

Race, Law Enforcement, and the Beloved Community¹

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In 2016 Georgia Appleseed issued a report entitled “Seeking the Beloved Community: Fostering Crucial Conversations about Race, Law Enforcement, and the Law.” The International Association of Law Libraries invited me to speak at its conference because it was interested in why Georgia Appleseed had chosen that project, and they were also interested in the methods we used to create the report. Here I’ll provide a summary of my talk, first introducing the work of Georgia Appleseed, and then turning to the project report itself.

WHAT IS GEORGIA APPLESEED?

Georgia Appleseed is a center for law, policy, and community engagement. We grew out of a Harvard 35th law school reunion, where the alumni brainstormed about the public good that could be done with the resources in their firms. The result was the Appleseed network, which now has 16 offices in the U.S. and one in Mexico. These individual Appleseed offices use the power of *pro bono* to create systemic change. Rather than representing individual clients, we turn to law and policy.

Our “Theory of Change” has three components: investigation, dissemination, and advocacy. The investigation stage is where the bulk of the *pro bono* work comes in. Last year, firms donated over 2,000 hours valued at \$800,000. For the Race, Law Enforcement, and the Law project, *pro bono* attorneys met individually with 140 stakeholders across Georgia. They interviewed individuals from law enforcement agencies, non-profits, and churches, as well as elected officials, business leaders, community members, and attorneys. A data firm donated its services to collate the data received and make it searchable. Each Georgia Appleseed project uses an advisory committee, consisting of experts who help interpret the data. The advisory committee reviewed our draft report, which we also shared at a stakeholder forum. The final report was issued to coincide with a Continuing Legal Education seminar presented with the Atlanta Bar Association. That final report had recommendations that became the basis for the advocacy stage of our project.

THE REPORT: RACE, LAW ENFORCEMENT, AND THE LAW

In 2015 Georgia Appleseed received a call from a mayor in a small town in Georgia asking if there was something that could be done to prevent a “Ferguson” from happening in Georgia. Like the mayor, many citizens were concerned by high-profile incidents of police encounters with African-American men, and the unrest that followed in cities and towns across America. Georgia Appleseed responded to the mayor’s request. The resulting report, executive summary, and appendices are located on the Georgia Appleseed website.³

Georgia Appleseed first identified a goal: increase public trust in and confidence in the fairness of police interactions and of charging decisions. We broke that goal into two areas: Preventive and Responsive. Based on Georgia Appleseed’s analysis of law and policy in Georgia and on the input the *pro bono* attorneys received

¹ This is the text of an oral presentation made at International Association of Law Libraries 36th Annual Course on International Law and Legal Information, *Civil Rights, Human Rights, and Other Critical Issues in U.S. Law*, Atlanta, Georgia, USA, October 22–26, 2017.

² © Allison Rutland Soulen 2018. The author is Director of Projects, Georgia Appleseed Center for Law and Justice.

³ <https://gaappleseed.org/initiatives/race-law-enforcement-and-the-law> (Last visited February 19, 2018).

from stakeholders, we recommended actions in each area to further the goal of enhancing law enforcement relations with their community in Georgia. An overarching component is an emphasis on clarity and reasonable transparency, so that members of the community have confidence and trust in public officials as they engage in the important work of keeping the community safe. I outline briefly below the recommended measures that have broader applicability outside of Georgia.

Preventive Areas:

1. **Standard Operating Procedures (SOPs).** Standard operating procedures, as the name implies, establish responses for various routine and/or anticipated encounters. For example, SOPs might set forth criteria that must be met before an officer can use force, steps for reporting that use of force, or a checklist for when an officer must call a supervisor. SOPs are recommended but not required in Georgia, and there are model SOPs available. *Georgia Appleseed recommended* that these SOPs become public – either on a website or in a public library. Community members might not avail themselves of the opportunity to review them, but at least they would be available for review and thus would provide a measure of transparency in addition to providing guidelines for law enforcement.
2. **Training.** Currently, Georgia requires police officers to complete 408 hours of training in an eleven-week program. This is a low level of required hours, behind Alabama’s requirement of 520 hours and well-behind Florida’s 770 hours and Kentucky’s 928 hours. The hours are also low compared to training requirements for other fields of work within Georgia. For example, to become a licensed cosmetologist, the applicant must successfully complete 1,500 classroom hours, a comprehensive test, and 3,000 apprenticeship hours. Someone seeking certification as a nail technician must successfully complete 525 classroom hours, a comprehensive test, and 1,050 apprenticeship hours. *Georgia Appleseed recommended* an increase in the required hours of training and a comprehensive curriculum review for that training. The training should include a focus on crisis intervention and crisis de-escalation,⁴ as well as current trends in recognizing bias and implicit bias.
3. **Data Collection and Availability.** Accurate performance data is essential for external accountability as well as internal management oversight, and Georgia law enforcement officials collect substantial data. However, incidents of concern can arise out of encounters prior to arrests, and there is little data on police stops and detentions that do not involve arrest. *Georgia Appleseed recommended* that a government council explore the feasibility of expanding data collection and making any resulting data publicly available.
4. **Community Engagement and Outreach.** Community engagement is a philosophy of law enforcement, not a program of law enforcement, and requires strong and committed leadership at the local level. It is thus difficult to mandate community engagement. Georgia Appleseed continues to explore how to encourage the expansion of the philosophy of community policing throughout the state.

Responsive Area:

5. **Post-Incident Communication.** Effective communication between law enforcement and the community it serves can instill confidence and trust in the fairness of decisions, but early communication must be balanced with investigative needs. *Georgia Appleseed recommended* that the Georgia Association of Chiefs of Police develop a model policy outlining best practices for the disclosure of information to the public and to the family.

With the findings and recommendations set forth in the report, Georgia Appleseed convened conversations for the community to come together and share perspectives. Georgia Appleseed developed a guide for these conversations, and the guide may be used in your own university, neighborhood, or town – it is not specific to Georgia. The guide is on the Georgia Appleseed website and I encourage you to use it.⁵

⁴ This is of essential importance in encounters with persons with mental health disorders.

⁵ <https://gaappleseed.org/media/GaAppleseed-RLEL-Community-Meeting-Guidance-FINAL.pdf> (Last visited on February 19, 2018).

GOING FORWARD AT GEORGIA APPLESEED

Georgia Appleseed derived its “Seeking the Beloved Community” title from the speeches of Martin Luther King, Jr. *The New Yorker* cover illustration on January 26, 2015 depicted King’s vision of a beloved community.⁶ The seed of the illustration was a 1965 photo, with King striding forth leading the civil rights movement. Illustrator Barry Blitt drew the 2015 cover as we approached the 50th anniversary of the Selma to Montgomery March. Blitt replaced King’s companions with African-American men who died as a result of high-profile police encounters – Treyvon Martin, Eric Garner, Michael Brown. Then, in the stroke that formed the reconciling and restorative community, Blitt added Officer Wenjian Liu. An Asian-American New York Police Department officer, Officer Liu was shot in his patrol car in attempted retaliation for the deaths of Martin, Garner, Brown, and others. In the cover illustration, arms are linked in a show of unity. Barry Blitt explained his drawing:

“It struck me that King’s vision was both the empowerment of African-Americans, the insistence on civil rights, but also the reconciliation of people who seemed so hard to reconcile,” he said. “In New York and elsewhere, the tension between the police and the policed is at the center of things.”

Georgia Appleseed hopes that its report and recommendations will provide a way forward for communities across Georgia before, during, and after tragic situations.

⁶ <https://www.newyorker.com/magazine/2015/01/26> (Last visited on February 19, 2018).