

Mindful Justice Conference:

Working Paper Series

***Mindful Community Engagement: A Case Study of a Mindfulness, Race and Law
Enforcement Collaboration in an Urban Community***

Pre-Conference Workshop Paper

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I. Introduction, Overview and Summary

This paper will describe aspects of an ongoing experiment with the introduction of a mindfulness-based intervention to support public-private, community-based engagement around matters of public concern. Specifically, and at this stage in the experiment, this paper describes two mindfulness-based Workshops involving members of the San Francisco District Attorney's Office; the University of San Francisco School of Law (where I have served as Professor of Law for 18 years, and a mindfulness teacher for 6 years); and interested members of the broader San Francisco community. A mindfulness-based framing for the community meetings was explored in light of evidence suggesting that these practices offer unequalled support in dealing with emotionally-charged matters, and specifically assist us in dealing with the operation of bias and stereotyping in our lives. Below I describe how the sessions were arranged, outline the mindfulness practices offered, and discuss aspects of the feedback that I've received so far which confirm the potential benefits of such an approach to support community-based engagement addressing a wide-range of communities in conflict.

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A. Background and Rationale for Mindfulness:

In March, 2015, the San Francisco press revealed that a number of San Francisco police officers had engaged in an exchange of racist text messages.² Shortly thereafter, the San Francisco District Attorney's office called a Community Meeting to discuss the D.A. office's concerns, and to hear the concerns of the community. The majority of the invitees and attendees were African American. A smaller number were Latino. At that meeting, members of the community asked for a community-wide series of meetings to raise the community's awareness of the depth of the problems of bias in law enforcement, and to develop means of addressing these problems and turning the tide. I was asked to assist the District Attorney's office in facilitating these discussions.

The SF DA was concerned about the possibility/probability that racism in policing simply leads, in a structured way, to bias in their prosecutions. This calls into question the level of bias infecting the whole system, and the DAs office seems to get that in a way that many DAs do not. For this reason, the DA decided on his own to investigate the connections between bias and law enforcement (and those issues, specifically). And this series was set up specifically by the DA as part of that investigation. The DA and his office are hoping to be able to confirm that they are not

² For the official document containing the reported offensive messages, see "Government's Opposition to Defendant Furminger's Motion for Bail Pending Appeal," U.S. Dist. Ct., N.D. Ca., CR 14-0102(March 13, 2015), available here: <https://drive.google.com/a/usfca.edu/file/d/0B4pdvMvLhJfdQXNKTUt0R04tUUU/view>. See also, "The Horrible, Bigoted Text Messages Traded Among San Francisco Police Officers," Gawker, March 18, 1015 (reporting, for example, the following messages obtained from the official record: "We got two blacks at my boys [sic] school and they are brother and sister! There cause dad works for the school district and I am watching them like hawks;" and, in response to a text saying "Niggers should be spayed," [Former San Francisco Police Officer] Furminger wrote "I saw one an hour ago with 4 kids;" and, "In response to a text saying "All niggers must fucking hang," Furminger wrote "Ask my 6 year old what he thinks about Obama.")

simply taking the biased reporting and policing of the police and building cases on them that lead to further subordination of brown and black people in SF. A number of DAs spoke directly about that concern during the original workshop, which had a greater number of DAs in the room.

While members of the police department were invited to the sessions, the sessions were structured to give a sense of safety to the members of the community, and not feel a sense of obligation to present a “balanced” hearing: these sessions were meant to be community-centered.

I co-led the session with the District Attorney’s Director of Community Relations, Assistant District Attorney Marisa Rodriguez, a USF Law graduate and former student in my Torts class and in my Race, Law and Policy class. Marisa (and others in the D.A.’s office who attended) had some experience in mindfulness and law, having participated with several of her colleagues in the D.A.’s office in a series of mindfulness classes offered by our colleague in the mindfulness and law world, Judi Cohen. Other members of the community were not polled on their background in mindfulness. This was intentional, as it has been my experience that when offering these practices as a means of supporting work in community and challenging issues, it helps to look for ways of introducing them that seem consistent with community needs, not pre-planned or “canned.” In pre-meetings with Marisa and various constituents within the community (religious leaders, D.A.’s office, etc.), I determined that many in these intersecting communities were seeking a way of dealing with these issues that might support a sense of healing in the community, and the building of capacity to deal with difficult issues.

Two sessions were subsequently conducted: an opening, 5-hour “Healing Circle,” and, several weeks later, a follow-up two-hour “Working-Together Session.” Each of these were voluntarily attended by a broad cross-section of 40+ members of the San Francisco community with an interest in working together to address issues at the intersection of race and law enforcement. The practices introduced were more or less specific practices that I have developed to assist in Mindful Facilitation of Group Dialogue. These include the creation of a norm of pausing and creating space together; the setting of intentional guidelines for our discussion, such as mutual respect; listening with the intention of inviting the truth; fully transitioning into our space and inviting silence as a support. In the Healing Circle Workshop, these included very lightly guided invitations to “Mindfully Transition into and Enter, and Be Present in the Space;” to “Mindfully Co-Create a Space for Respectful, Mutual Healing Community,” and simple instructions in Mindful Speaking and Listening. In the “Working Together Workshop,” we included the practices above, as well as a set of instructions for “Mindful Small Group Work,” a Simple “Moment of Gratitude”, and a “Closing Awareness” Practice.

B. Summary of Outcomes:

As the following few pages will reveal, when measured by the desire to infuse mindfulness practices in ways that would support dialogue and community building, these interventions have been successful. When brought to bear with respect for the assets of the community and respect for their needs, these and similar practices should be introduced to assist in meeting communities in distress mindfully where they are, and meeting them in ways that mindfully support them in strengthening and moving forward.

II. Workshop Design and Participant response

a. Format, content introduced, timing

The following is a brief overview of the design of each of these two Workshops.

i. “Opening Healing Circle”: Mindfully Creating a Space for Individual and Community Healing.

This workshop was scheduled for 5 hours (10 am – 5 pm) on a Sunday. The intention with this session was to provide an opportunity for participants to come together for the healing engagement necessary to form an effective learning-and-working community in times of distress. For the purpose of this session, I defined healing as an opportunity to (1) come to terms, compassionately, with things as they are (Kabat Zinn, 2010); and (2) re-experience the self in a way that might promote an opening of the heart and a turning toward new possibility (Magee, forthcoming, 2016).

Thus, along with co-facilitator Marisa Rodriguez, agreed on the desirability of paying attention to a variety of what might be called “Mindful Space” details. In terms of the basics, we agreed to arrive early to greet each participant with genuine welcome. And we arranged for light food (fresh fruit and small pastries, coffee and water) on arrival, and a buffet lunch (fresh salad and sandwiches) to be available by noon.

I see the core of the work of creating Mindful Healing Spaces as being about compassion, compassionate engagement with things as they are, including who we are, what we are feeling, and the ways we are feeling cut off from our essential beauty, wonder and nobility. Thus, I included a “Centering and Honoring” practice. Using candles, for their symbolic and energetic impact, I lit a candle and invited each participant to think of the candle as a reminder of their own inner light, of the sacredness of their own voices, and of the sacredness of our own space.

Following this, I briefly described a set of what we called “Ground Rules.” I have at other times referred to these as “Contemplative Commitments,” or “Contemplative Community Agreements.” The purpose of these is to invite a conversation about how we are to communicate with one another – with respect, giving equal time, etc. -- and to invited “buy-in” with this idea through the process of discussing and naming what we refer to as “agreements” by which these commitments are made manifest.

Poetry is a contemplative practice often used in the teaching of mindfulness. To honor the creative instincts of this community, and to include the energetic voice of the young, we included a published, spoken word artist, who offered an emotionally-powerful piece of poetry.

I then invited members of the Circle to silently reflect on what brought them to the event. I invited a quiet centering on the breath, on the sense of the body in this space, on the support in the room for each of them. From this place of support, I invited them to hold the following questions, aimed at increasing self- and interpersonal-awareness, and a focus on the assets in the group, and to notice what arose in response:

1. “What brought you here?”
2. “What resources could you share in working together to address those concerns which lie behind your motivations?”

Following this period of reflection, I invited participants to speak into the circle. They would be timed, so that no one would speak longer than 2 minutes, and we would use a mindfulness bell to keep the voices moving around the circle. Although I indicated that one might pass, nearly everyone took the opportunity to speak into the circle, and we ended up spending most of entire Workshop.

For reasons of confidentiality and concern for creating a sense of complete safety, I chose not to record the proceedings, and avoided taking copious notes. However, the notes I did take revealed common concerns about race-based policing, such as the following:

While crime exists in all communities, [it’s] mostly Black/Brown people being prosecuted.

[Noting experiences of] random stops because of stereotypes

As a member of the DA’s office, it’s challenging doing the work knowing that the system has bias, knowing that there is racial injustice and still doing the work of a prosecutor.

This is a painful period. Feeling the need of community.

[As a] “formerly incarcerated,” I have an abolitionist perspective. We need less policing, less incarceration. Because the prison system is perpetuates racism. [At San Quentin] as soon as you arrive, you have to state your race. The whole time you’re there, you are categorized by race. You are housed with other people according to your race. It’s the same as Jim Crow: everything is segregated. I tried to push back against this while in prison.

[As a white woman] I am committed to working on exposing whiteness, and white privilege. Struck by a recent report of a 5-year-old Black child in kindergarten who had had the police called on him 3 times. Something has to be done. This is why I’m here.

[Appreciating the sense that] There are a lot of gifts here. Excited to be here.

I’m a defense attorney. I bring lawsuits for people who’ve been injured by the police. When the issue finally reaches the court, or in trial, a lot of this stuff can’t be spoken about. Need to climb upstream to begin the work.

[A prosecutor] I think we are on the brink of a civil rights/human rights movement.

[Community member] Colorblind is a lie.

[Community member] Cops believe Black Lives Don’t Matter.

I became an assistant D.A. because of the issue of underrepresentation of Blacks in this part of the system. But at the same time, I am part of this system, and it needs to be fair. There’s extreme bias in this system.

I came to be here because my wife asked me to come. But now I realize my voice needs to be in this conversation. [Revealed racist texts] brought out sadness. We have to take these issues more seriously. I’m also a former victim of a crime. I was shot right here in this City over a cell phone by another Black man. Surgery [required efforts to address these issues] must take place all across the board.

There was a White male police officer who was able to get to know all of the people in his [predominantly Black] beat. Want to know and share how that can be done.

At lunchtime, we took a short, half-hour lunch break, and transitioned back into the circle with the benefit of another poem. After lunch we returned to the Healing Circle format, and closed with a reflection on what felt gratitude-engendering and healing about the experience, and an inspiration (based on a Maya Angelou quote) to go forward and offer healing to someone else.

ii. “Working Together Workshop”: Building Capacity for Engagement through Mindfulness-Based Personal and Interpersonal Practices

This Workshop was organized and promoted as a “Working Dinner,” and ran from 6:00 to 8:00 on a Tuesday evening. We provided a very light dinner of pizza and salad. The first half hour was intentionally designed to permit welcoming, support in settling into the space, and gentle instruction in mindful eating. From 6:30 to 6:45, the District Attorney, Assistant D.A., and the Dean, on behalf of the law school, framed the conversation and the effort. From 6:45 to 7:15, participants were to reflect together according to small group self-facilitation instructions (choose a notetaker, choose someone to report out at the end, choose someone to ensure everyone gets a chance to speak) and guided by specific questions that were both spoken and available at each seat in a written document. The audience was divided into groups of 5 (using a “counting off” process to enable efficient but “random” group formation). Each group was given large format Post-It paper, and blank sheets of 8 x 11 inch paper, on which to take notes. The questions were the following:

- A. What problems do you see at the intersection of racial bias and law enforcement (profiling? Cultural issues? Disrespect? Others?) that need to be addressed?
- B. What steps would you suggest be taken next to organize and identify community views and needs?
- C. What specific policies or practices would you suggest be called for from City leadership?

From 7:30 to 7:50, we facilitated sharing out from each group, and at 7:50 we turned toward closing comments and a brief gratitude reflection, aimed at having each person identify some aspect of the evening for which they were grateful, bring it to consciousness, and allow that to serve as inspiration for the continued work ahead.

b. Participant response

Each of the sessions went well. We built time into Session One to obtain written feedback during our time together. Based on feedback from participants, the first session accomplished the goal of helping people come to terms with things as they are, and turn toward the work to be done with a sense of possibility. We were not able to get the scheduled “Working Lunch” – once again, due to the decision to permit the “Healing Circle” to continue until everyone who wanted to speak could speak. Mindfulness-based practices, while often somewhat stealth in their delivery, seemed critical to the success of this event. The practices seemed especially to assist in helping people feel supported, and to feel that their voices mattered (as indicated by the feedback comments, below).

To underscore the importance of the participants' voices, we set aside 15 minutes toward the end of the session to enable participants to complete evaluation forms. In consideration of the short format of this White Paper, I have included only a representative sample of the responses to two of the most relevant questions, below.

Question 2: “Thinking about the Sessions (Opening Circle, Working Lunch, and Closing Share-Out) what was the most significant take-away for you?”

The following are the first 5 and several of the remaining most poignant of the responses:

- 1) Opening circle
- 2) Continued dialogue & brainstorming
- 3) That we still have a lot of work to do
- 4) Opening the Circle—Strong, positive, constructive; you set boundaries & guidelines to facilitate meaningful dialogue
- 5) The respect we share in the room was significant.

And:

- 1) That each person wants to make a difference & be the change we want to see.
- 2) Sometimes it's important to just have a space to speak from heart & not try to move a structured agenda
- 3) I know my vision to young black...they are from a beautiful people. .. They should be more about don't be afraid of being a man 'boy'. Thank you.
- 4) Meeting comrades-in-arms for justice
- 5) You are not alone. The open circle was healing to hear everyone express how they feel.
- 6) That SFDA & USF are collaborating to create a medium for listening to community members' concerns.
- 7) The most significant take-away is how the open circle supported and encouraged personal and sometimes painful experiences.
- 8) There is an abundance of hurt/pain that has to be tucked away and lost within the criminal justice system but we have a chance to change it.
- 9) This is the start of a new process. Wondering what will become of it.
- 10) Obviously – Circle

11) I am not alone! Please, if you can, keep doing this.

Question 4: “What did you like best/enjoy the most about the Forum?”

The following are the first 8 of 31 similar comments taken verbatim from participant evaluation forms:

- 1) Having this event in the first place
- 2) The facilitator and methods to facilitate this dialogue; collaborations with the D.A. office and USF; location and venue
- 3) I enjoyed listening to everyone’s story and the reasons they came to the forum
- 4) Everything
- 5) The feelings in the room were palpable. I appreciated the candor and vulnerability in the room. The need for continued discussion regarding the intersectionality of race, poverty, and law enforcement
- 6) Appreciated the circle format; Flexibility with energy level and pacing were very thoughtful
- 7) Range of folks present; Opportunity to sit in large group and witness/hear each other a good beginning.
- 8) That people were allowed to be honest and truthful and to speak from their personal experiences....

Feedback forms indicate that of the more than 40 people in attendance, only one or two people were disappointed that we took the time to go around the Circle and allow everyone to be heard. Most of the group found the time devoted to healing to be essential and valuable. But indeed, doing so took a significant amount of time, and the will to do so emerged from deep concern for the community. Mindfulness-based interventions of this sort require both time, and genuine compassion, indeed love, for the participants.

As one final indication of how well the first workshop went, a great majority of those who attended the first workshop responded to our next call, and attended the second.

The second session also went well. Here as well, subtle, deep mindfulness seemed most effective in helping frame the work of the evening so as to build on community resources with respect. We ended up scheduling the second session as a

Working Dinner to take up that part of the scheduled work that we were not able to accomplish in the first 5-hour session. The group dialogues went extremely well, yielding both thoughtful feedback on a difficult topic and a sense of hope, indicated by the will to continue meeting again.

During the second session, we circulated feedback forms afterwards, which unfortunately were not sent out until a week after the event. As might be predicted, we received relatively few returned forms, but among those, the responses were quite good.

The following were taken verbatim from one of the six Small-Group's (Group Two's) submitted notes:

Group Two Notes

A. Problems

1. [Community members feel] disrespected; and fear
2. Police feels unstoppable – [community members feel] owned
3. [Police] Feel above and feel that people are beneath
4. Assumptions [Bias]
5. Chance [risk] mindset
6. [Outsiders are] In denial because it doesn't affect them

[Proposed Solutions]

1. Find root problem
2. [Address] racial hatred
3. [illegible] evaluation/questionnaire
4. Race is a Factor
5. Make officers do community service
6. Divers[ify] race[s] among/between police partners
7. [Subject police to] psychiatric evaluation
8. Screenings
9. Closely watch new officers when hired
10. Examination of [Police Commission] charter
11. Evaluate officers → see if there are any patterns
12. [Biased questioning] “Are you on parole or probation???”
13. Policies -- beliefs
14. [Policies] revised 10/11 years ago – needs [sic] to be revised again
15. Subpoena police officers

As with the first session, we concluded with an exercise intended to bring people back together, to center, and to reflect with gratitude on the experience.

Among the three feedback forms returned via email were the following two representative sets of responses:

Law Enforcement, Race and Justice Forum: Part Two Feedback Form
Date: July 28, 2015

Please take a moment to provide a short set of responses to assist us in improving our offerings.

1. What did you like best/enjoy the most about the Forum?

I liked the structure and use of our limited time that was used to generate excellent input from the community members present.

2. What is the most significant take-away for you?

I was encouraged by the commitment I saw from many in the room to help lead change in policing. I was very grateful for the DA's opening remarks that created strong support and emphasis on community leadership.

3. What topics raised today, or related topics, would you like to see the SFDA and/or USF focus on in future events?

I would like to hear how we can change the culture of the Police. I would ideally like explore a reliable feedback system for the Community that would provide specific feedback on the quality of each police contact with a community member. This process would be intended to provide feedback on service (Procedural Justice) and not intended to elicit complaints against the police. We would begin to learn which officers create positive contacts with community members and those who consistently miss doing that. It would provide critical information that would be both qualitative and quantitative. We now have the technology to do this at a reasonable cost. This effort would begin to place quality service as a top priority. Focus would first be to implement it in diverse communities.

4. What, if anything else, would you suggest as areas for improvement?

Just more time and participation of more community members.

Thank you for your presence, time and valued reflections! -- SFDA/USF

1. What did you like best/enjoy the most about the Forum?

I liked that the Forum was held in a collegiate setting with a cross-section of people from different walks of life (attorneys, students, religious and community leaders, professors, and other concerned citizens) and ethnicities sharing their experiences

and points of view regarding this issue. I also liked that the fact that we, as a group, recognized that the “text messages” that initially brought this Forum together is a symptom of larger discriminatory behavior fueled by bias.

2. What is the most significant take-away for you?

The most significant take-away for me is that people care enough about this issue and are willing to find meaningful and substantial ways to address it.

3. What topics raised today, or related topics, would you like to see the SFDA and/or USF focus on in future events?

Include implicit bias training for officers (if it is not being done already): recognizing that we are all guilty of this in some respect, yet being aware of it so judgment in various situations is not clouded or blinded by it. Also, someone in my work group brought up a good suggestion: In addition to law enforcement officials sitting on an oral board for PD [police department] applicants, have a citizen or community member included as well (if this is not being done already). This person would be able to pose questions to applicants.

4. What, if anything else, would you suggest as areas for improvement?

None at the moment. This is a good foundation to build on.

In short: each of these first two sessions indicates the value of mindfulness-and-compassion-based interventions to support the healing of communities in distress. Future research, including pre- and post-intervention surveys of participants, will be important next steps in confirming the value of these interventions.

Fortunately, this particular process and engagement continues, and I have been asked to facilitate one or more meetings involving an independent panel of sitting and retired Judges who are part of the team assembled by the SFDA to assist him in devising a response to the evidence of racism in the SFDA’s office that will have a lasting impact. These meetings are expected to take place in September and October, 2015. If possible, I will employ pre- and post-intervention surveys there, but at a minimum, will gather additional qualitative feedback to support this ongoing research.

III. Conclusion

The mindfulness-based interventions infused in the workshops explored in this partnership between the San Francisco DA’s office and the University of San Francisco School of Law demonstrate the potential efficacy of mindfulness-based interventions to support healing and strengthening of communities. If made

available to a wider population, these practices could provide the basis for deep healing and the new beginnings at the intersection of race and justice that so many so deeply need.

References

Kabat Zinn, J., in “Jon Kabat Zinn and the Healing Power of Mindfulness,” Tricycle, October 10, 2010.

Magee, R. , *The Way of ColorInsight: Understanding Race and Law More Effectively Through Mindfulness-Based ColorInsight Practices*, 8.2 Georgetown Law Journal of Modern Critical Race Perspectives _ (forthcoming Spring 2016)