COMMUNITY – POLICE
ALTERNATIVE CONFLICT RESOLUTION (ACR) PROGRAM

BACKGROUND

In October 2013, the City of Davis engaged a consultant to facilitate Dialogue Sessions between Davis Community members and the Davis Police Department on the topic of racial profiling. Discovery Sessions in October lead to Dialogue Sessions held from November 2013 through September 2014. The Dialogue Sessions resulted in the creation of this Community – Police Alternate Conflict Resolution (ACR) Program designed to restore the Davis Community when conflict occurs between a Davis Community Member(s) and a Davis Police Department employee(s).

The ACR Program outlined in the following pages borrows liberally from and acknowledges the work of Kay Pranis, a national leader in restorative justice, specializing in peacemaking circles and Marshall B. Rosenberg, Ph.D., American psychologist and the creator of Non-Violent Communication, a communication process that helps people to exchange the information necessary to resolve conflicts and differences peacefully.

An outline of the flow of ACR Program basic functions is found in Figure 1: Community – Police Alternate Conflict Resolution (ACR) Program Process. Each basic function of the process (presented in a verb + noun format) is described below.

AUTHORITY

This ACR Program uses a method of conflict resolution known as the “circle process.” This method of conflict resolution complies with the California Evidence Code Section 1115 definition of mediation which states:

(a) "Mediation" means a process in which a neutral person or persons facilitate communication between the disputants to assist them in reaching a mutually acceptable agreement. The “circle process” is mediation.

(b) "Mediator" means a neutral person who conducts a mediation. "Mediator" includes any person designated by a mediator either to assist in the mediation or to communicate with the participants in preparation for a mediation. A “circle keeper” is a mediator.

(c) "Mediation consultation" means a communication between a person and a mediator for the purpose of initiating, considering, or reconvening a mediation or retaining the mediator.
ACR PROGRAM PURPOSE

The ACR Program is an informal, confidential mediation process based on two restorative practices: circle processes and non-violent communication. Through the ACR Program, the Community Member(s) with a specific complaint about an interaction with a Davis Police employee(s), and the Davis Police employee(s) meet in a face-to-face restorative process with the assistance of a team of two trained Circle Co-Keepers.

The ACR Program allows the participants to the interaction giving rise to the complaint to safely explore, understand, and/or mutually resolve the issues of the interaction with the object of healing the conflict. This may result in an agreement or an agreement to disagree. Participants are not required to reach a formal resolution. The expectation, however, is that by “coming together in a good way,” the relationship between the participants will be restored.

REQUIREMENTS

Requirements are specific characteristics that are critical to participants’ satisfaction with the ACR Program. The program is informed, in its design and implementation, by these participant expectations.

Keep Confidentiality. Confidentiality is an essential element of the ACR Program. All participants must feel free to speak candidly. Audio or video recording of any kind is not allowed during the preparation or execution of an ACR Program circle process.

Confidentiality has special relevance for public complaints. Participants must be assured that any apology or acknowledgement of wrong doing will not be used against them, either by the Police Department or by a private attorney, in any subsequent proceeding of any sort.

Confidentiality does not preclude the Department from capturing general statistical information necessary to evaluate the effectiveness of the ACR Program.
Be Voluntary. Community Members and Police Employees must choose voluntarily to participate in the ACR Program. Much of the power of circle processes comes from affirming that the participants have the ability to choose for themselves. Making choices is empowering.

Circle processes invite participants to drop their ordinary identity and protections that create distance between us as people. A circle process is designed to create an environment where strong emotion and feeling, truth, conflict, silence, paradox, and opposite opinions can be safely engaged.

Maintain Safety. The role of the Circle Keeper is to initiate an environment for conflict resolution that is respectful and safe. Additionally the Circle Keeper engages the circle participants in sharing responsibility for maintaining that space of safety and respect. The safer the environment, the greater the potential for participants in the ACR Program to explore their issue(s), come to some understanding, and/or resolve or heal the conflict.

Be Non-Hierarchical. Circle processes share power. Nothing in a circle process should convey rank or privilege. All participants in a circle process, not just the Circle Co-Keepers, are responsible for what happens during the circle process. All participants in the circle are equal community members. Development of the circle’s values, guidelines, and decisions are arrived at together.

Use Non-Violent Communication. The ultimate aim of Non-Violent Communication (NVC) is to develop societal relationships based on a restorative, "partnership" paradigm and mutual respect, rather than a retributive, fear-based, "domination" paradigm. NVC focuses on three aspects of communication: self-empathy (defined as a deep and compassionate awareness of one’s own inner experience), empathy (defined as listening to another with deep compassion), and honest self-expression (defined as expressing oneself authentically in a way that is likely to inspire compassion in others).

Whether speaking or listening, NVC uses the following four steps:

- Observation: What I observe (see, hear, remember, imagine – all free from evaluations).
- Feelings: How I feel (emotion or sensation rather than thought) in relation to what I observe.
• Needs: What I need or value (rather than a preference or a specific action) that causes my feelings.
• Requests: What concrete action would I like taken, without demanding, that would enrich my life.

**Be Transparent.** Although the outcome of the ACR Program is unknown as participants begin this journey, the process will be transparent to the participants. Transparency allows participants to have trust in the circle process that they voluntarily are agreeing to engage in.

**Be Flexible.** Humans are unique. Human relationships are unique. The ACR Program is designed and delivered in a way that recognizes and accommodates the needs of its participants. Circle Co-Keepers will create strong circle plans to allow participants to engage one another “in a good way.” As needed, these plans are flexible to better respond and be of service to the participants and the journey they are taking together.

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**PROCESS OVERVIEW.**

**STEP ONE: DISCOVER CONFLICT.**

**Complaint Made.** A Community Member, whether a resident, student, visitor or employee of a business within the City of Davis, makes a formal complaint about a specific interaction with an employee of the Davis Police Department using the Citizen Complaint Procedure and Forms available from the:

- Davis Police Department – 2600 Fifth St.
- [Davis Police Department website](#).
- City Manager’s Office at City Hall – 23 Russell Blvd.

The complainant may indicate their interest in taking part in the ACR Program as part of the initial formal complaint.

**Complaint Received.** The complaint may be filed by contacting a Police Department supervisor and giving them the details of the specific interaction. Additionally a completed complaint may be delivered to the Police Department.
The Community Member may request use of the ACR Program to resolve the complaint. The initially responding supervisor assessing any complaint may discuss the ACR Program with a complaining party and make recommendations for the ACR Process on the complaint form.

The complaint is then forwarded to the Office of the Police Chief.

**Complaint Assessed.** The Office of the Police Chief reviews all formal complaints and preliminarily determines which complaints meet the ACR Program case eligibility criteria.

**Police Employee(s) Assessment.** The Office of The Police Chief will review the complaint history of the Police Employee(s) to determine eligibility for the ACR Program. Generally, a Police Employee is eligible for the ACR Program unless they have two prior complaints with similar allegations within the past 12 months. Employee eligibility is ultimately at the discretion of the Office of the Police Chief, who may make exceptions to this guideline as deemed appropriate.

**Community Member(s) Assessment.** The Office of the Police Chief reviews the complaint reporting history of the Community Member(s) and current or past litigation against the City. This information is considered in screening though it will not be used as a criterion to automatically preclude using the ACR Program.

The Office of the Police Chief contacts the Community Member(s) to determine if there are additional circumstances or allegations - not reported at initial intake - that might make the case ineligible for the ACR Program. The Department will also determine if the complainant first desires a mediated dialog with Department Administration to express concerns and resulting feelings related to historic issues of the police and/or procedure prior to confirming their participation in the ACR Process.

Complaints involving the following allegations will be considered for the ACR Program:

- Biased policing and rude conduct complaints with no additional allegations of misconduct.
- Biased policing and rude conduct complaints with other allegations of minor misconduct.
Complaints involving the following situations will not be initially considered for the ACR Program:

- Force was used.
- Ethnic remark or other specific discourtesy directed at a class of person.
- An employee was assaulted.
- A lawsuit was filed.
- A person was injured.
- Excessive delay in reporting allegations.
- Allegations of criminal misconduct.

Cases not approved for the ACR Program shall be processed for investigation according to the existing personnel complaint policy.

**Complaint Referred.** The Office of the Police Chief refers a complaint to the ACR Program when all the following criteria are met:

- The complaint of the alleged misconduct is either non-disciplinary or, if the allegation were proved to be true, or is found to be true (sustained) through a formal investigation, could/would result in minor discipline (e.g., discourtesy, general conduct, minor policy violations, or a minor neglect of duty, etc.), or involves an allegation of bias policing as alleged by the Community Member(s); and
- The Police Employee(s) has no apparent pattern of similar behavior (normally limited to the past two years) for which they are accused or has a sustained finding.

The Office of the Police Chief contacts the eligible employee(s) and after providing an overview of the ACR Program determines the Police Employee(s) interest in participating. The Police Employee(s) is minimally supplied with the following information:

- Name of the Community Member(s) making the complaint.
- Description of the complaint.
- Advisement to the employee that the complaint has been approved for the ACR Program.
- Explanation of the ACR Program process including that:
  - All participants engage in the Program voluntarily.
  - Upon completion of the ACR process, the complaint will appear as “Alternative Conflict Resolution Resolved” in the Department’s files.
- Instructions to the employee to reply and either express interest or no interest in voluntary participation in the ACR Program no later than five (5) working days after receiving the notice. A working day is determined by the employee’s schedule. An extension may be granted for good cause.
Interest in the ACR Program will result in two Circle Co-Keeper being assigned to the complaint.

No interest in the ACR Program will result in the case being processed for investigation according to the existing personnel complaint policy.

All Police Employee(s) named in the complaint must be willing to voluntarily participate in the ACR Program or a circle process will not go forward. If any one Police Employee does not agree to volunteer for the ACR Program, the complaint shall be processed for investigation or disposition according to existing personnel complaint policy.

Cases approved for the ACR Program shall preclude formal corrective action being taken against the Police Employee. The complaint will be handled as a Category III – Informal Complaint or Inquiry, under existing department policy.

Cases approved for the ACR Program shall receive expedited attention. Cases not resolved within 45 calendar days from complaint referral to Circle Co-Keepers will be reviewed by the Office of the Police Chief to determine whether the case should continue using the ACR Program.

2. ENGAGE PARTICIPANTS

Three types of participants voluntarily decide to engage in the ACR with the intention of coming together “in a good way”:

- The Circle Co-Keepers. The Office of the Police Chief or his/her designee is responsible for engaging the Circle Co-Keepers.

- The Police Employee(s). Circle Co-Keepers are responsible for fully explaining the ACR Program and confirming the Police Employee(s) voluntary participation in the Program. Police Employee(s) are confirmed before Community Member(s). If any Police Employee involved in the complaint declines to participate in the ACR Program, the complaint will no longer be eligible for the ACR Program.

- The Community Member(s). Circle Co-Keepers are responsible for fully explaining the ACR Program and confirming the Community Member(s) voluntary participation in the Program.

The steps followed to engage the Police Employee(s) and the Community Member(s) are the same.
Engage Circle Keepers

Circle Co-Keepers help participants engaged in the ACR Program circle process create a safe space for their conversation. They monitor the quality of the interaction throughout the circle process. If the atmosphere becomes disrespectful, it is the responsibility of the Circle Co-Keepers to bring the group’s attention to that problem and help the group re-establish a respectful space.

Specific functions held by the Circle Co-Keepers are:
- Preparing participants.
- Planning the specifics of the circle process.
- Self-preparation.
- Establishing and monitoring a respectful, safe space for exploration, understanding, healing, and/or resolution to occur.

Selected Circle Co-Keepers are Davis residents who are trained in the conducting circle processes. Every attempt is made to secure a team of two Circle Co-Keepers who reflect the combined demographic characteristics of the participants. Circle Keepers display the following qualities:
- Patience.
- Humility.
- Deep listening.
- Acceptance of everyone as worthy of respect.
- Willingness to sit with uncertainty.
- Ability to share responsibility.

Confirm Availability. The Office of the Police Chief will confirm the availability of a team of two qualified Circle Co-Keepers. Circle Co-Keepers agree to see the case through to its completion.

Understand Complaint. The Office of The Police Chief and an appointed representative of the Police Officer’s Association reviews with the Circle Co-Keepers the specifics of the case and the standard police practices associated with it.

Identify Needs. The Circle Co-Keepers review the resources required to establish a successful circle with the Office of the Police Chief, e.g., venue, materials, timing. This is an iterative process impacted by the needs expressed by ARC Program participants.

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1 The Davis Police Department, in consultation with the Davis Police Officers Association, is actively recruiting a cadre of demographically diverse, trained Circle Keepers for the purposes of the ACR Program.
Confirm Engagement. The Office of the Police Chief executes an agreement with the Circle Co-Keepers confirming their engagement to mediate specific complaint using the ACR Program. Upon execution of the agreement, Co-Keepers are authorized to directly contact the Police Employee(s) and Community Member(s) to confirm their participation in the ACR Program. Once all participants confirm their engagement in the ACR Program, the Co-Keepers take steps to prepare and execute the ACR Program circle process through to completion.

Engage Police Employee(s).
The Circle Co-Keepers will meet with each Police Employee identified in the complaint to confirm their interest and agreement with proceeding with the ACR Program circle process. All Police Employee(s) named in the complaint must voluntarily agree to use the ACR Process before the Co-Keepers will engage the Community Member(s) initiating the complaint. This avoids possible disappointment should the Community Member agree to the ACR Process and then later learn that the Police Employee declines to use the ACR Process.

Engage Community Member(s).
The Circle Co-Keepers meet with the Community Member(s) identified in the complaint to confirm their interest and agreement with proceeding with the ACR Program circle process. Police Employee participation must be confirmed before contacting the Community Member(s). This avoids raising expectations of the Community Member(s) unnecessarily should the Police Employee(s), upon further consideration, decline to go forward with the ACR Program.

Make Introductions. The Circle Co-Keepers contact participants by phone, introduce themselves, inquire into their interest in learning more about the ACR Program and request a face-to-face meeting to review the ACR Program and its process. The outcome of this meeting is to have an informed decision, “Yes” or “No,” to participate in the ACR Program. During this call, a determination of need for interpretative services will be made. Such services will be arranged through the Office of the Police Chief.
Confirm Interest. Upon confirming interest in learning more about the ACR Process, the Co-Keepers set a date and time to meet and explain the circle process, roles and agreements. If any party expresses no interest in proceeding, the complaint is returned to the Police Department and processed for investigation according to existing personnel complaint policy.

Explain the Circle Process. At their face-to-face meeting, the Co-Keepers review the steps of the ACR Program and the types of circle processes that participants could engage. Often circles morph from one type to another as ‘talking’ leads to ‘understanding’ and ‘understanding’ leads to ‘resolution of differences.’ Briefly, the following three types of circle processes could be used in the ACR Program:

Talking Circles. Participants explore a particular issue or topic from many different perspectives. There is no attempt to reach consensus on the topic. The Talking Circle allows all voices to be respectfully heard and offer participants diverse perspectives to stimulate their reflections.

Circle of Understanding. A talking circle focused on understanding some aspect of a conflict or difficult situation. The purpose is to develop a more complete picture of the context or reason for a particular event or behavior. Consensus is not required because understanding – not decisions – is the focus of the circle.

Conflict Circle. Disputants are brought together to resolve their differences. Resolution takes shape through a consensus agreement.

The following ACR Program steps are explained to participants:

Engaging Participants.
- Preparatory conversations with Police Employee(s).
- Preparatory conversations with Community Member(s).

Meeting Needs.
- Creating initial design of opening / closing activities and circle questions / topics.
- Securing a meeting venue that can be arranged in a way that creates a safe and friendly meeting environment and is available at times and dates acceptable to all participants.
- Making participants welcome as they arrive for the circle process.
- Establishing a dedicated environment for the circle process.
- Establishing the Foundation for conversation.
Share Stories.
- Telling stories that allow participants to begin to see each other as human beings rather than “others.”
- Expressing feelings and needs that have arisen due to the conflict.
- Exploring options that would address the needs that arose due to the conflict.
- Building unity by identifying common ground and points of agreement.

Value Person.
- From a place of community and common ground, make agreements between the participants.
- Reflecting on the experience of the circle process – both personally and from the perspective of the larger community.
- Closing the circle to transition from an environment of peacemaking to that of everyday life.
- As agreed, following up and providing support to assure that Agreements are kept.
- Having Co-Keepers check-in with participants one and six weeks after the completion of the circle to acknowledge, document and celebrate the impact of the participants coming together “in a good way.”

After the ACR Program circle process is complete, all participants will consider the complaint “Alternative Conflict Resolution Resolved” and no further action relative to the incident will be initiated.

Explain Circle Roles. The Co-Keepers review the roles and structures of the circle process. These include:

Circle Keeper. The facilitator of the circle. The Keeper is not responsible for finding solutions or for controlling the group. The Keeper’s role is to initiate a space that is respectful and safe, and to engage participants in sharing responsibility for the space and for their shared work. The Keeper helps the participants access their individual and collective wisdom by opening the space as the group proceeds. The Keeper is a participant in the process and may offer his/her thoughts, ideas and stories. Bias is minimized by caring about everyone in the circle rather than by holding a clinical distance. The ACR Program attempts to use two Circle Co-Keepers representative of the diversity of its participants whenever possible.
Guidelines. Commitments or promises that participants make to one another about how they will behave in the circle.

Opening and Closing Activities. Mark the time and space of the circle as distinctly different from everyday life and dedicated to peacemaking.

Focal Point. Circle participants create a focal point that supports authentic speaking and open listening. The focal point usually sits on the floor in the center of the open space inside the circle of chairs to help remind participants of their values and the shared vision of the group.

Talking Piece. An object that is passed from person to person around the circle. As the name implies, holding of the talking piece gives one the opportunity to talk while all others have the opportunity to listen without thinking about a response. The holder of the talking piece may also choose to offer silence, or the holder may pass the piece without speaking. There is no obligation to speak when the talking piece comes. The talking piece is a critical element in creating a space where participants can speak from a deep place of truth. It slows the pace of conversation and encourages thoughtful and reflective interactions among participants. It often carries symbolic meaning related to the group’s shared values—a concrete reminder to the speaker of those values.

Consensus Decision-Making. Not all circle processes involve making decisions, but when they do, the decisions are made by consensus. This is understood to mean that all participants are willing to live with the decision and support its implementation.

Storytelling. Storytelling delivers information in a way that opens the listener. The body relaxes, settles back, and is more open and less anxious. We take in the story before screening the content. We engage emotionally as well as mentally. This different kind of listening allows information to be exchanged more thoroughly, leading to greater understanding between participants.

Explain Circle Agreements. The Co-Keepers outline the required agreements that allow participants to come together “in a good way:”

Respect the Talking Piece. This shows respect for each others’ views and perspectives.

Speak Genuinely. This draws to the circle universal values of honesty, trust, sharing, courage, humility, and perhaps empathy and forgiveness. Following this helps participants find ways to express their feelings
and needs “in a good way.” It also avoids toxic communication such as blame, defensiveness, stonewalling and contempt.

**Speak with Respect.** Feelings and needs are shared in a non-judgmental and respectful way demonstrated by the words chosen and how the words are said. By speaking with respect, we honor our differences by expressing our needs without diminishing the interests of others.

**Listen with Respect.** Attending to how we listen, without judgment, conveys respect to others and the process. It supports the intention of working together “in a good way.” Our whole body (words, body, tone, focus) demonstrate our willingness to listen.

**Remain in the Circle.** Unless excused by a Keeper, all participants are expected to remain in the circle until it’s completed. Because circles deal with emotions, personal stories and volatile issues, participants need to stay together to work everything through, if not to full resolution, at least to some balanced stopping point. If a person explodes with rage and storms out or if the one at who anger is directed leaves, the conflict can’t be processed safely and constructively in the circle. Knowing the time limits of a circle and taking timely breaks help people remain in the circle by providing everyone with an emotional breather.

The requirement to remain in the circle means that participants agree to stay with the circle process and honestly work through difficulties together. This is part of “coming together in a good way.” Withdrawals from the process by the community member will result in a return of the complaint to the Office of the Police Chief where it will be closed with “Alternative Conflict Resolution Resolved.”

**Honor Confidentiality.** Honoring confidentiality allows participants to share what’s on their minds freely; they know that what they say won’t be repeated out of context or used against them. For this reason, no recording devices may be used. Confidentiality is so important that all participants are required to sign a Confidentiality Agreement (Attachment 1) when they confirm their voluntary participation in the ACR Program.

**Confirm Participation.** After Co-Keepers explain and answer questions about the circle process and its associated roles and agreements, participant(s) are asked whether they want to voluntarily participate in the ACR Process.
Yes. If the answer is “Yes,” from all:

- Police Employee(s) named in the complaint, and
- Community Member(s) initiating the complaint,
  each participant will be required to sign, the following documents:
- Confidentiality Agreement (Attachment 2).
- Community – Employee Mediation: Agreement to Mediate.
  (Attachment 2).

No. If the answer is “No,” from any:

- Police Employee named in the complaint, or
- Community Member(s) initiating the complaint,

The complaint will be referred back to the Police Department for classification and investigation.

Need Time to Consider. Participants that require time to further consider the ACR Program will agree to meet with Co-Keepers on a specific day and time within seven (7) calendar days of this initial conversation to discuss the Program further and make a final “Yes” or “No” decision about participation in the ACR Program.

Tell Story. Upon confirmation of one’s participation in the ACR Program, the Co-Keepers invite the participant to tell the story of the conflict: what was happening before and during the conflict as well as what has happened since the conflict. Co-Keepers actively listen for the facts as well as the emotions associated with the conflict. Co-Keepers reflect back this information to the participant to confirm their understanding of the conflict as well as to let the participant hear back their own story. The Co-Keepers may ask clarifying questions of the participant to assure their understanding of the conflict.

If during the telling one’s story, a significant act of misconduct is disclosed, the ACR session will be stopped and the complaint referred to the Office of the Police Chief for classification and formal investigation.

In order to “meet in a good way,” Co-Keepers will provide participants with the basic techniques needed to communicate non-violently. This encourages respectful speaking and listening. Participants are coached to use “I” statements that describe what s/he observed, free from personal evaluation.
**Identify Feelings.** The Co-Keepers ask the participant to consider the feelings (emotions or sensations rather than thoughts) that have been elicited as a result of the conflict. To assist with this, a list of feelings developed by the Center for Nonviolent Communication (Attachment 3) will be used.

**Identify Needs.** Negative feelings are the result of unmet needs or values. The Co-Keepers dialog with the participant to help them identify the unmet needs or values that were elicited by the conflict. To assist with this, a list of needs and values developed by the Center for Nonviolent Communication (Attachment 4) will be used.

Additionally the Co-Keepers discuss participant needs related to creating a safe environment for the circle itself. These include identifying:

- **Initial desired Outcomes for the circle.** Based on the identified feelings and needs, the participants may have a sense of requests they would like to make to help resolve the conflict. It is also likely that the initial desired outcomes may shift as a result of the conversations held inside the circle.

- **Personal Values** that need to be embodied in the circle process. Circle Keepers have found that participants identify combinations of these ten values as being essential for a safe circle environment: respect, honesty, trust, humility, sharing, inclusivity, empathy, courage, forgiveness and love.

- **Others** whose participation would enhance the circle process. Based on the preparatory interviews with all of the circle participants the Co-Keepers determine whether there are others whose participation could be helpful in the circle (e.g. third parties or community members who are respected by both of the key parties and are not aligned with either of the key parties on this issue, individuals who provide emotional support to the participants, others who have been effected by the situation, experts who may explain standard police procedures, etc.) The Co-Keepers will engage these other participants to confirm their suitability and contribution to the circle process and prepare them for the circle process should they be included. Employee representation or legal counsel for either participant may not be included in the circle.

- **Considerations related to the Environment of the circle.** Accommodations needed by participants to be comfortable with the process will be explored including individual sensitivities, physical needs, and transportation requirements.
Personal Availability related to the scheduling of the circle. Every attempt will be made to hold the circle at a time and place that is mutually supportive of participants’ schedules. Participants are required to be in good communication regarding their schedules. Cases may be rescheduled with good cause and when participants are in proactive communication. Cases where participants fail to appear without good cause will be provided the choice of rescheduling the ACR Program circle process or having the case closed as “Alternative Conflict Resolution Resolved.”

Maintain Communication. The Co-Keepers keep participants regularly informed of the circle plans and progress. They provide all parties with equal access to information in a timely and transparent manner.

STEP 3: MEET NEEDS.

Upon confirmation of participants’ desire to engage in the ACR Program and an understanding of their stories, feelings and needs, the Co-Keepers begin the process of designing the circle process so it meets the collective needs of the participants.

Design Process. Through Engaging Participants, the Co-Keepers identify the key issues to be addressed through the circle process. They begin putting together the circle plan answering the following questions:

- What time and date should the circle be held?
- Where the circle should be held?
- What will be the talking piece?
- What will be in the focal point?
- What opening activity will be used?
- What question will be used to generate values for the circle?
- What question will be used for an introduction or check-in round?
- Is there a need for further relationship building before getting into the issues? If so, how will that be done?
- What question(s) will be used to begin the dialogue about the key issues?
- What further questions might be useful if the group is not getting deeply enough into the issues?
- What closing activity will be used?

The Co-Keepers also decide how to share the responsibilities of keeping the circle. The plan is always seen as flexible and open to modification based on the needs of the circle participants.
Secure Venue. After the Co-Keepers identify the requirements, date and time for the circle process, recommendations for specific venues, if known, are made to the Office of the Police Chief, who secures the venue for the ACR Program. The best locations provide comfortable chairs and are accessible, quiet, peaceful, neutral and perceived as belonging to the community.

Make Welcome. The meeting space used for the ACR Process is intentionally created to be warm and welcoming to participants. Co-Keepers greet participants upon arrival, orient them to the space and invite them to enjoy refreshments together. Attending to the physical space makes participants feel welcome and comfortable before, during and after a circle. The informal spaces created around a circle play an essential role in achieving all the circle’s objectives, because they contribute to an atmosphere conducive to a respectful, cooperative endeavor.

Establish Environment. The opening activity of the circle is designed to help participants transition from the scattered, hectic pace of everyday life to the dedicated space of peacemaking. The Co-Keepers explain which activities are proposed, what they mean and why they’re important. The Opening activity can take many forms – a reading, a moment of meditation, or a simple deep breathing exercise. Whatever form is chosen is selected to reflect what has special meaning within the community. It should feel easy and natural. Co-Keepers ask permission to begin. Opening activities are planned to include everyone. However, Keepers encourage those who may feel uncomfortable to decline, assuring them that the circle respects their wishes.

Establish Foundation. Keepers begin the first round of the circle by having participants introduce themselves – sharing who they are, how they feel and what they hope to achieve. This introductory round gives everyone a sense of where people are emotionally and what’s on their minds.

Next the Co-Keepers review and seek consensus on the circle guidelines, which include the basic agreements (discussed when Engaging Participants) and other suggestions or changes. This reaffirms the participatory nature of the process and demonstrates the importance of creating and maintaining a safe and sacred space for dialogue.
STEP 4: SHARE STORIES.

Co-Keepers will pose a series of questions and invite participants to respond to them as the talking stick is passed around the circle. Typically these rounds follow this general format:

**Tell Stories.** Participants move beyond personal masks and appearances and meet one another as human beings through an initial round of storytelling.

**Express Needs.** The participants’ feelings, needs, interests and/or shared vision resulting from the conflict are shared and received in the circle.

**Explore Options.** The participants’ interests, issues, and options for conflict resolution are shared and received in the circle. Co-Keepers identify possible consensus points.

**Build Unity.** Points of agreement between the participants and common ground are identified. This builds a sense of unity or a consensus for action. Unity is often found when individual interests are considered from the perspective of the larger community where wider, more imaginative consensus can be built. Co-Keepers suggest next steps.

STEP 5: VALUE PERSON.

When the participants begin to see each other as individual people rather than “others,” restoration of the relationship is possible.

**Make Agreements.** Points of agreement and disagreement are reviewed. Final views heard. Next steps confirmed. Support needed to complete agreements is identified and plans are made for success. Any future communication needs or follow-up are identified. Measures of circle success are identified.

**Contemplate Experience.** Co-Keepers summarize the journey the participants have made together and express gratitude for coming together “in a good way.” Participants reflect together on their experience noting both their inner journeys as well as the bigger journey they have taken together on behalf of the larger community of Davis.
**Close Circle.** The closing circle is the last round of conversation with masks down. It also marks the transition from the unique environment of the circle back to the everyday worlds of the participants where open and vulnerable conversation is not the norm.

**Keep Agreements.** If made, participants follow through with the specific agreements made with one another.

**Acknowledge Progress.** At one week and six weeks after the circle, Co-Keepers follow up individually with participants to identify the immediate and ongoing impact of the circle. Measures of success previously identified by the participants are discussed. If participants mutually agree that additional circle work is needed to *Keep Agreements* or to celebrate the completion of agreements, an additional circle may be convened for that specific purpose.

**POST ACR PROCESS**

**Evaluate Process** After each conflict is processed through the ACR Program, an evaluation will be conducted using the participants own measures of success, the Co-Keeper’s measures of success, and the Davis Police Department’s measures of success. Findings identified include:

- What worked well and should be continued?
- What didn’t work well and how could it be improved?

**Improve Process.** After each circle process is completed, the Office of the Police Chief and Co-Keepers identify changes to be implemented into the next circle process.

**ATTACHMENTS**

1. Confidentiality Agreement and California Evidence Code
2. Community – Employee Mediation: Agreement to Mediate
3. Non-Violent Communication List of Feelings
4. Non-Violent Communication List of Needs and Values
Attachment 1
CONFIDENTIALITY AGREEMENT

The confidentiality of this ACR Program is governed by California Evidence Code Sections 1115-1128. These provisions (printed on the back) pertain to the confidentiality and admissibility of evidence. Specifically, Section 1119, Confidentiality, in summary provides:

Anything said or written, prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation (the ACR Program), is inadmissible and not subject to discovery in any subsequent arbitration, administrative adjudication, civil action or other non-criminal proceeding, and all communications, negotiation, or settlement discussions by and between participants in the course of a mediation or mediation consultation shall remain confidential.

A communication or a writing, which is confidential under Section 1119, can be admissible or subject to discovery if all persons who conduct or otherwise participate in the mediation expressly agree in writing (Section 1122).

Evidence otherwise admissible or subject to discovery outside of mediation or a mediation consultation shall not be or become inadmissible or protected from disclosure by reason of its use or introduction in the mediation or mediation consultation (Section 1120).

Communications and documentary evidence prepared in the course of mediation or mediation consultation is confidential in accordance with provisions related to the confidentiality of law enforcement personnel records. The provisions of Section 703.5 apply to this mediation.

The mediation, and mediation consultation, are considered confidential conversations, meaning that any person who intentionally, and without the consent of all parties, records any part of the conversation is guilty of a public offense.

WE UNDERSTAND AND AGREE THAT THE PARTIES AND THEIR AGENTS TO THIS MEDIATION AGREEMENT WILL KEEP CONFIDENTIAL ALL STATEMENTS MADE DURING THE MEDIATION SESSION AND THAT NEITHER PARTY OR THEIR AGENTS SHALL SUBPOENA THE PARTIES, REPRESENTATIVES OR THEIR AGENTS NOR ANY DOCUMENTS PREPARED AS A RESULT OF THE MEDIATION PROCEEDINGS.

__________________________________________  __________________________
Signature                                           Date

ACR PROGRAM
§703.5. Judges, arbitrators or mediators as witnesses; subsequent civil proceeding.
No person presiding at any judicial or quasi-judicial proceeding, and no arbitrator or mediator, shall be competent to testify, in any subsequent civil proceedings, as to any statement, conduct, decision, or ruling, occurring at or in conjunction with the prior proceeding, except as to a statement or conduct that could (a) give rise to criminal contempt, (b) constitute a crime, (c) be the subject of investigation by the State Bar or Commission on Judicial Performance.

§1115. For purposes of this chapter:
(a) "Mediation" means a process in which a neutral person or persons facilitate communication between the disputants to assist them in reaching a mutually acceptable agreement.
(b) "Mediator" means a neutral person who conducts a mediation. "Mediator" includes any person designated by a mediator either to assist in the mediation or to communicate with the participants in preparation for a mediation.
(c) "Mediation consultation" means a communication between a person and a mediator for the purpose of initiating, considering, or reconvening a mediation or retaining the mediator.

§1118. An oral agreement "in accordance with Section 1118" means an oral agreement that satisfies all of the following conditions:
(a) The oral agreement is recorded by a court reporter, tape recorder, or other reliable means of sound recording.
(b) The terms of the oral agreement are recited on the record in the presence of the parties and the mediator, and the parties express on the record that they agree to the terms recited.
(c) The parties to the oral agreement expressly state on the record that the agreement is enforceable or binding or words to that effect.
(d) The recording is reduced to writing and the writing is signed by the parties within 72 hours after it is recorded.

§1119. Except as otherwise provided in this chapter:
(a) No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation is admissible or subject to discovery, and disclosure of the evidence shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.
(b) No writing, as defined in Section 250, that is prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation, is admissible or subject to discovery, and disclosure of the writing shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.
(c) All communications, negotiations, or settlement discussions by and between participants in the course of a mediation or a mediation consultation shall remain confidential.

§1120. (a) Evidence otherwise admissible or subject to discovery outside of a mediation or a mediation consultation shall not be or become inadmissible or protected from disclosure solely by reason of its introduction or use in a mediation or a mediation consultation.
(b) This chapter does not limit any of the following:
   (1) The admissibility of an agreement to mediate a dispute.
   (2) The effect of an agreement not to take a default or an agreement to extend the time within which to act or refrain from acting in a pending civil action.
   (3) Disclosure of the mere fact that a mediator has served, is serving, will serve, or was contacted about serving as a mediator in a dispute.

§1121. Neither a mediator nor anyone else may submit to a court or other adjudicative body, and a court or other adjudicative body may not consider, any report, assessment, evaluation, recommendation, or finding of any kind by the mediator concerning a mediation conducted by the mediator, other than a report that is mandated by court rule or other law and that states only whether an agreement was reached, unless all parties to the mediation expressly agree otherwise in writing, or orally in accordance with Section 1118.

§1122. (a) A communication or writing, as defined in Section 250, that is made or prepared for the purpose of, or in the course of, or pursuant to, a mediation or a mediation consultation, is not made inadmissible, or protected from disclosure, by provisions of this chapter it either of the following conditions is satisfied:
   (1) All persons who conduct or otherwise participate in the mediation expressly agree in writing, or orally in accordance with Section 1118, to disclosure of the communication, document, or writing.

§1123. A written settlement agreement prepared in the course of, or pursuant to, mediation, is not made inadmissible, or protected from disclosure, by provisions of this chapter if the agreement is signed by the settling parties and any of the following conditions are satisfied:
(a) The agreement provides that it is admissible or subject to disclosure, or words to that effect.
(b) The agreement provides that it is enforceable or binding or words to that effect.
Attachment 2
AGREEMENT TO MEDIATE

The ACR Program is an informal, confidential mediation process based on two restorative practices: circle processes and non-violent communication. Through the ACR Program, the Community Member(s), with a specific complaint about an interaction with a Davis Police employee(s), and the Davis Police employee(s) meet in a face-to-face, restorative process with the assistance of a team of two trained community Circle Co-Keepers. The participation of all persons in this process must be voluntary.

The ACR Program circle process allows the participants in the complaint to safely explore, understand, heal, and/or mutually resolve the issues of the interaction with the goal of healing the conflict. This may result in an agreement or an agreement to disagree. Participants are not required to reach a formal resolution. The expectation, however, is that by “coming together in a good way,” the relationship between the participants will be restored.

The ACR Program’s process is outlined in the document, Community – Employee Alternative Conflict Resolution (ACR) Program, which I have received and read.

Anything said and anything written during this process is confidential, which means that it cannot be used in a civil lawsuit unless everyone agrees. If you reach a written agreement, a statement verifying that you elect to make the agreement enforceable or admissible in court may be included in the agreement. You do not have to agree to anything that you do not want to. Before the process begins, you will be asked to sign this information.

1. All parties agree that everything said and everything written during these proceedings will remain confidential and will not be disclosed outside this process. No party will subpoena any staff or volunteer, or anything written by them, for any purpose in any legal proceeding, whether it is civil or criminal.

2. All parties understand the sole purpose of this proceeding is to resolve the complaint regarding conduct of the Police Employee(s). There is no monetary resolution or impact on any legal proceedings or traffic citations.

3. The Community Member(s) (complainant(s)) agrees that, to the best of his/her recollection, he/she has disclosed all the alleged misconduct which occurred during the incident resulting in this process, and that there is no intent to disclose any further misconduct once this process begins.

4. All parties understand that any mutual agreement reached shall not be enforceable in court and/or admissible as evidence in any judicial or administrative proceeding.

5. All parties understand that once this process has been completed, the complaint will be closed without additional investigation.
Attachment 2: AGREEMENT TO MEDIATE

This agreement is entered into voluntarily by:

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<tr>
<th>Printed Name</th>
<th>Signature</th>
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Attachment 3
NON-VIOLENT COMMUNICATION LIST OF FEELINGS
NEGATIVE FEELINGS (How we are likely to feel when our needs are not met)

- Afraid.
- Aggravated.
- Agitated.
- Alarmed.
- Aloof.
- Angry.
- Anguished.
- Annoyed.
- Anxious.
- Apathetic.
- Apprehensive.
- Aroused.
- Ashamed.
- Beat.
- Bewildered.
- Bitter.
- Blah.
- Blue.
- Bored.
- Brokenhearted.
- Chagrined.
- Cold.
- Concerned.
- Confused.
- Cool.
- Cross.
- Dejected.
- Depressed.
- Despairing.
- Despondent.
- Detached.
- Disaffected.
- Disappointed.
- Discouraged.
- Disenchanted.
- Disgruntled.
- Disgusted.
- Disheartened.
- Dismayed.
- Dismayed.
- Displeased.
- Disquieted.
- Distressed.
- Disturbed.
- Downcast.
- Downhearted.
- Dull.
- Edgy.
- Embarrassed.
- Embittered.
- Envious.
- Exasperated.
- Exhausted.
- Fatigued.
- Fearful.
- Fidgety.
- Forlorn.
- Frightened.
- Frustrated.
- Furious.
- Gloomy.
- Guilty.
- Grumpy.
- Harried.
- Heavy.
- Hesitant.
- Horrible.
- Horrified.
- Hostile.
- Hot.
- Humdrum.
- Hurt.
- Impatient.
- Indifferent.
- Intense.
- Irate.
- Irked.
- Irritated.
- Jealous.
- Jittery.
- Keyed-Up.
- Lazy.
- Leery.
- Lethargic.
- Listless.
- Lonely.
- Mad.
- Mean.
- Miserable.
- Mopey.
- Morose.
- Mournful.
- Nervous.
- Netted.
- Numb.
- Overwhelmed.
- Panicky.
- Passive.
- Perplexed.
- Pessimistic.
- Puzzled.
- Relieved.
- Rancorous.
- Reluctant.
- Repelled.
- Restless.
- Rest.
- Scared.
- Sensitive.
- Shaky.
- Shocked.
- Skeptical.
- Sleepy.
- Sorrowful.
- Sorry.
- Spiritless.
- Startled.
- Stressed.
- Surprised.
- Suspicious.
- Tepid.
- Terrified.
- Tired.
- Torn.
- Troubled.
- Uncomfortable.
- Unconcerned.
- Uneasy.
- Unglued.
- Unhappy.
- Unnerved.
- Unsteady.
- Upset.
- Uptight.
- Vexed.
- Vulnerable.
- Weary.
- Wistful.
- Withdrawn.
- Woeful.
- Worried.
- Wretched.

Feelings are words that describe our emotional states or body sensations. Feelings serve to alert us to look deeper into ourselves and to connect with our needs and values. www.nvcproducts.com
Attachment 3: NON-VIOLENT COMMUNICATION LIST OF FEELINGS

Positive Feelings (How we are likely to feel when our needs are met)

- Absorbed.
- Adventurous.
- Affectionate.
- Alert.
- Alive.
- Amazed.
- Amused.
- Animated.
- Appreciative.
- Ardent.
- Aroused.
- Astonished.
- Blissful.
- Breathless.
- Buoyant.
- Calm.
- Carefree.
- Cheerful.
- Comfortable.
- Complacent.
- Composed.
- Concerned.
- Confident.
- Contented.
- Cool.
- Curious.
- Dazzled.
- Delighted.
- Eager.
- Ecstatic.
- Effervescent.
- Elated.
- Enchanted.
- Encouraged.
- Energetic.
- Engrossed.
- Enlivened.
- Enthusiastic.
- Excited.
- Exhilarated.
- Expansive.
- Expectant.
- Exultant.
- Fascinated.
- Free.
- Friendly.
- Fulfilled.
- Glad.
- Gleeful.
- Glorious.
- Glowing.
- Good-Humored.
- Grateful.
- Gratified.
- Happy.
- Helpful.
- Hopeful.
- Inquisitive.
- Inspired.
- Intense.
- Interested.
- Intrigued.
- Invigorated.
- Involved.
- Joyous, Joyful.
- Jubilant.
- Keyed-Up.
- Loving.
- Mellow.
- Merry.
- Mirthful.
- Moved.
- Optimistic.
- Overjoyed.
- Overwhelmed.
- Peaceful.
- Perky.
- Pleasant.
- Pleased.
- Proud.
- Quiet.
- Radiant.
- Rapturous.
- Refreshed.
- Relaxed.
- Relieved.
- Satisfied.
- Secure.
- Sensitive.
- Serene.
- Spellbound.
- Splendid.
- Stimulated.
- Surprised.
- Tender.
- Thankful.
- Thrilled.
- Touched.
- Tranquil.
- Trusting.
- Upbeat.
- Warm.
- Wide-Awake.
- Wonderful.
- Zestful.

Feelings are words that describe our emotional states or body sensations. Feelings serve to alert us to look deeper into ourselves and to connect with our needs and values. [www.nvcproducts.com](http://www.nvcproducts.com)
<table>
<thead>
<tr>
<th>Needs &amp; Values</th>
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<tbody>
<tr>
<td>To Have Your Intentions Seen.</td>
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<td>To Be Seen for Who You Are.</td>
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<td>Nurturance.</td>
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Needs & Values are worlds that describe the life-serving energy that motivates and sustains us. All of our actions and words are attempts to meet our needs and values. [www.nvcproducts.com](http://www.nvcproducts.com)