bloomington were deeply affected, regardless of the source of the violence. This was a student who lived on campus, and who went to her first off-campus party. She was shot while waiting for transportation back to campus, a completely innocent victim of a random act of violence. She withdrew from school in the middle of the semester, and faced 10 weeks of recuperation at home. Mr. Johnson was unable to speak to many students on campus, so it may very well be the case that students of color in particular received additional support during this time; however, it didn't appear that others recognized the disproportionate impact of such acts of violence on minority communities on and off campus.

5) Housing and Gentrification

Several people raised housing concerns, including gentrification, when describing underlying tensions in the community. Efforts at historic preservation have been interpreted as "white washing" by some in the City. To be clear, Bloomington is not unique in working with leaders to address concerns around gentrification, and many of the themes in Bloomington are present in other parts of the country as well.

While Bloomington is a relatively populous city in the State, it is relatively small in land size compared to other Indiana cities. Bloomington ranks highest in density per square mile,

perhaps helping to drive up housing prices.⁵ A report released by local community leaders shows a significant disparity in the numbers of people of color who own their homes when compared to white people. *A State of the Black Community Address*, presented to the community in February 2019⁶, there are 29,793 owner occupied homes county-wide. African Americans owned 309 homes (1%), Hispanics owned 474 (1.6%), and Asians owned 510 (1.7%). There were 25,221 renter-occupied homes in Monroe county where Bloomington is located. African Americans occupied 1,313 (5.21%), Hispanics occupied 896 (3.55%), and Asians occupied 2,263 (8.97%). Nearly 81% of the Section 8 housing vouchers are issued to whites, 16.6% to African Americans, 2.3% to Hispanics and less than 1% to Asians.

Most people who talked about housing shortage raised it because they were concerned that conversations around housing did not grapple with issues around race and income, including who could own and who could rent, and how to keep some affordable housing for people in Bloomington.

6) *Summary of Comments Regarding the Farmers' Market*

During the numerous conversations that Mr. Johnson had with Bloomingtonians from a variety of sectors, the subject of the Farmers' Market came up repeatedly. First, many people wanted to respond to the concern that the Market was not a welcoming place for African American, Latinx and marginalized residents. Many of the people with whom Mr. Johnson spoke, especially people of color, firmly dispelled this idea. They explained that their failure to patronize the Market was due more to issues of pricing and product choice, rather than from any sense of fear or rejection. Several people made the same point: they could get better value for their dollars than spending them at the Market. In fact, several non-minority respondents made the same point: while they may like to browse around the Market and enjoy its other amenities, they did their produce shopping at traditional grocery venues.

There were a wide range of emotions expressed about Market protest activities, and what the final outcome would be. Some were dismayed that such a beloved institution was under attack. The Saturday morning trips to the Farmers' Market were an experience they looked forward to, with anticipation and pleasure. These people had difficulty imagining that it might come to such an astounding and unforeseen end. Others were extremely angry that protests were disrupting the normal interchange that flowed from this place. They were greatly concerned that the Market was becoming a battleground, rather than a treasured community gathering place. Some expressed great fear for their safety if they continued to go there.

Sociologist Ray Oldenburg wrote about such treasured community gathering places in a 1989 book entitled, *The Great Good Place: cafés, coffee shops, community centers, beauty*

⁵ Bloomington is the 7th largest city in the state. Of the 17 cities with population in excess of 50,000, Bloomington is the second smallest in land size (23.16 sq/mi), but it has the highest density per square mile (3,673). There is demographic data that allow for additional insights into the housing market. The 2017 ACS 5-Year Survey indicates that there were 30,569 households in the city, with an average size of 2.26 persons/household. This data is not broken down according to race.

⁶ Prepared and presented by The City of Bloomington Black History Month Committee & The Bloomington Black Strategic Alliance.

*parlors, general stores, bars, hangouts, and how they get you through the day.*⁷ He calls them “Third Places”, in addition to home and work, where people who may be unknown to each other, gather to spend “pleasurable hours with one another for no specific or obvious purpose”, and to serve the human need to commune and converse with other people. This is the type of “the Great, Good Place” that the Farmers’ Market of Bloomington had evolved into over the years. It was a place of joyous adventure and blissful experience. It was the place you took your children and visiting friends. It was a wonderful way to conclude the week, or to start the weekend. Many probably never heard of Oldenburg, but they were giving life and meaning to his thesis with every visit to this spot.

Not one person Mr. Johnson spoke to favored white nationalists, or “identitarians” at the Market. They sadly acknowledged the state of affairs in this present world we live in, where people are feeling newly emboldened to speak and take actions that are racist, anti-Semitic, and xenophobic. Some of them are currently involved in efforts to find a positive solution to this conflict, and others indicated a willingness to become involved. But they were equally adamant in the belief that the Market was not the venue to resolve this conflict, nor should its future be held hostage to the outcome.

In recent weeks, there has been much activity to work towards this resolution. The Community Justice and Mediation Center has conducted several sessions with the vendors, most of whom feel that they have taken the brunt of the fallout from the conflict. The City, the Farmers’ Market Advisory Committee, and several other interested parties, including some of the protest groups, are all a part of the search for that right and binding solution. We believe that the will exists, and we hope that the way forward can be found, for a solution that many will accept.

And, most of all, we hope that the entire community, even those who are in conflict with each other, will share the belief that the Bloomington Community Farmers’ Market should not become collateral damage to a much larger issue which demands the attention and action of the people of Bloomington, as well as our entire nation.

7) *Shared Commitment to Make Bloomington the Inclusive, Diverse, and Safe City it Aspires to Be*

Local community leaders in Bloomington are proud of their city, and feel empowered to make it better, coming closer to realizing its ideals and promise as an inclusive city where all can thrive. City staff expressed a real and deep commitment to service and to the people of Bloomington. Many city staff members acknowledged the toll recent series of events has taken on them and their families, and the ways in which the pain they experienced as community members confronting hate sometimes had to take a back seat to their duties as city employees.

Community and city leaders want to hear more from voices who are not regularly at the table, and make people feel safe raising concerns about issues of white supremacy, discrimination and racism without fear of reprisal from hate groups and others. There was also a consistent

⁷ Oldenburg, R. (1989). *The Great Good Place: caf  s, coffee shops, community centers, beauty parlors, general stores, bars, hangouts, and how they get you through the day*. New York: Paragon.

recognition of the implications of failing to discuss painful, or controversial, topics. Where the City has demonstrated innovative leadership in sensitive matters, those efforts should be applauded, and those lessons should be extrapolated into other sensitive and challenging areas. No better example exists than the recent news that Bloomington continues to earn the highest marks of any city in the state for adopting strong measures to insure LGBTQ inclusiveness. Its use of its non-discrimination policies to guarantee these results is unique in a state that has very few protections from discrimination against LGBTQ people.

The people of Bloomington have a strong sense that they have a responsibility to each other, as well as the power to make changes in the city. Therefore, these local leaders are well-situated to work together to address some of the themes identified above, or others as they identify them.

In the next section, we offer examples from other communities confronting challenges. Every city and every community is unique, so we are not suggesting that Bloomington follow any one of these examples; rather, we believe that they highlight some practical tools Bloomington can take to craft its own action plans.

APPENDIX PART I

Illustrative Examples from Other Communities

Sanford

Excerpt from: Becky L. Monroe, *An Attack on America's Peacemakers Is an Attack on All of Us: On the Importance of Embracing the Power of Communities and Rejecting the Trump Administration's Attempt to Eliminate the Community Relations Service*, 37 YALE L. & POL'Y REV. 299, 329- (2018).

We can connect you with the individual who drafted Sanford's "Nine Point Plan" as well as with some of the outside mediators who helped facilitate the process.

Establishing Sustainable Mechanisms for Meaningful Community and Law Enforcement Engagement

After the initial protests and call for action subsided with the announcement that George Zimmerman would be prosecuted, the city continued to engage with the community and grapple with the underlying concerns that came to the surface with Trayvon Martin's death. From the first dialogues and community meetings that the Community Relations Service of the U.S. Department of Justice (CRS) helped facilitate, Sanford leaders quickly understood that the killing of Trayvon Martin was surfacing longstanding tension between the African-American community and Sanford.⁸ City officials started to grapple with the painful history of the loss of Goldsboro, an African-American town that was "absorbed" into Sanford in 1911.⁹ African Americans lost a sense of community and independence with the loss of Goldsboro, and many reported that in the predominantly African-American neighborhoods within Sanford, residents both then and now received lower quality public services and infrastructure support from the city than people living in predominantly white neighborhoods.¹⁰ African Americans in Sanford were also concerned with

⁸ See *Mission, Vision & Core Values, Action Plan for Reuniting Sanford*, SANFORD FLA.

<http://www.sanfordfl.gov/residents/community-relations> [<https://perma.cc/DVW6-C3NJ>] ("The reality of the situation is, Trayvon's death and the perceived delay in arresting George Zimmerman caused the black community to reflect on their negative past experiences with law enforcement and the criminal justice system. Sadly, as more time elapsed between the incident and an arrest of the defendant, the more the community recounted the history of social injustices, inequalities, prejudices and racism that has existed Trayvon Martin's case was seen by many as the tipping point for the community and symbolized to many a gross injustice; causing them to say, enough is enough; it's time for change.").

⁹ See *Goldsboro Museum, About Us*, GOLDSBORO MUSEUM, <http://goldsboromuseum.com/about-us/> [<https://perma.cc/QRT2-VPK5>] ("In 1911 Goldsboro lost its charter, when Forrest Lake, a powerful Sanford banker and state lawmaker, devised a plan to dissolve the charters of both Sanford and Goldsboro, to create a new charter that would bankrupt Goldsboro and make it a community within Sanford. After the demise of Goldsboro, the town began a downward spiral with abandoned buildings, rising unemployment, and the loss of identity.").

¹⁰ See Francis Oliver, *Commentary for the February 9, 2012 36th Edition of Central Florida Matters*, CARROLL MCKENNEY FOUND. FOR PUBLIC MEDIA <https://cmfmedia.org/web/wp->

the number of African-American young men murdered in the area in recent years; the City acknowledged that following these previous killings, neither City officials or law enforcement leaders took affirmative, collaborative steps to involve the community in the healing process.¹¹ And many in the African-American community felt that basic city services and infrastructure were lacking in the areas where they lived when compared with predominantly white neighborhoods of Sanford.¹² Sanford's government leaders noted,

[b]ecause of the deeply rooted views of racism and social injustice held by many in the black community, any effort to move the City forward and reunite the community would require a holistic multi-faceted systemic approach. The approach ultimately would have to be broad in scope and address a number of the societal problems that over the years have been identified as contributors to poverty, inequality, racism and social unrest.¹³

To support this longer-term approach, upon their request, CRS worked with the City, local community advocates, religious leaders, and law enforcement officials to conduct a series of community meetings and dialogues (to identify a number of issues that stemmed from and contributed to poverty, inequality, racism, and social unrest and to recommend concrete steps to address them. The result was the development of a nine-point Action Plan for reuniting the community.¹⁴

The Action Plan provided concrete steps to address a number of issues that contributed to poverty, inequality, racism, and social unrest identified through community meetings and dialogues.¹⁵ These include a lack of job training and employment opportunities, scarcity of affordable housing, limited educational opportunities, and inadequate healthcare services. It included requests to the Department of Justice to conduct a pattern and practice investigation of the Sanford Police Department;¹⁶ the creation of an Office of Community Relations, with the Director of the Office responsible for following up on the action plan;¹⁷ establishing a Police-Community Relations Blue-Ribbon Panel to review, assess, and suggest strategies to strengthen

content/uploads/2012/02/OliverF_GBoro_com.pdf [https://perma.cc/2E35-TQC9] (describing “the sadness that came with having their city and their identity taken away” by the Mayor of Sanford in 1911, absorbing the second all Black City in Florida, incorporated after Eatonville, Florida); *see also* Kammerman, *supra* note 80, at 10 (“The African American community’s feelings of ‘mistrust and tension,’ first instilled in 1911, permeated the conflict with the City and its Police Department. These sentiments deepened and hardened during the century leading up to Trayvon Martin’s death.”); Cara Buckley, *Police Chief in Florida Tries to Ease Old Tensions*, N.Y. TIMES (June 16, 2013), <http://www.nytimes.com/2013/06/17/us/in-city-of-zimmerman-trialpolice-chief-navigates-racerelations.html> [https://perma.cc/N6JL-W7F5].

¹¹ See Joshua Kirven & George Jacinto, *Community Healing and Reconciliation*, 2017 ENCYCLOPEDIA SOC. WORK 1, 19 (2017).

¹² See Andrew Thomas, *Nine Point Plan: Action Plan for Reuniting the Community, One City--Many Communities, Two Year Progress Report, April 2012-April 2014*, CITY OF SANFORD, FLA. 2 (Jan. 2015) [hereinafter *Nine Point Plan Progress Report*], <http://www.sanfordfl.gov/home/showdocument?id=11455> [https://perma.cc/UR7F-EHTY].

¹³ *Mission, Vision & Core Values, Action Plan for Reuniting*, *supra* note 93

¹⁴ See Burch, *supra* note 77 (“He also worked with the city to create its nine-point plan that aims to improve race and police relations.”).

¹⁵ See *Nine Point Plan, Action Plan*, SANFORD FLA., at points 2-7, 9, <https://www.sanfordfl.gov/residents/community-relations/nine-point-plan> [https://perma.cc/6XED-6GAB].

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 6.

police community relations;¹⁸ investing in youth training and employment opportunities; and creating an Inter-Racial Interfaith Alliance to focus on strengthening race relationships in the community.¹⁹ The Plan also included a request for ongoing implementation support from CRS.²⁰

CRS continued to support Sanford city officials and community groups in the implementation of its plan. With respect to the Inter-Racial Interfaith Alliance, CRS helped local leaders create Sanford Pastors Connecting, a model that others are trying to replicate across the country.²¹ The CRS conciliator, Thomas Battles, and his CRS team engaged with over seventy Sanford area ministers of different races and different faiths to talk about how they could work together to help the city heal.²² Building relationships that worked across different faiths, neighborhoods, and racial backgrounds took time, but CRS' quiet persistence succeeded. What had eluded local efforts to bring faith leaders together in this way for over twenty-five years took shape with support from CRS.²³

In addition to supporting some of the ongoing larger community dialogues intended to address longstanding racial tension in the city, the pastors took several steps to prepare for the trial and the verdict in the state case against George Zimmerman. CRS helped set up regular meetings to discuss what would happen in the courtroom, allowing for dialogue between law enforcement and local clergy. CRS also worked with local court officials to arrange for reserved seating in the courtroom for the religious leaders so they could see the proceedings for themselves and share the information with their congregations and the community. This method of addressing rumor control also made sure that religious leaders had access to the information they needed as community leaders to provide support after the trial ended.²⁴ The announcement of the verdict finding Mr. Zimmerman not guilty was followed by devastation, grief, anger, and a re-commitment by the community to address racism and bigotry, but no violence.

Nearly three years after the shooting, the City of Sanford identified many areas of progress, highlighting its creation of a Community Relations office within its government and the establishment of several mechanisms to address the racism and bigotry that marred so much of

¹⁸ *Id.*

¹⁹ *Id.* at 8.

²⁰ *Id.* at 12-13.

²¹ After the trial, members of Sanford Pastors Connecting (the inter-faith and inter-racial alliance that they created with the support of CRS) went to other cities, including Detroit, to talk about how they created and continued to sustain Sanford Pastors Connecting to help bring peace and reconciliation to the community. See Angela G. King, *Can Sanford Pastors' Success Work in Other Cities?*, CHRISTIANITY TODAY (Aug. 22, 2013), <https://www.christianitytoday.com/ct/2013/october/sanford-florida-pastors-reconciliation-trayvon-zimmerman.html> [<https://perma.cc/B73T-CYV2>].

²² See Burch, *supra* note 77 ("Among his first tasks: [CRS mediator Thomas] Battles rallied about seventy or eighty Sanford-area ministers--of varying races and faiths--and talked to the group about the role they should play in bringing peace back to the city. 'The idea was to bring different kinds of people into the same room and get them to talk,' said Rev.").

²³ See *God Squad*, *supra* note 91, at 2:06 (Sheriff explaining that CRS was able to help unify faith leaders); *Id.* at 3:28 (Pastor explaining efforts for over twenty-five years to bring pastors together and recognizing CRS as the catalyst).

²⁴ See *Justice Department Releases Videos Highlighting Work of Community Relations Service*, U.S. DEP'T JUST. (Dec. 6, 2016), <https://www.justice.gov/opa/pr/justice-department-releases-videos-highlighting-work-community-relations-service> [<https://perma.cc/W6H2-RR6Z>].

Sanford's past and present.²⁵ Yet importantly, Sanford also recognized that its work was ongoing, and celebrated many of these accomplishments precisely because they institutionalized a mechanism to continue reckoning with race and justice. Sanford city government officials noted, "[O]ne glaring reality for the City is race relations continues to be a pressing concern in our community and many communities across this country. City Officials fully recognize[] that improving race relations is still a work in progress."²⁶ The City of Sanford continues to move forward with a focus and resolve on reuniting the community through reconciling difference, embracing race relations, and a vision for Sanford that is inclusive of all its communities.

²⁵ *Nine Point Plan Progress Report*, *supra* note 97, at 3, 5-12.

²⁶ *Id.* at 3.

Columbus

Excerpt from William Froehlich, *Columbus Community Trust: Proactive work to Build Trust and Resilience*, Divided Community Project: Community Resiliency Initiative – Case Study 4 (2018), CC BY-NC-SA 4.0, <https://go.osu.edu/dcpcpri>.

We can connect you with the community leaders leading the Community Trust as well as people from the City who supported the process.

A diverse group of law-affiliated Columbus community leaders initiated what would become the Columbus Community Trust. Nancy Rogers and Josh Stulberg, two faculty from the Divided Community Project, housed at The Ohio State University's Moritz College of Law began building momentum for the idea in the summer of 2015. Leveraging Divided Community Project guidance, Rogers and Stulberg reached out to leaders who might support a planning process which would build community trust and resilience: Carter Stewart, the United States Attorney for the Southern District of Ohio; and, Carl Smallwood a respected local attorney who – among other initiatives – spearheaded an effort to combat statistics illustrating significant disparity between the number of minority and white attorneys at larger law firms.

With Stewart's blessing, Rogers, Stulberg, and Smallwood met with the John Mercer Langston Bar Association (JMLBA) and Columbus Bar Association (CBA) leadership on a number of occasions in late 2015 and early 2016. Smallwood explained bar leaders ultimately decided to "step up" and recognize there are residents whose rights are not being addressed and who are not being heard. JMLBA (a minority bar associated affiliated with the National Bar Association) supported the idea of the Trust because members knew and trusted Smallwood and Rogers.

The group quickly realized attorney-based membership was insufficient to initiate broad-based community planning and considered how to expand. Members agreed they wanted to recruit participants who were willing and able to get things done, but wondered whether there was a distinction between those who can accomplish things formally versus informally. In a matter of weeks, the group developed a 30-name list of individuals to engage in the process ranging from the Mayor and law enforcement and other elected officials, to religious, advocacy, and education leaders. Throughout May and in early June, the group continued to develop a list of civic leaders to engage. Members expressed hesitation when considering

COLUMBUS COMMUNITY TRUST MISSION/FOCUS STATEMENT

Columbus Community Trust's aim is to make the Columbus metropolitan region more resilient by advancing efforts to:

- Convene community stakeholders to understand deep community concerns;
- Build trust among residents and between leaders and residents;
- Identify/design processes to deal justly with constituency group concerns;
- Prepare the community to respond in resourceful and coordinated ways if an event occurs that challenges trust; and
- Develop shared plans for acting in the midst of civil unrest.

Public Input

- Interviews with several dozen community leaders
- Conversations with organizational leaders

Convening Group

- Small group of trusted leaders
- Convene the Community Trust

Agenda Setting Group

- Conveners and Task Force leaders
- Develop agenda and task force timeline

Task Forces

COMMUNITY TRUST DELIVERABLES

- 1) Ensuring community preparedness
- 2) Enhancing community resilience

officials up for election or re-election, asked who might be offended if they did not have a seat at—or were not invited to—the table, and considered whether it was appropriate to invite the Chief of Police for the City of Columbus to sit alongside a deputy from a different institution. One member suggested that the invitation to the Trust should be addressed to the organizational leader, but an alternative executive could attend on behalf of leadership.

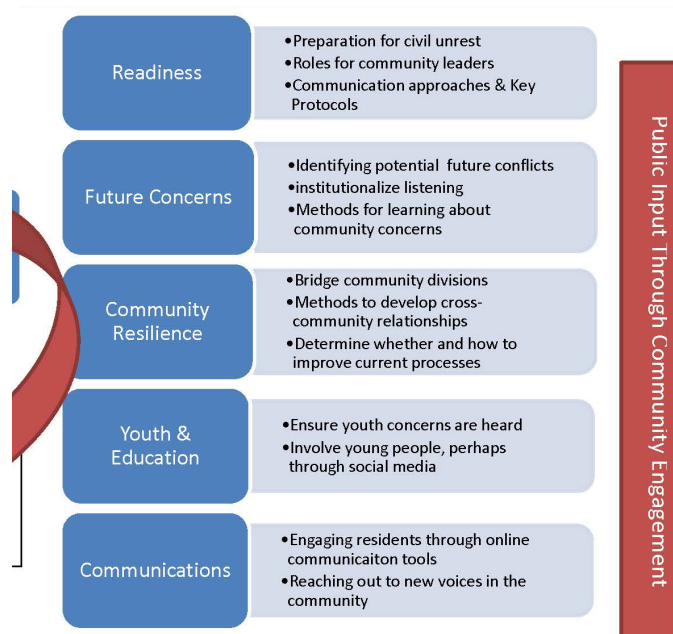
In June 2016, Trust members were tasked with reaching out to approximately fifty identified community leaders to discuss the Trust’s work and ask them to engage at a future date. Trust members reported favorably on their conversations with potential stakeholders—and turned the Trust’s attention to expansion. In late July, eighteen attended an expanded Trust meeting, including nine new members. Seasoned Trust participants described the group as a “broad-based planning effort” in advance of civil unrest; and, an effort to prep the community for unrest and to listen for sources of conflict.

New participants again recognized that other voices should be part of the Trust’s convening conversations. One new member asked the group to take a trauma-informed social justice approach to the project, urging the Trust to consider how to incorporate the voiceless into the design of the project. Another participant asked whether the Trust considered engaging a generation of younger leaders, asking how we populate a similar table for the next generation. All participants agreed that the Trust was fundamentally an attorney-oriented group, and the Trust “needs more people at the table.”

FORUMS AND ENGAGEMENT

The CCT worked quietly for more than a year before taking significant steps to expand stakeholder groups and community outreach. The Trust uses three formal primary methods for community engagement: 1) interface with City agencies; 2) continued stakeholder expansion; and 3) working groups.

The Future Concerns / Communication Joint working group and the Readiness working group are both active. The Future Concerns / Communications joint working group initiated their work in January 2018, inviting community stakeholders to identify how the community is listening for and responding to divisive issues. Participants agreed that the “future concerns” working group should “try to put itself out of business”, perhaps by weaving ideas for listening into currently existing structures. But new participants expressed some caution about the CCT, wondering how to connect suburbs to the Trust’s conversations, whether the *right people* were listening to Trust conversations, and whether the Trust was “too establishment” to truly listen in the community. Others noted that many members of the community simply do not have the capacity to attend yet another meeting to express their concerns,



particularly in light of prior community inaction. As a result of the joint working groups' initial efforts, the group asked university officials to help identify:

1. How have communities across the country “institutionalized listening” - *how* are communities sustainably and intentionally listening to residents?
2. How is the Columbus community currently listening through civic and non-for-profit structures?

A group of four law students in a clinical mediation course interviewed five experts in community engagement as a preliminary effort to begin answering the joint working group's questions presenting their findings at the May 2018 Trust meeting. The students organized their research into four themes: engaging broad stakeholder participants, multi-sector support, leveraging technology, building and maintaining trust. Trust members were empowered by the student presentation and asked university-affiliated members to conduct additional research. Perhaps more importantly, the students' work helped the Trust discuss how to move its work forward. In the summer of 2018, the Trust intends to convene a conversation between leaders of city and non-governmental organizations to consider how to improve—or what is missing from—their collective listening efforts.

The Trust's Readiness working group is charged with developing a community plan in advance of civil unrest. Kicking off the Readiness working group's efforts, the Trust invited Tim Heaphy, the author of the *Independent Review of the 2017 Protest Events in Charlottesville, Virginia*,²⁷ to spur the group's thinking about how to begin broad-based planning in advance of civil unrest. Heaphy's presentation focused on what went wrong, drilling in on three themes: 1) poor communication between law enforcement and other agencies; 2) Charlottesville Police Department's misplaced confidence in its ability to adequately manage large events; and 3) a lack of trust between police and community members. Prior failures to protect public safety “really eroded trust in law enforcement”. Ultimately Heaphy resolved that City failed to protect public safety *and* First Amendment rights, and that the City's failure will have lasting effects on the fabric of the community.

Discussion following Heaphy's presentation focused on how to plan in advance of civil unrest and the value of bringing new stakeholders into the conversation. Responding to whether a group can effectively plan in advance of civil unrest, Heaphy suggested the group must truly be diverse and include groups that are critical of the system and community leaders—if a truly diverse group can work together, perhaps they can develop trust and relationships to begin sharing information. If pre-existing relationships are in place, Heaphy indicated that advocates and organizations will be more open to dialogue with city leaders leading up to and in advance of crisis. The Readiness working group plans to build on the momentum of Heaphy's presentation with subsequent meetings including expanding stakeholders to include local university student leaders, as well as activists from the community. Thereafter, the Readiness working group will develop a “blueprint of suggestions and recommendations” to present to city leaders and the police chief.

The Trust continues to meet on a monthly basis as its work evolves. The Readiness working group is considering how to engage additional diverse stakeholders to develop a broad-

²⁷ TIM HEAPHY, FINAL REPORT: INDEPENDENT REVIEW OF THE 2017 PROTEST EVENTS IN CHARLOTTESVILLE, VIRGINIA (November 24, 2017), <https://www.hunton.com/images/content/3/4/v2/34613/final-report-ada-compliant-ready.pdf>.

based community plan in advance of civil unrest. The Future Concerns / Communication Joint working group is convening groups to identify ideas to better “institutionalize listening”. The Resilience, Youth and Education Joint working group is considering how to launch and support community resilience.

Perhaps, the Trust has enhanced collaborative communications and highlighted the need for broad-based community planning in advance of civil unrest. Yet, it is clear that the Trust’s work is just beginning.

North Carolina

Excerpt from: Nancy H. Rogers, Robert C. Bordone, Frank E.A. Sander, Craig A. McEwen, *Designing Systems and Processes for Managing Disputes* (2nd Ed. 2018).

Bitterness within a U.S. community 26 years after killings:

In 1979 the Communist Workers Party organized a demonstration against the Ku Klux Klan in a Greensboro, North Carolina, public housing project in which most residents were African American. As they prepared and as local residents of this southern U.S. city stood nearby, members of the Klan and a neo-Nazi party drove past the demonstrators. Demonstrators carried signs that read, "Death to the Klan." When a demonstrator slapped some of the caravan cars, several of those in the cars jumped out, grabbed guns from a car trunk, and fired at the demonstrators, killing five people and wounding ten others. During the gunfire, one of the demonstrators shot his gun as well and then was killed.

When prosecuted, those who shot at the demonstrators claimed self-defense. All-white juries acquitted the shooters of state murder charges and federal charges of violating the victims' civil rights. In 1985 a court found the police department, which did not station officers at the gathering point, and some Klan and Nazi members liable in one of the shootings. Subsequently, the city paid \$400,000 in settlement to resolve the civil litigation.

In 2005, the shootings remained a divisive community issue. A news reporter's videotape of the shootings depicted unarmed demonstrators being shot at close range. With the 1979 videotape now posted on the web, residents continued to speculate about how a fair trial could have resulted in acquittals. Residents asked the City Council to investigate and make public statements about what occurred years before. The City Council declined, 6 to 3, with all white members voting no and all African American members voting yes.

Hundreds of local citizens, though, offered to donate the needed funding for a process to deal with the shootings and their aftermath. After studying truth and reconciliation commissions around the world, the citizens group ultimately implemented such a commission. The [Truth & Reconciliation] Commission publicized its work, investigated, and heard testimony. Though the private commission lacked subpoena power, many testified, including former members of the Ku Klux Klan, former Nazi Party members, former Communist Party members, demonstrators, and police. Some apologized for their roles. A year later, in 2006, the Commission issued its findings and recommendations to governments, schools, and community groups. The Commission recommended finding ways to remember advocacy for investigations of police corruption; changes to diversify jury pools, and efforts to reconcile. In 2009, the City Council expressed regret on behalf of the City of Greensboro regarding the 1979 shootings (see <http://www.greensborotrc.org/>; Williams, 2009).

In Greensboro . . . people sought justice through traditional court processes, but what happened in the courts did not satisfy their desire for justice. . . . In Greensboro, when the city said no, the citizens were so intent on supplementing the justice system processes that they donated the funds themselves to create a process to meet stakeholder interests.

New Orleans

Excerpt from: Nancy Rogers, Manuscript for *Dispute Systems Design*

Hurricane Katrina devastated New Orleans, Louisiana, in August, 2005. By fall, 353,000 of the 455,000 pre-Katrina residents still lived outside the city. Though other planning initiatives had begun, city officials wanted citizen participation in its rebuilding plans for a number of reasons: to tap citizens' ideas; to find out their priorities; to make them feel engaged in the life of the city so that they would stay in New Orleans or, if they had left, return; and to increase the attractiveness of the city's plans to foundations and other potential funders.

Those designing a process to achieve a citizen-based consensus on a plan to rebuild New Orleans had to break new ground. They hoped to reach scattered residents, educate citizens about the implications of various choices, engage citizens in the planning process, and form a consensus. And they wanted to accomplish all of this quickly. The organizers needed a novel approach to achieve this level of preparation and input in a short time frame with scattered residents. They relied heavily on technology in their system design. With the help of consultants, New Orleans attracted thousands of its citizens to an online resource where they could learn and then register ideas. Later more than 2,000 met in three successive "community congresses"—sitting around tables in New Orleans, connected by satellite technology to those gathered in the cities with the largest number of "diaspora" members, and connected by Internet from libraries or home computers for those unable to attend any of the in-person gatherings.²⁸ They began each congress by building on past consensus.

Participants developed ideas in small group discussions. Facilitators used software to help blend the small group ideas into broader themes, and the participants prioritized among themes through digital voting. In slightly over a year, thousands of pre-Katrina New Orleans residents had collaborated to reach consensus on a plan that the Mayor endorsed and ultimately the City Council adopted. Planning experts Robert Olshansky and Laurie Johnson studied the process and concluded that the process was "remarkably transparent, had broad involvement, and carried considerable credibility". They credit the process with helping to create a positive planning culture that cut across traditional lines, with boosting the image of New Orleans, and with likely helping to attract more funds for the rebuilding efforts. For years afterward, a planning website kept participants and the public-at-large informed by recording each major national grant to move the plans forward, as well as progress in implementation in each neighborhood.

In New Orleans, the designers used technology both for its artificial intelligence tools to blend the ideas from various groups quickly and for communications among scattered groups and individuals. Without the technology, they could not have achieved the broad viewpoint that led to funding and direction for the devastated community so quickly.

²⁸ You can watch the second of these congresses at <http://www.youtube.com/watch?v¼jA8xIVZAok8>.

APPENDIX PART II

ABOUT THE BRIDGE INITIATIVE @ MORITZ & THE DIVIDED COMMUNITY PROJECT

Across the country, local government, law enforcement, and community leaders are grappling with increasing tensions associated with hate incidents and crimes, officer involved shootings, and other incidents that have a lasting impact on individuals as well as entire communities. These local government and community leaders understand better than anyone the needs of their communities and share a sense of urgency to respond productively to civil unrest. And it is precisely in these times of crisis when the expertise of a mediator with experience developing processes that not only keep initial protests safe, but also offer a path towards engaging the entire community in realizing more systemic reform, is most valuable.

The Divided Community Project's (DCP) Bridge Initiative @ Moritz, a project based at The Ohio State University Moritz College of Law, seeks to fill this need as identified by local government, law enforcement, and community leaders. Upon request and at no cost, mediators and other experts with extensive experience in helping local leaders respond effectively to civil unrest and tension in communities across the country can help mediate conflicts between community and law enforcement, train local community members on effective strategies to keep protests safe, and offer technical assistance to executives and community members seeking to build sustainable infrastructure for inclusive engagement. In addition to their expertise associated with addressing community conflict, as people from outside the community, it may be easier for mediators to introduce and facilitate processes to meet the needs as identified by all the different parties in a community.

While mediators may introduce and help facilitate processes, the power driving the processes always comes from local leaders in the community, and they produce real results. Whether hosting tens of thousands in demonstrations without arrests or violence, or channeling demonstrators' energies into planning improvements and tangible changes, working with mediators, local governments and leaders shape these processes as their own in order to help realize the full potential of their communities.

The Divided Community Project is housed at The Ohio State University Moritz College of Law.



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