Truth in Los Angeles:
Addressing Racial Injustice through Recognition, Responsibility, and Repair

Occidental College Task Force
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Positionality Statement

We begin by recognizing our own positionality in this work for the Mayor's Office. Our research group is made up of students from Occidental College. We are immensely privileged in our access to city officials. This privilege brings both value and chal lenge to our work. The value being the knowledge from our academic studies and the experiences we bring (many of us not being original Angelenos) to our work in Los Angeles from cities and countries around the world. The challenge being our separa tion from grassroots, community driven activism.

In our research, we seek to rectify this challenge by uplifting community driven solutions to racial unrest in Los Angeles. Additionally, we are striving to provide an accurate and representative history of racial tension in Los Angeles in order to suggest frameworks for truth, restorative justice, and ac countability. We do not lay claim to ownership of a process of truth and accountability in Los Angeles. Our modest hope, however, is that our research and recommendations can inspire city officials and com munity members to jointly consider alternative ways to reckon with Los Angeles' distinct history of racial injustice.

Acknowledgements

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"City government has an impact on the daily lives of all Angelenos. Mayor Garcetti's Executive Directive 27, Racial Equity in City Government, was issued in response to the local, national, and worldwide protests to systems that have resulted in inequitable experiences in communities of color for centuries.

The Mayor's project with the Spring 2021 Occidental Taskforce on Truth and Reconciliation and Transformative Justice was initiated to develop recommendations to help Los Angeles imagine a new Los Angeles with community-based policies and practices that reduce, and ultimately, eliminate structural and institutional racism that perpetuates racial and social inequity."

- Brenda Shockley, Deputy Mayor and Chief Equity Officer, City of Los Angeles

Executive Summary

Why? What? How?

Why a focus on racial injustice in a Los Angeles truth-telling process?

There are recurring and unresolved conflicts revolving around racial injustice in Los Angeles that lend themselves to a truth-telling process. This has historical, social-economic, and political dimensions:

Historical: Los Angeles has a recurring history of exclusion and violence against non-white populations. We focus on Black Angelenos, but also recognize the intersecting structures of exclusion of many non-white communities in Los Angeles.

Social-economic: Los Angeles has recurring racial disparities in virtually every social-economic category, from income and wealth, to education and access to home and shelter. Responsibility for these disparities is multi-dimensional, including a national history of slavery and Jim Crow grounded in white supremacy. That said, responsibility at the city level for these disparities must be confronted. Disparities in housing and homelessness, for example, have roots in action and inaction by governing institutions around policies such as red-lining.

Political: Recurring protests around racial issues––from Watts 1965, to L.A Uprising 1992 and BLM 2020––show how this history of racial injustice and continued social-economic disparities remain unresolved by Los Angeles' political structures. New approaches are needed to bring Black Angelenos and other traditionally marginalized communities into the political conversation about how to address and heal past social and economic harms.

In short:

There is no single truth-telling model that can be applied in Los Angeles to solve these historical, social-economic, and political issues. We argue, however, that a truth-telling process specific to a Los Angeles context––and if forged through a city-communities partnership––may produce relevant solutions to the breakdown in trust between communities and city institutions as a result of ongoing histories of racial hierarchies and exclusion.

What would a truth process bring to confronting issues of racial injustice in Los Angeles?

Truth-telling processes have emerged as a way to address the difficulty of transitions from dictatorship and regimes based in ethnic exclusion to more pluralistic societies. For all their variations across countries and now in the context of cities such as L.A., these processes share a common assumption: that facing up to the truth about past historic harms is fundamental to creating a more inclusionary social contract for the future. We suggest that Los Angeles can most effectively face its history of racial injustices through a truth-telling process *constituted* through the following avenues:

> *Recognition*: Advancing historical and artistic narratives that advance collective recognition of past violence, accountability for racialized exclusions, and the possibility of healing.

> *Responsibility:* Taking *active* responsibility for past wrongdoing by not just acknowledging but, more importantly, truly addressing histories of exclusion and violence through substantive institutional reform.

> *Repair:* A commitment to not just acknowledge and take responsibility for past harms, but to repair their consequences both symbolically and substantively.

In short:

What *sort* of truth-telling process is as important of a question as *if* there should be a truth-telling process at all. Los Angeles can take advantage of key lessons learned from global experiences with truth-telling processes: addressing each intersecting element in Recognition, Responsibility, and Repair is essential. Changing dominant historical narratives, having governing institutions take active responsibility for past action and future reform, and engaging in reparative actions that both acknowledge and help heal past wrongs are each fundamental to an effective truth-telling process.

How can a truth-telling process confronting racial injustice be constructed in a way that speaks to Los Angeles' distinct realities?

To have an impact, a truth-telling process needs to be substantively owned by all of a jurisdiction's communities. If we are correct that a truth-telling process' success or failure depends on grassroots engagement, the following principles are fundamental:

City Commitment: Facilitating institutional commitment from city leadership and across city offices, departments, and commissions.

Partnership: A Los Angeles truth-telling process must be convened via community-city partnership(s); city government can stimulate but not lead such a process.

Restorative Justice: Constituting a truth-telling process via Restorative Justice principles and practices is essential to both inviting communities into the process and in maintaining the process' ownership by multiple constituencies.

In short:

How a truth-telling process in Los Angeles is convened is essential to its success. City government commitment is essential, but will only matter if it is combined with true partnership with grassroots leadership and city-wide engagement. **Restorative justice practices** can facilitate the creation of such partnerships and maintain their inclusivity and focus on share goals among all Los Angeles communities.

A summary of steps to move forward truth-telling in Los Angeles

To advance a truth-telling process in Los Angeles, we recommend the following specific steps as a complement to the foundational principles listed above in the Executive Summary.

Recognition:

• Use city spaces for storytelling via art and memorialization that embeds public memory around past harms and historical injustice in Los Angeles' physical environment.

• Support and partner with local artists and organizations working on memorialization and art that recognizes racial injustice as part of Los Angeles' ongoing histories.

• Map existing, ongoing, and future public memorializations of L.A.'s history of racial injustice; ensure that this map is accessible and integrated into the city's presentation of itself in a public knowledge platform around historical racial injustice.

Responsibility:

• Institutional apologies: More than broad recognition of past harms there must be proactive acceptance of the ways city institutions have enabled those harms.

• Establish a truth-telling process to serve as a mechanism for institutional actors to take active responsibility for historic and ongoing harms that need to be repaired. Invite representative grassroots leaders as well as both national and international experts to take the lead in constructing such a process.

• Focus such a process on social-economic disparities, especially regarding how a history of racial inequities in housing policies connects to the current housing/homelessness crisis.

• Explore how a Right to Housing and the work of the U.N. Special Rapporteur on the Right to Adequate Housing could inform an approach to the racial dimension of homeless people.

Repair:

• Reparations should be both symbolic and substantive. Truth-telling and institutional apologies should be combined with programs to tangibly repair past and ongoing harms.

• Environmental and housing initiatives are possible pilots of tangible reparations. Environmental in the sense of investment in renewable energy in underprivileged communities, the promotion of clean air initiatives, and the creation of environmental friendly 'green spaces') in the city. Housing in the sense, as in Evanston IL, of credits to increase Black home ownership. In all fields such reparative processes––per Mayor Garcetti proposal of slavery based reparations––should be victim-centered, i.e, based in conferring with communities on what they see as truly reparative.

• A Restorative Justice City. Utilize funds from Mayor Garcetti's recently proposed Repair LA project to engage alternative forms of justice, including a Restorative Justice City. This could include Implementing restorative practices in schools, the youth justice system, policing and neighborhood councils.

• Reach out to grassroots organizations to inform and facilitate the creation and operation of healing circles and listening centers as spaces for victims' expression and healing.

General:

• Continue mapping existing examples of truth commissions, restorative cities, and other alternative justice and reparative mechanisms around the world and in the US, building upon the map included in the report. Additionally, conduct mapping of existing local organizations in LA whose efforts relate to recognition, responsibility, and/or repair for possible partnership.

• Conceptualize a Los Angeles truth-telling process as an ongoing rather than time-limited process in order to bring about needed structural change.

• Lastly, we would urge that both the principles outlined in our Executive Summary and these more specific recommendations be seen as a holistic package. Piecemeal programming is insufficient and counter-productive to an impactful truth-telling process.

Key Terms Defined

Active Responsibility: Arises from within an actor (person, group, institution) and emphasizes ongoing actions they take to repair harm, restore relationships and prevent future harm. It is the actions to repair, restore, and prevent that associates active responsibility with restorative justice. In contrast to passive responsibility, the actor willingly takes responsibility, rather than having it imposed on them by another. The actor must ask what is to be done and the process does not end after an actor begins to take responsibility. Instead, active responsibility requires ongoing engagement with all other actors involved in the harm as a result of the actor's desire to truly address harm.

Accountability: Responsibility-taking by institutions, government leaders, community members and/or individuals for past abuses. Parties acknowledge that certain practices or behaviors were harmful to those affected and take steps to repair said harm, including redress to victims. Progressing towards truth requires legitimate, collective forms of accountability, which can be embodied in Truth and Reconciliation Commissions.

Community: Refers to both the group of people that are directly impacted by violence and the members of the larger community who may not be directly affected but still played a role in the harm. All members must play a role in the process if true community healing is to be achieved.

City-Community Partnerships: A partnership, alliance, or coalition between a city and non-governmental actors, community organizations, and/or individual citizens within the city. This partnership must include regular consultation, mutual commitment, a shared contribution to development, and care for and development of the living environment. A successful partnership sees both the public sector and the community contribute to the success of the project through time, labor, and funds. City-community partnerships are a key part to our work because community engagement is necessary to establish a strong, safe, and inclusive foundation for all members. Building partnerships creates productive working relationships between constituents and the government that provide a more holistic perspective and approach to change-making.

Community Healing: Community healing is subjective. That is to say, the steps that must be taken to truly heal a community and its members is defined by their needs following harm. There are two distinct areas from which the community's needs arise following harm: 1. From their roles as victims who experienced harm. 2. From their roles as members who are committed to the welfare of their community and to creating healthy conditions within their community. In our work we discuss specific routes communities can take toward a healing process, from art and memorialization, opportunities to tell their stories, and reparations.

Harm: Encompasses forms of physical, emotional, psychological, economic, systemic, or other actions/institutionalized practices that have a negative impact on individuals or groups. Our definition of harm follows a restorative and victim-centered approach. Therefore, when it comes to specific cases, the victims must be the ones to define exactly what constituted the harm for them. Additionally, a restorative and victim-centered approach to understanding harm encompasses the impact of the harm on the victim, not just the actual occurrence of the harm.

Memorialization: A co-creating process that advances truth and recognition of past harms by allowing space for communities to mourn past losses and preserve or create a collective memory. Memorialization can include a vast array of art based practices that can bring life to victims' pasts and create new immersive experiences for the public. These include *permanent* acts of memorialization--statues, monuments, memorials and other public buildings, commemorative names attached to streets, buildings, urban landmarks, murals, and art installations--and *impermanent* acts of memorialization--ceremonies, parades, festivals and rituals.

Participatory Art: A genre of art that focuses on the participation of people as the central artistic medium and material. This form of art is co-created with a center on the community, allowing the community to shape the art correctly with respect to their past, perspectives, and needs.

Passive Responsibility: Passive acts of placing and accepting blame. Passive responsibility is imposed by an outside source. For example, a teacher may deem a student responsible for hurting a classmate's feelings, or a judge may deem someone responsible for a crime. The process of passive responsibility determines who bears responsibility and then disciplines them. For that reason, passive responsibility is most frequently seen in punitive justice processes where someone is blamed or deemed "responsible" for a certain crime and is punished accordingly.

Recognition: Recognition of past harms is much more than a passing acknowledgement. It requires that a community's narrative includes truth-telling about the histories of all of its peoples, including those that have suffered historic harms that are often ignored in official histories. This recognition can be integrated into the fabric of a community's narratives via academic histories but also, importantly, through contemporary art, memorials, or other city and community-based actions. How a city like Los Angeles recognizes its history is essential to the potential of a truth and accountability process that is truly transformative.

Repair: A dynamic process that involves victims, offenders, and the wider community or society and consists of three crucial and interlinked components: acknowledging past harms, addressing current needs and discrepancies between individuals and groups, and preventing the recurrence of harm by building communal and institutional strategies towards peaceful and fair conflict resolution.

Reparations: At the individual level, reparations are defined as the act of making amends, offering expiation, or giving satisfaction for a wrong or injury. At a collective level, reparations aim to provide some measure of satisfactory resolution for those who have been harmed by governing institutions and dominant social hierarchies. As such they are inherently victim-centered as their success is measured by those who have been harmed. However, in many cases, especially those of gross human rights violations, reparations may not be able to give full restitution to those who have been harmed nor even provide reparations that are comparable to the level of harm, especially in cases where the harm is essentially irreparable, such as when someone has been killed. Therefore, reparations are not just about the actual material or symbolic reparation, but also the process that goes into determining the form of reparation, in which victims are heard and their needs centered.

Restorative Justice (RJ): A process where all the stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and to decide what should be done to repair the harm. RJ prioritizes the repair of ruptured relationships among the victim, offender and community caused by harm. It is based on the desire to restore dignity, peace and security to all actors involved following harm.

Restorative Practices: Any practice or mechanism that includes restorative principles. Restorative practices also often encompass talking circles, in which a group of people sit in a circle to discuss a particular topic in a semi-structured format. Talking circles may be facilitated by one or two individuals, but is conducted in a horizontal manner where everyone has equal opportunity to participate, including facilitators. Talking circles often use a talking piece, which is frequently an object that has emotional value to one or more participants. The talking piece is framed as an invitation to speak for the person holding it and an invitation to listen for those not holding it.

Restorative Principles: The following 7 principles: the true self in everyone is good, wise, and powerful; the world is profoundly interconnected; all human beings have a deep desire to be in a good relationship; all human beings have gifts and everyone is needed for what they bring; everything we need to make a positive change is already here; human beings are holistic; we need practices to build habits of living from the core self.

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Transitional Justice: Refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response. Transitional justice is now increasingly used to address legacies of human rights abuses, including historical, ongoing and systemic abuses, and guarantee non-recurrence through judicial and non-judicial measures such as criminal prosecutions, truth commissions, reparations programs and various kinds of institutional reforms.

Trauma: The lasting psychological impact of a deeply stressful, disturbing, distressing or harmful experience. RJ often seeks to mitigate trauma and provide the traumatized with closure. *Generational trauma* refers to the trauma of a particularly negative and impactful event or experience that continues to affect the descendants of those who initially experienced it.

How to challenge Los Angeles' long history of racial injustice?

Global transitional justice norms are relevant to the burning question of how Los Angeles can best grapple with its troubled racial history. In particular, work on transitional justice has inspired truth telling processes in different forms, with focuses that range from reconciliation to accountability. Whatever the form seen as most relevant to a particular locale, such processes are increasingly being used globally and in the United States to address the structures and institutions responsible for historic injustices.

We suggest these global processes offer Los Angeles important lessons on new ways to address the collective problem Mayor Eric Garcetti identified in Executive Directive 27: "the urgent and overdue demand to end structural racism".[1] In this report, we explore how Los Angeles can learn from transitional justice models of truth telling processes in ways that align with our city's distinct realities. We categorize initiatives that have promise for Los Angeles into three avenues:

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1 Eric Garcetti, Executive Directive No. 27, (Los Angeles Mayor's Office, 2020)

Recognition: Recognizing the truth of past harm via historical and artistic narratives that advance both individual and community healing, accountability, and reconciliation.

Responsibility: Taking active responsibility for past wrongdoing by not just acknowledging but, more importantly, truly addressing histories of exclusion and harm through substantive institutional reform.

Repair: A commitment to not just acknowledge and take responsibility for past harms, but to repair their consequences. This should be a dynamic process that involves victims, offenders, the wider community, and governing institutions in developing strategies for reparation of past harms both symbolically and substantively.

Within each of these avenues we take care to suggest initiatives for consideration that have proven most effective in other states and cities around the globe and across the United States. In particular:

- Foster both individual and collective healing;

- Recognition through art and memorialization: for example, adding to and mapping memorializations of L.A.'s history of racial injustice.

- Truth commissions as a mechanism for institutional actors to take active responsibility.

- Institutional apologies: Another form of active responsibility. More than broad recognition of past harms there must be proactive acceptance of the ways city institutions have enabled those harms.

- Reparations to redress historical wrongs at both the individual and community levels: for example, investment in solar and renewable energy infrastructure. A restorative city model as an alternative approach to governance: for example, the implementation of "healing circles" in communities affected by harm.

In the case of Los Angeles, addressing past and ongoing racial injustice must be a collective enterprise that brings together elected city leaders and all of our diverse communities. Without such representation, there cannot be collective ownership of the process -- which is essential to a truth telling process leading to real account-ability. It is only on the basis of truth and accountability that we can begin to dis-cuss lasting reconciliation.

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Our Guiding Road Map

The following research aims to show the importance of a truth and accountability process in Los Angeles to address past and present harms committed against Black Angelenos. We argue that there is potential for Los Angeles to be in a period of social, economic, and political transition. A concerted truth process can move LA towards a more equitable and just future. By centering alternative justice mechanisms -- like Transitional Justice -- we imagine a new Los Angeles in our report. We conducted research across three avenues: recognition, responsibility, and repair. Each avenue includes tangible actions for justice seeking in the framework of Transitional Justice.

We begin our report with recognition. This section explores how art and memorialization can facilitate healing in a process of Transitional Justice. Our research then moves into a section on responsibility. We identify the differences between passive and active responsibility in order to provide examples of successful responsibility taking at the institutional level. This includes the use of truth commissions and institutional apologies to hold governments accountable. Finally, we evaluate monetary, symbolic, and green reparations to consider what "repair" could look like in Los Angeles. This section also includes a definition and analysis of restorative cities. Our report concludes with a Frequently Asked Questions section. We hope this section provides the City with accessible language to share the possibility of truth and accountability with the broader Los Angeles community.

All of our research is framed by Restorative Justice -- an alternative justice mechanism that guides processes of truth and accountability. Each research avenue (recognition, responsibility, and repair) uses restorative principles to imagine new city structures and possibilities for conflict resolution. Restorative Justice (RJ) is a humanizing and collective effort that "moves beyond condemnation and punishment to address both the causes and the consequences -- personal, relational and societal -- of offending in ways that promote accountability, healing and justice."[2] It is based on the desire to restore dignity, peace and security to all actors implicated in harm. These tenets aim to reshape our understanding of justice -- moving away from a retributive process and towards a path of healing. As the City proceeds to acknowledge and take responsibility for past injustices, restorative practices are able to facilitate truth telling and help actors identify a common way forward. For this reason, our exploration of a truth and accountability process in Los Angeles will be grounded on RJ principles to provide a model for Los Angeles to repair harm in a holistic and collective manner.

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2 Louis Matthew Bidois, The Value of Restorative Justice. (Commonwealth Law Bulletin, 2017) p. 596
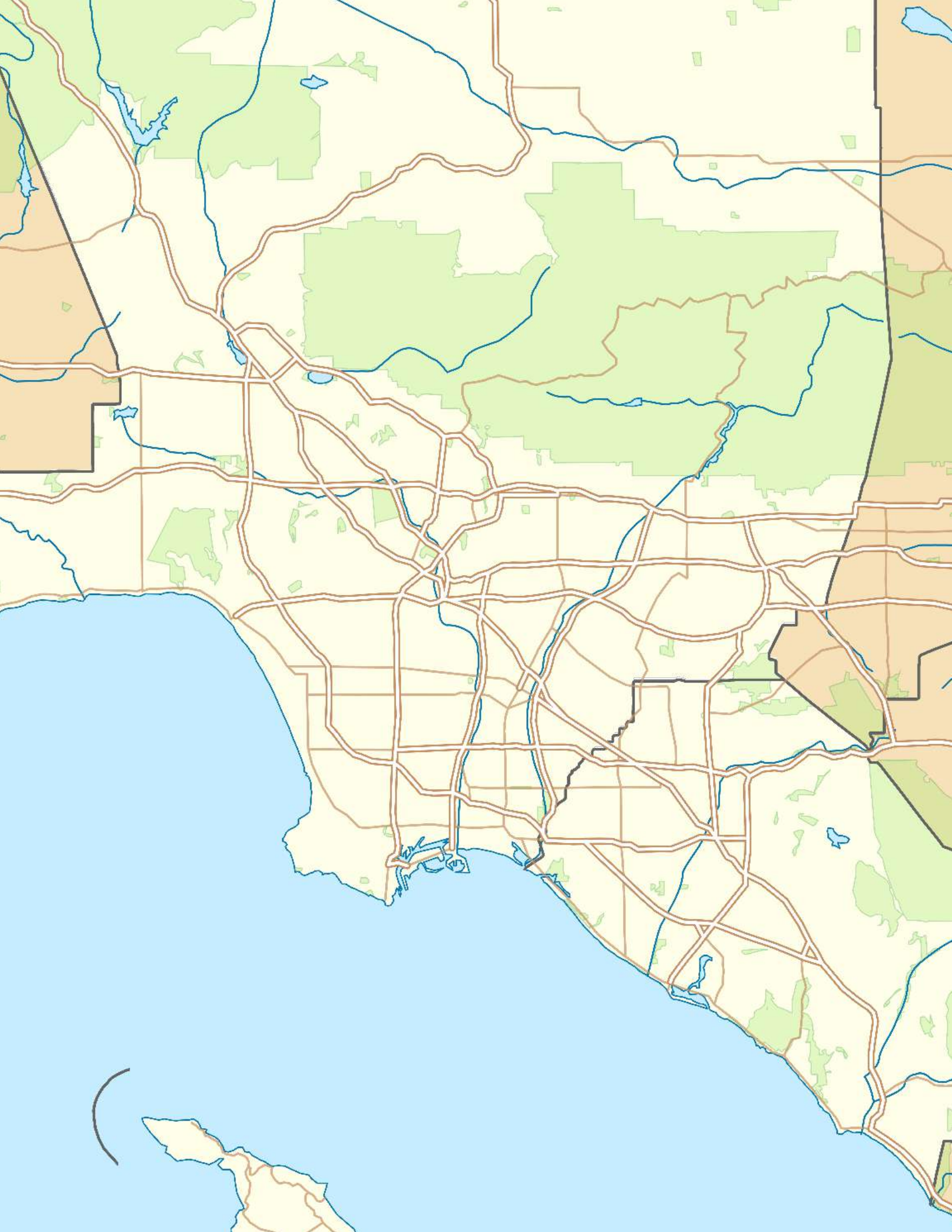
Art and Memorialization for Recognition in Los Angeles
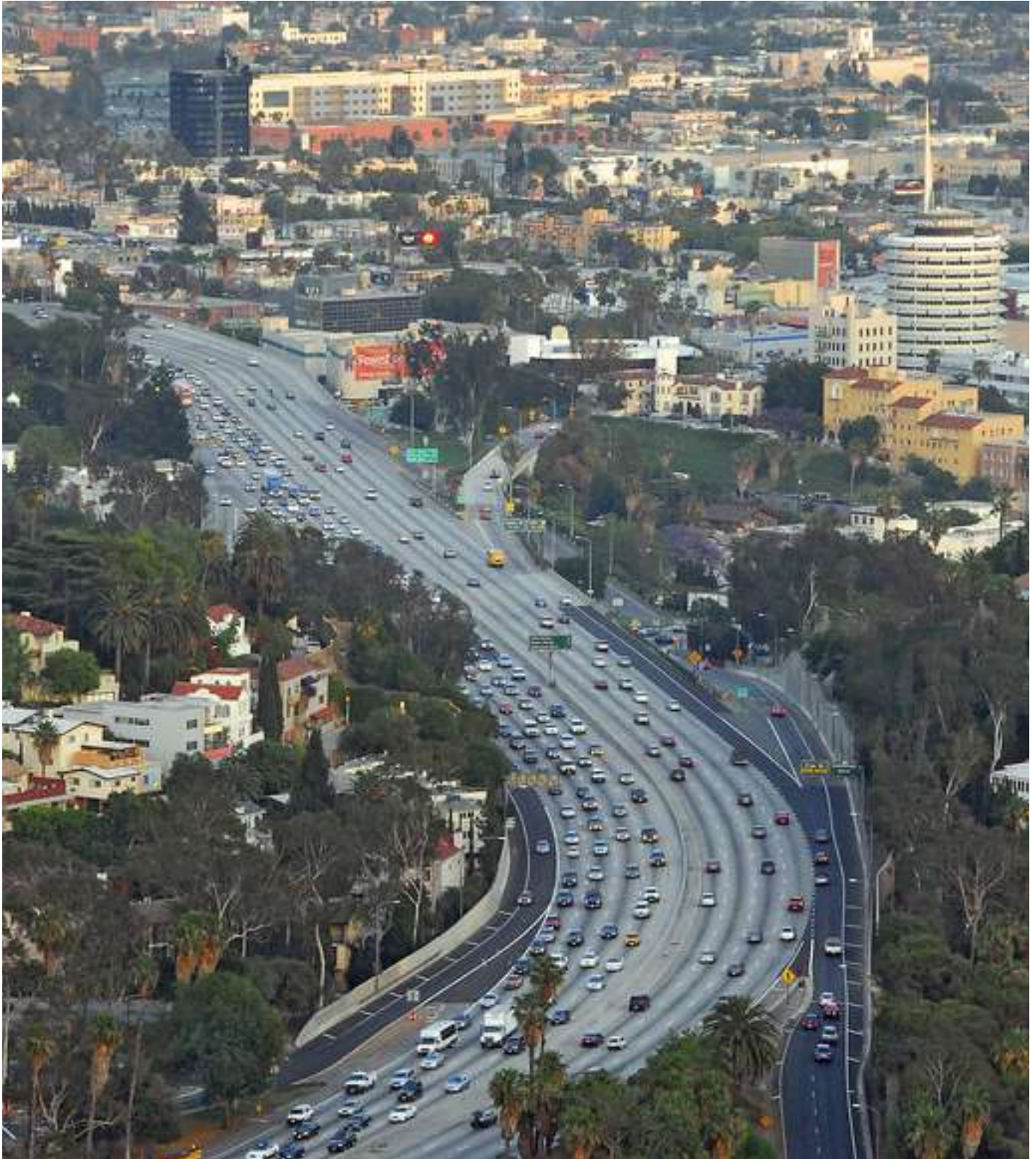
Introduction

How could Restorative Justice be a part of Transitional Justice?

If we consider transitional justice to be a large scale process that is different depending on the country and the situation, we can think of restorative justice as a smaller process that can be included within the strategies of transitional justice. Transitional justice would thus be an umbrella approach where restorative is one of many initiatives beneath the overall process. So if transitional justice is a large scale human rights reimagining process within a country, restorative practices such as healing circles with victims and offenders would be facilitated as part of the attempt to reconstruct human rights situations within the country or region.

Recognition is essential to a truth-telling process. Without acknowledging and facilitating a common understanding of past injustices, we cannot move towards healing. As Mayor Garcetti stated in his recent State of the City address, "it's a time to recognize wrongs and to set them right."[3] In our research, we will focus on moments of social and political eruption in Los Angeles and explore the city's role in recognizing community upheaval. Our work will explore art and memorialization as a means for expressing the unique injustices faced by Black Angelenos.

As we investigate the ecosystems that give rise to political eruptions, we hope to present a clear avenue for the city of Los Angeles to engage in an honest community dialogue rooted in transitional justice principles of recognition via truth-telling. We focus on art and memorialization as a tool of recognition because of their unique abilities to:

- Foster both individual and collective healing;

- Communicate profound, hidden truths in ways that documents cannot;

- Create a visible and accessible medium of expression and recognition.

 Art and memorials in a truth process allow for alternative knowledge systems and community storytelling that is grounded in the lived realities of Los Angeles residents.

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3 Eric Garcetti, State of the City Address, (City of Los Angeles, 2021)

Historical Framework

This section examines turning points in city/community relations from 1960-today. We identify essential L.A. history relating to police violence and systemic racism. This includes Watts 65, L.A. 92, BLM, and the current pro-test movements. We aim to explore past community initiatives to memorial-ize/support art and express injustice in the historical context of L.A.

Systemic inequality perpetuated by the City of Los Angeles has led to multiple outbreaks of violence between marginalized communities and city structures, institutions, and figures. The failure of the City to acknowledge and mend relationships, especially with the Black community, has led to generational frustration and tension. Examining the relationship between Black community members and the City of Los Angeles helps situate current conflicts and highlights opportunities for recognition.

The Watts riots occurred in 1965 in what is now known as South Los Angeles when an African American motorist, Marquette Frye, was pulled over by a white patrolman, Lee Minkus, for driving intoxicated. Protests and violence lasted for 6 days where, "thirty-four people died and more than 1,000 people were injured. There was more than $40 million in property damage."[4]

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4 Jill A. Edy, Watts Riots of 1965, (Encyclopedia Britannica, August 4, 2020 https://www.britannica.com/event/Watts-Riots-of-1965)

"History, despite its wrenching pain, cannot be unlived, but if faced with courage need not be lived again. The more you know of your history the more liberated you are."

- Maya Angelou

While the Watts riots were sparked by the LAPD's violent encounter with Marquette Frye, the clashes and protests that followed were rooted in the Watts community's long standing grievances and growing discontent from "living conditions, and opportunities and long-standing tension between police."[5] After the riots, the McCone Commission was organized to investigate how "community-improvements in schools, employment, housing, healthcare, and relations with the police department could help ease City tension."[6] However, there was little to no follow up by the City on the recommendations made by the commision -- an act of passive responsibility that will be expanded on in the Responsibility section of this report. This is where local activism sought to fill the gaps in the City's response to the Watts riots.

This blossom of local activism is still present in the annual Watts Summer Festival. It began in 1966 with the hope of channeling the community's anger into music, art, and activism. This festival aims to remember and celebrate progress, while also inspiring action for further change. Like Robert Williams, a poet who participates in the festivals states, "hopefully the generation has changed where a lot of people can understand to take care instead of destroy. Let's stick together and create something, let's not just get together and destroy."[7] The theme of community activism through art as a method to both shed light on, and express the frustrations and emotions that result from persistent inequities is central to our literature review.

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5 History.com Editors, Watts Rebellion, (History.com, August 4, 2017)
6 History.com Editors, Watts Rebellion, (History.com, August 4, 2017)
7 Steven Cuevas, Reflection, Celebration Mark 50th Anniversary of Watts Unrest (KQED, 2015) Retrieved April 24, 2021

This social rupture displayed the importance of City action around racial and economic inequality. Police brutality is only the beginning of the City's passive acquiescence, and shows the need for active responsibility for racial injustice. This conversation is one that we still have today – 30 years later. The murder of George Floyd was a continuation of violence that arises from the exact same reasons that fueled civil unrest in 1965 and in 1962.

Nearly three decades later, the 1992 Los Angeles Riots erupted after the violent arrest of Rodney King by four Los Angeles Police Officers. An all-white jury (the trial was moved from L.A. to a neighboring jurisdiction) acquitted the officers who brutalized King. This led to a five-day riot in Los Angeles. There were outbreaks of violence, looting and arson, which led to "over 50 riot-related deaths, more than 2,000 injuries, and over 6,000 arrests."[8]

There are common themes in both the causes and results of the 1965 Watts Rebellion, the 1992 Los Angeles Riots, and the 2020 BLM protests. In all three moments of social rupture, the Black Angeleno community has come together to express their experiences of oppression and brutalization through powerful social movements. Change, though, has been limited, partial, and lacking. It has not fundamentally addressed the exclusion of Black Angelenos from the City's dominant economic and political structures. It is time for the City to recognize this harm and repair relationships with this community.

This history is a small snapshot of racial injustice in Los Angeles, but it provides a framework for crucial events that require recognition, and outlines events that could benefit from processes of art and memorialization.

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8 Anjuli Sastry and Karen G. Bates, When LA Erupted in Anger: A Look Back At The Rodney King Riots.(NPR, 2017) Retrieved March 17, 2021,

Art & Memorials in Transitional Justice

This section provides a theoretical overview of art as a Transitional Justice tool, with a focus on the role of art in community during historical moments. We investigate how historic moments can be recognized via arts/memorials/public monuments and explore the intersection of collective memory and memorialization.

"The struggle of man against power is the struggle of memory against forgetting."

Defining Art and Memorialization

We define art and memorialization as: any co-creating process that seeks to develop public memory and reconcile past harms, within the bounds of an aesthetic experience that invites "presence to what has otherwise been too painful to bear."[9] This is an intentional definition that aims to encompass all mediums of expression in a truth and accountability process.

By co-creating, we mean art making and designing through a participatory art process -- "a genre of art that focuses on the participation of people as the central artistic medium and material, as opposed to production by a single artist, and on the artistic process, as opposed to a definite final product."[10] This form of co-creating is community centered, thereby giving power to community members to shape art that correctly represents their histories, identities, and needs.

In a co-creating process there is still room for city support, but there is more "focus on participation, on localism, on empowering and mobilizing at grassroots level, and on exploration of creative and uncensored processes."[11] Importantly, public memory refers to "a society's collective understanding of the past, but also the ways that this past is represented in the present."[12] Developing public memory is essential because it dictates how we remember, understand, and learn about past atrocities.

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9 Cynthia Cohen, Reimagining Transitional Justice. (International Journal of Transitional Justice, 2020) p. 6
10 Sherin Shefik, Reimagining Transitional Justice through Participatory Art (International Journal of Transitional Justice, 12, no. 2, 2018) p.1
11 Ibid
12 Duncan Light and Craig Young, Public Memory, Commemoration and Transitional Justice: Reconfiguring the Past in Public Space, (Cambridge University Press, 2015) p. 2

The Power of Art in Processes of Truth and Accountability

Art is central to transitional justice. Memorials, museums, and the renaming of public spaces allows for recognition of past atrocities and a commemoration of community resilience. Transitional justice depends, precisely, on this sort of collective recognition of the past. Additionally, in a transitional justice process based in truth and accountability, art and memorialization are essential to embedding previously hidden truths in public consciousness. They provide an avenue for "countries...to mourn their dead, commemorate the event, preserve the memory, and move towards rebuilding."[13]

At the city level, art can have the same healing power as it does in post-conflict transitional countries. Art and artmaking allow for "...a forum within which survivors of atrocities and their families can share their voices, tell their stories, and even evaluate the transitional justice mechanisms in their societies."[14] The healing power of art is not only in the finished product, but in the process: recognition through art allows for community dialogue about truth, history, stories, and how we will remember the past. Daniel Golebiewski writes, art in transitional justice aims to "open up the victims' imagination, refreshing their memories, and producing new experiences, the arts uncover hidden traumas—for all to see."[15]

Art and memorialization creates a space for healing that can unify. Embedding art into a city landscape fosters collective memory.[16] This includes impermanent acts of commemoration, like ceremonies, parades, festivals and rituals and permanent acts of commemoration: "statues, monuments, memorials and other public buildings, along with commemorative names attached to streets, buildings and other urban landmarks."[17] Art and memorialization can also take more traditional forms, like murals, mosaics, public paintings, and sculptures. Central to all forms of art and memorialization is the ways in which "the arts invite experiences of 'the aesthetic': experiences that arise from the inter-animation of cognitive, sensory, emotional and spiritual faculties, and from the qualities of attention and presence invited by the bounded nature of the expressive form, whether marked off in space, or time, or both."[18]

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13 Daniel Golebiewski, The Arts as Healing Power in Transitional Justice, (E-international Relations 2014) https://www.e-ir.info/2014/02/19/the-arts-as-healing-power-in-transitional-justice/
14 Ibid
15 Ibid
16 Duncan Light and Craig Young, Public Memory, Commemoration and Transitional Justice: Reconfiguring the Past in Public Space, (Cambridge University Press, 2015) p.3
17 Ibid. p.3
18 Cynthia Cohen, Reimagining Transitional Justice. (International Journal of Transitional Justice, 2020), p. 1
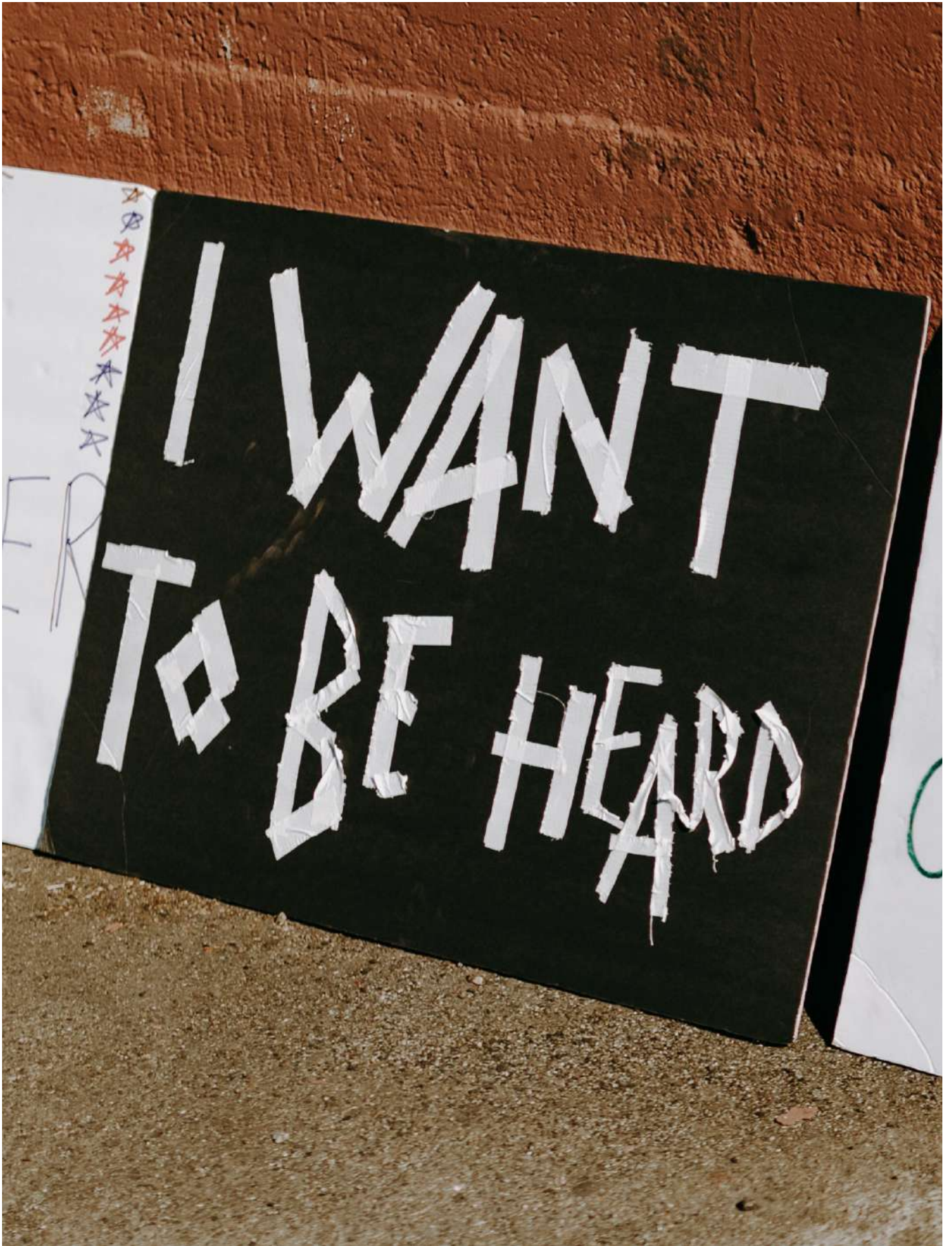
The process for healing and understanding past conflict and trauma is subjective. Art is a medium through which communities can unify themselves for collective recognition and express complex emotions. One of the most notable examples of truth and reconciliation attempts is in South Africa. Erin Mosely identifies the role of art in this process as contributing "to a growing archive of visual culture which seeks to grapple with and make meaning out of the legacy of Apartheid."[19] Trauma has the potential to exceed an individual capacity for understanding -- the gravity of horrors can be incomprehensible. Mosely explains,"pain does not simply resist language but actively destroys it, bringing about an immediate reversion to a state anterior to language, to the sounds and cries a human being makes before language is learned."[20] In this way, art can be a medium for expression of pain and trauma. Further, art is a language within itself that is accessible to anyone regardless of their skill or familiarity. Mosely further argues for how art has the potential to incorporate "contradictory experiences."[21] This medium is suitable to Los Angeles because of the diversity and potentially conflicting experiences of its residents.

Art invites inclusion in the process of making artwork. Inclusivity of perspectives is imperative to community healing processes. Art nurtures a space of inclusion and acceptance because it is able to "retain a relatively large amount of autonomy...as it usually remains independent from national political projects."[22] Mosely invokes Foucault in stating how "such recollections amount to a vivid counter-memory and will ultimately play an active and defiant role in the wake of conflict, for they can be used to resist the presence of denial and force public acknowledgment of egregious crimes."[23] In this way, art opens paths for counter memories that have previously been hidden -- like the Black Angeleno experience in Los Angeles. Art has the potential to be a medium for people to express themselves and express their understanding of conflict, all while offering a space to do so collectively.

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19 Erin Mosely, Visualizing" apartheid: Contemporary art and collective memory during South Africa's transition to democracy. (Antípoda. Revista De Antropología y Arqueología, 2007), p. 99
20 Ibid. p. 107
21 Ibid. p. 100
22 Ibid. p. 106
23 Ibid. p. 100-101

Local Memorialization

This section focuses on past and current memorialization efforts in Los Angeles by examining two case studies of local community art following the 1992 Riots. These examples were chosen because they demonstrate valuable characteristics that the City could incorporate into their own processes of art and memorialization. For more examples of local memorialization that addressed (and continue to address) the 1965 Riots and the BLM movement, please see the Appendix.

James Baldwin: institutions of art and history have the power to house a more ho listic history that "shall force our human family to see themselves as they are, to cease fleeing from reality and begin to change it."

(courtesy of Allan-Charles Chipman)

Local Memorialization for the 1992 Riots:
Community Coalition & Curbed Los Angeles

The social eruption following the 1992 Riots echoed many sentiments from the 1965 riots -- both stemming from racial disparities in living conditions and opportunities, as well as individual and community trauma from continued brutality by the Los Angeles Police Department.

There was no action on behalf of the City to recognize the experiences and emotions of the Black Angeleno community, whose lives were and are trapped in a vicious cycle defined by persistent inequality. Words from Jody Armour in 2017 continue to ring true today, "ain't nothing changed but the year it is."[24] Through art and memorialization, communities have found ways to fill the gaps in recognition left by the City of Los Angeles and others.

Community Coalition is an activist group based in South Los Angeles that seeks to memorialize the events of 1992 and highlight the Black Angeleno experience in the city. They created an exhibition, Re-Imagine Justice, on the 25th anniversary of the riots, which included video interviews and images from photographer Leroy Hamilton's "Stories of 1992."[25]

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24 Anjuli Sastry and Karen G. Bates, When LA Erupted in Anger: A Look Back At The Rodney King Riots.(NPR, 2017) Retrieved March 17, 2021
25 Community Coalition, Re-imagine justice.(2017) Retrieved March 17, 2021, from https://cocosouthla.org/ LAUprising/ 2017

Another piece of the exhibit was produced by Aviana Del Carmen Manson, a local high school student, who wanted to share how she related to historical uprisings in present-day Los Angeles. She helped to recreate a looted store front, which focused "...less on recounting the exact events of the 1992 uprising — seeing as she wasn't even born yet — and more on conveying what it feels like for her to walk into the intact storefronts of present-day Los Angeles and feel watched."[26]

The installation included work from multiple local artists and featured virtual-reality experiences that depict community relations up until the death of Trayvon Martin in 2012. Re-Imagine Justice allows community members to relate to commemorative pieces in a personal and transformative way. By including panels and multimedia exhibitions, the memorials are accessible to people across age groups and generations. The project invites and encourages engagement from local artists and community leaders. Memorials and art installations must be driven by local expression, and thus, community involvement at all stages is of utmost importance.

Curbed Los Angeles conceptualized memorialization of the 1992 riots via a virtual map. They created a map experience titled "Mapping the 1992 L.A. Uprising: Following the unrest and violence, from Rodney King to Koreatown," which visualizes all the events that occurred throughout the riots, beginning with King's arrest.[27] The events are in chronological order and placed in an interactive map of Los Angeles.

This act of virtual memorialization provides a geographical sense of history, based in the current realities and spaces of Los Angeles. Curbed Los Angeles highlights the physical reach of violence and unrest by including the Simi and San Fernando Valleys. Creating virtual, interactive spaces is an effective way for the City to recognize and memorialize past events in the context of local neighborhoods. In a recognition process that centers community healing, virtual maps are powerful tools -- they can be expanded to include artwork, music, and interactive social media components, and are easily updated to reflect current events or new murals and museums.

26 Emma Specter, Photos: Revisit the Chaos of The 1992 Riots At This Haunting South L.A. Art Exhibit (2017). Retrieved March 17, 2021, from https://laist.com/2017/04/25/coco_exhibit.php
27 Jenna Chandler, A. Mapping the 1992 LA UPRISING (2020) Retrieved March 17, 2021, from https://la.curbed.com/maps/1992-los-angeles-riots-rodney-king-map

City & Community Partnerships

This section will provide international examples of successful city/community partnerships for art and memorialization. We aim to provide concrete pathways for city/community partnerships.

Components to an Effective City/Community Partnership

Effective government/community partnerships have been central to art and memorialization projects that have successfully fostered community healing. One of the most successful models for a government/community partnership is the Kampung Improvement Program (KIP) in Surabaya, Indonesia. KIP was a government-community partnership that worked with low-income communities to identify their needs and allocate existing resources to make improvements in places such as infrastructure, housing, and plumbing. While the Kampung Improvement Program was not an art or memorialization project, it highlights fundamental components to an effective government-community partnership. The project was successful in improving community infrastructure because it found investment in both sides, with mobilization mostly taken on by the community members themselves. This fostered community agency and made members themselves the primary contributors to the process of change within their community. Johan Silas identified these key pieces that led to the success of this community-government partnership: "regular consultation, mutual commitment, a shared contribution to development, and care for and development of the living environment. These elements are closely interrelated and reinforce each other."[28]

Applying the successes of this model to a project in LA would mean that the City is in constant communication with the members of the community. A mutualistic nature to the relationship between the city and the community is key. Overall, Silas states that the success of a government-community partnership requires "both the public sector and the community contribut[ing] to the success of the project; both commit time, labour and funds."[29]

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28 Johan Silas, Government-Community Partnerships in Kampung Improvement
Programmes in Surabaya, (Environment and Urbanization, 1992) p. 38
29 Ibid.

Examples of City/Community Partnerships for Art and Memorialization Projects: The Equal Justice Initiative's (EJI) Community Remembrance Project

The EJI's Community Remembrance Project "partners with community coalitions to memorialize documented victims of racial violence throughout history and foster meaningful dialogue about race and justice today."[30]

The Community Remembrance Project actualizes their work in a variety ways, such as the Community Soil Collection Project, which "gathers soil at lynching sites for display in haunting exhibits bearing victims' names," and the Historical Marker Project, which "erects narrative markers in public locations describing the devastating violence, today widely unknown, that once took place in these locations."[31] Community is at the core of their projects, which "center the African American experience of racial injustice, empower African American community members who have directly borne this trauma, and invite the entire community to use truth to give voice to those experiences and expose their legacies."[32]

In their article, The National Memorial for Peace and Justice, Dark Tourist Argumentation, and Civil Rights Memoryscapes, Marouf Hasian and Nicholas S. Paliewicz examined other EJI projects, the National Memorial for Peace and Justice (NMPJ) and the Legacy Museum in Montgomery, Alabama. They explored the impact of memoryscapes in reconciling trauma. Kendall Phillips and Mitchell Reyes identify 'memoryscape' to explain the "more hybridized, appropriated, and fluid functions of key public memories."[33] Hasian and Paliewicz discuss the importance of an interactive space as a medium through which people can experience the message of an installation and thus derive their own meaning. The ability for individuals and the community to attribute their own meaning increases the impact of artistic commemorations of history.

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30 EJI, Community Remembrance Project (2021) Retrieved April 24, 2021 from https://eji.org/projects/community-remembrance-project/
31 Ibid.
32 EJI, 2021
33 Hasian & Paliewicz, 2020, p. 4.

Examples of City/Community Partnerships for Art and Memorialization Projects: Villa Grimaldi

Villa Grimaldi in Santiago, Chile, is another example of a successful city/community partnership. It commemorates the human rights violations that occurred in Villa Grimaldi under the dictatorship period through the combination of historically meaningful architecture and victims' sketches. According to Hite and Collins, in order to preserve Villa Grimaldi against removal for new construction plans, "...local people organized alongside surviving former political prisoners and human rights groups to stop the construction plans."[34] Their alliance "formalised into a non-profit 'corporation'" and their proposal for "having Villa Grimaldi declared a national monument" was approved.[35] With city support, reconstruction of Villa Grimaldi was completed by 2005. This city/community partnership was a combination of ideas, imagination, funding, and resources. The community fought for the memorialization of Villa Grimaldi and the city listened. Together, they formulated a blueprint which was then used to establish Villa Grimaldi as a national monument.

Villa Grimaldi demonstrates the potential of art and memorialization to facilitate community and city growth. An evolving space implies that the community is constantly active in its recognition of history and, further, that the space is informing people through updated remembrance. The notion of a space that is constantly being updated and reproduced is vital to the blueprints for art installations emerging from our investigation. In Los Angeles, the process of reproducing the meaning of history through art allows community members to understand their place in the city. "Memory is living," as Pablo Abitbol, coordinator of the Grupo Regional de Memoria Histórica, expressed in a panel at Occidental College.[36]

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34 Katherine Hite and Collins Cath, Memorial Fragments, Monumental Silences and Reawakenings in 21st-Century Chile. (Millennium, 2009) p. 387
35 Ibid. p. 387
36 Pablo Abitbol, Truth and Accountability Around Racial Justice in Los Angeles: Global Connections in conversation at Occidental College March 2021

Examples of City/Community Partnerships for Art and Memorialization Projects: Villa Grimaldi

The Paine community in Chile is another important example of city and community part-nerships. In this community there is a functional interactive timber forest that has 1000 individual logs. There are 70 missing logs to represent the 70 people that were murdered in the community during the Pinochet dictatorship.[1] We highlight this point because the mes-sage of remembrance is ingrained in the functionality of the daily-use elements of the park. Memory was built into the site's functionality to facilitate recognition by providing a con-stant reminder of history. The intention here was to emphasize "una memoria viva," 'a living memory.'[2] Three generations were involved in the creation of this project. Intergenerational engagement was crucial to the success and longevity of the project.

As the Community Remembrance Project, Villa Grimaldi, and Paine, Chile examples show-case, successfully using art and memorialization in a process of recognition relies heavily on government/city/community partnerships. Art is a powerful avenue for personal and communal transformation because it reaches the heart of each individual. Art gives light to hidden truths and guides a healing process based on the viewers' own interpretations.

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1 Katherine Hite and Collins Cath, Memorial Fragments, Monumental Silences and Reawakenings in 21st-Centu-ry Chile. (Millennium, 2009) p. 389
2 Ibid.

The Future of Recognition in Los Angeles

This final section concludes on how Los Angeles can better recognize past eruptions and reinforce the reasons for art and memorialization in a recognition process. We identify how art/memorialization fits into the broader scope of an LA truth and reconciliation process.

Recognition is essential for a process of truth and accountability in Los Angeles. Before the City can take responsibility for past and present harms, they must recognize the events that have occurred. An initial recognition leads to the possibility for permanent forms of recognition, like art and memorials, that are built into city infrastructure in order to create public and institutional memory.

City based recognition allows for a hyper local experience of systemic harm for viewers and residents. To achieve meaningful art and memorialization in Los Angeles, community members and government bodies must form supportive, victim-centered partnerships. Art and memorials have the power to tie community members and governments officials together for a common goal, thereby rebuilding historic mistrust. It is important to underscore the idea of a city/community partnership for recognition: the City cannot and should not lead a recognition process. Rather, city actors are essential in convening a space that allows for holistic community dialogue. In other words, "create the memorials with the public as well as for the public."[1]

City/community partnerships for recognition foster buy-in from all actors -- community members and government institutions have a stake in the process, planning, and future of art installations and memorializations. LA can achieve better city/community partnerships by connecting with local organizations already working in the field of memorialization and art. For the City of Los Angeles, working with Community Coalition, an organization that has built trust with community members and has had success in their various projects, could facilitate a strong city/community partnership. Additionally, building relationships with other initiatives that are rooted in community partnerships, such as the Equal Justice Initiative, could help formulate a successful blueprint for a city/community partnership in Los Angeles.

The future of memorialization is in the combination of art and space in order to embed recognition of past events in the physical environment of a city. The intersection of art space will be a crucial element to memorialization in Los Angeles.

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1 Van Alen, Key Findings from Memorials for the Future Competition (The National Capital Planning Commission, The National Park Service, Van Alen Institute, 2016) p. 8

In 2020, The National Park Service (NPS), the National Capital Planning Commission (NCPC), and Van Alen Institute created a national competition called Memorials for the Future to foster ideas for new memorials.

The project seeks to reimagine memorials as stories -- ones that are "...often complex and multi-dimensional as a memorial's interpretive elements embody ideas of identity, culture, and heritage, and each have intensely personal interpretations for every individual."[1]

The winning pieces, such as Climate Chronograph, IM(migrant): Honoring the Journey, and American Wild, all exhibit a commonality: the inseparable connection between art and space. Adding meaningful, co-created art to urban spaces allows for story-telling that enhances public memory. Powerful representations of past harms allow for meditation, remembrance, and healing -- all the pieces of successful recognition.

In Los Angeles, city officials must connect with local artistic organizations to pinpoint community needs for memorialization. To create an arts-based process of recognition, the city will need to first build trust with community members. This can be achieved by partnering with grassroots organizations to assist the city in convening a victim-centered dialogue around arts projects and memorializations. Most importantly, a recognition process should not cause re-traumatization to victims of city harm. In Reimagining Transitional Justice Cohen writes, "with skill, artistic and cultural processes can be crafted to engage individuals and communities in transforming consciousness, building relationships and reimagining the future. Even in contexts of ongoing violence and repression, the arts can suggest the possibility of accountability, offer glimpses of freedom, and even bring the idea of reconciliation into the communal imaginary."[2] This is the ultimate goal.

1 Van Alen, Memorials for the future, (Van Alen Institute, 2016) Retrieved March 21, 2021, from
https://www.vanalen.org/projects/memorials-for-the-future/
2 Cynthia Cohen, Reimagining Transitional Justice. (International Journal of Transitional Justice, 2020) p. 2

Beyond Recognition: Active Responsibility in Los Angeles

A group of students engaging in a Restorative Justice (RJ) talking circle at a summer camp.

Introduction

In a process of truth and reconciliation, *responsibility* is crucial for healing those who have been harmed, those who have caused harm, and the broader community. While acknowledging historical injustices is a start to processes of truth and reconciliation, responsibility builds on *recognition* by identifying means that public institutions/actors can take towards *active responsibility,* in addition to making concerted efforts to *repair* the effects of past wrongdoings.

By taking active responsibility for past and present city structures that perpetuate racial inequality, Los Angeles city officials and community members can imagine new systems that center equity and heal trauma. This section of work is centered on RJ and its principles that were discussed in *Restorative Justice: A Useful Alternative to the Status Quo* on page 2. To explain how the City of Los Angeles can engage in practices of active responsibility, we will:

- Define responsibility in the context of RJ, and the roles of different actors in *active responsibility;*

- Describe Galtung's *Positive Peace Theory* as a theoretical framework for institutional responsibility-taking;

- Evaluate the history of passive and active responsibility in Los Angles using homelessness and the housing crisis in Los Angeles as an example;

- Outline the value of truth and reconciliation commissions for active responsibility taking;

- And, create a framework for an institutional apology in Los Angeles.

Restorative Approaches to Responsibility: Passive vs. Active

This section distinguishes passive and active responsibility and explains the roles of victims, offenders, and the community in Restorative Justice (RJ).

Passive Responsibility

Responsibility is often simplified to the passive act of placing and accepting blame. However, distinguishing passive from active responsibility is crucial. In most cases of passive responsibility, "one is called to account after the event and either held responsible or not."[37] In other words, passive responsibility is imposed on an actor by an outside source. Passive responsibility seeks to determine who *bears* responsibility, and then disciplines them accordingly. Justice procedures that rely on passive responsibility tend to oversimplify conflictual relations from a methodologically individualistic perspective. These processes rarely incorporate the victim, the offender or the community. Instead, they produce tension and mistrust, while allowing the conflict to persist.

RJ in Action: Active Responsibility

In contrast to passive responsibility, active responsibility arises from *within* an actor (person, group, institution) and emphasizes ongoing actions they take to "repair harm, especially to restore relationships" and prevent future unwanted situations and events.[38] The central question of active responsibility is: what *is* to be done? It is the actions to repair, restore, and prevent that connects active responsibility with restorative justice. In contrast to passive responsibility, the actor willingly takes responsibility, rather than having it imposed on them by another actor. The actor taking responsibility must ask what is to be done. Responsibility taking is not a single action. Rather, active responsibility requires ongoing engagement with all actors involved in the harm so as to truly address harm. The shift towards active responsibility is fundamental because "the priority of restorative justice proponents is to be just in the way that [victims, the community, and offenders] heal," not in how the offender is punished.[39]

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37 John Braithwaite and Declan Roche, Responsibility and Restorative Justice. In Restorative Community Justice: Repairing Harm and Transforming Communities, (Routledge, 2016), p. 64
38 Mark Bovens, The Quest for Responsibility: Accountability and Citizenship in Complex Organisations. (Cambridge Univ. Press, 1998) p. 27

39 John Braithwaite and Declan Roche, Responsibility and Restorative Justice. In Restorative Community Justice: Repairing Harm and Transforming Communities, (Routledge, 2016), p. 65

The roles of the victims, the community and the offenders in processes of active responsibility are all different, but necessary components to repair harm, restore relationships and prevent future harm. Across the board, these roles are more than symbolic. The process of engaging those who have been harmed, those who have caused harm and the broader community in RJ allows for a true sense of active responsibility. By bringing together all of the necessary stakeholders, active responsibility taking becomes a community process, rather than a bureaucratic system, that facilitates healing and truth while promoting personal, communal and societal growth.

The Role of Victims in RJ & Active Responsibility Processes

Restorative Justice and active responsibility center the needs of victims. While victims are not actively taking responsibility, their inclusion and prioritization in restorative processes is of utmost importance. Their needs following harm dictate *what* must be addressed when the offender and the community engage in active responsibility. The following four needs for victims tend to be neglected but are prioritized when active responsibility is taken in RJ processes:

1. Information: They need information and answers to questions they have about the offense, such as why it happened and what has happened since.
2. Truth-telling: They need nn opportunity to tell their truth of what happened.
3. Empowerment: They need control over their body, emotions, property and dreams.
4. Restitution or vindication: They need an effort on behalf of the offender to make right the harm, showing victims that they are actively taking responsibility and demonstrating that *they* are not to blame.

The Role of Offenders in RJ & Active Responsibility Processes

Different from traditional justice systems, the offender plays a crucial role in active responsibility in RJ processes. However, taking responsibility in this process looks different from punitive justice systems. Instead of holding offenders accountable through punishment or retribution, active responsibility encourages accountability through concrete opportunities for healing, including dialogues between victims, offenders and community actors. Offenders are invited to the process to actively engage in pathways for settlement, redress and possibly reconciliation. Active responsibility encourages empathy and co-participation. Shame is reconstructed into personal transformation, preparing offenders for reintegration into a community.

The definition of offender can also transcend individuals to include institutions, policies and city structures that cause and perpetuate harm. Active responsibility for nebulous concepts, such as oppressive city structures, is more difficult because there is no single actor or individual to bring into conversation. Rather, there is a larger system of government agencies, written policies and initiatives that perpetuate harm. A system of harm is an offender without a face––reintegration and interpersonal dialogue is not applicable. However, community dialogue is still essential for active responsibility. Such a process would begin with recognition of past and present harms: identifying oppressive policies, collecting victim stories and examining the actors and institutions that allows for harm to be embedded in city structures. The goal of this process is the same: restore loss, injury, security and dignityand prevent the repetition of harm.

The Role of the Community in RJ & Active Responsibility Processes

The community, often undermined when the state takes over in traditional justice processes, is fundamental to any process of active responsibility taking. Restorative Justice scholars argue that the "success of a restorative approach is dependent upon community support and involvement."[40] The community is unique because it has its own needs that arise from individual and communal experiences of harm.[41] This dualistic role allows the community to engage in active responsibility by:

- Focusing on its needs: The community has needs that are also often neglected and should include attention to its concerns as *victims* impacted by the harm.

- Inviting members to participate: Inviting members to convene in the process enables them to play a central role, express their thoughts, and more holistically understand the issue at hand.

- An important aspect of this invitation is encouraging community members to "take on their obligations for the welfare of their members, including victims and offenders, and for the conditions that promote healthy communities."[42] This encouragement leads to active responsibility at the community level and also provides opportunities to rebuild an inclusive community.

Greater community involvement when taking active responsibility in a RJ process has cascading effects for all members. On an individual level, it is crucial to be attentive to community members' needs as victims who have been impacted by harm. At the community level, their inclusion adds legitimacy and meaningful interaction to the proceeding.[43] Ultimately, community engagement helps strengthen community bonds, which are often weakened by fear, mistrust and isolation following harm, and can spark action to rebuild a sense of community.

40 Kay Pranis, Building Community Support for Restorative Justice: Principles and Strategies. (1995) https://www.iirp.edu/news/building-community-support-for-restorative-justice-principles-and-strategies p. 10
41 Howard Zehr, The Little Book of Restorative Justice (Good Books, 2002)
42 Ibid. p. 16
43 Patrick Gerkin, Who owns this conflict? The Challenge of Community Involvement in Restorative Justice (Contemporary Justice Review Issues in Criminal, Social, and Restorative Justice, 2012) https://www.tandfonline.com/doi/citedby/10.1080/10282580.2012.707423?scroll=top&needAccess=true

Galtung's Positive Peace Theory: Addressing Harm, Conflict, and Trauma through Positive Peace

This section defines the positive peace theory to provide a practical framework for an institutional actor to assess and enact forms of active responsibility.

Johan Galtung's *positive peace* theory provides a practical framework for an institutional actor such as the City of Los Angeles to assess and enact forms of active responsibility. According to Galtung, positive peace represents "the integration of human society," a concept that the author compares with our current notions of social justice.[44] Achieving positive peace entails more than the "absence of physical violence and war."[45] It also requires active participation by actors in a conflictual relationship and their communities. Galtung's positive peace formula is summarized here:

$$PEACE = \frac{EQUITY \times HARMONY}{TRAUMA \times CONFLICT}$$

Galtung's Postive Peace Formula

The integration of human society through positive peace depends on four fundamental variables, contingent on each other, that form a framework for institutional actors. This framework encompasses local government and communities' efforts to achieve equity and build harmonious relationships with each other, while simultaneously transforming current conflicts and overcoming trauma. The latter is central to the aspirations for a truth and accountability process in Los Angeles.

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44 Johan Galtung, Violence, Peace, and Peace Research (Journal of Peace Research Vol. 6, 1969) p.2
45 Ibid.

Equity and *harmony* refer to the "elimination of structural violence," or violent, unequal dynamics perpetuated by culture and state practices.[46] Examples of structural violence include homelessness, poverty, human rights violations, gender inequality and discrimination. To actively promote equity and harmony, institutional actors must commit to a profound internal assessment of their policies and programs, integrate residents' feedback to adequately address their needs, and proactively support marginalized communities to satisfy their basic needs.

Conflict transformation is founded on the understanding that conflict is natural to human societies at the interpersonal, institutional, and intergroup level. Thus, local governments must ensure that constructive conflict resolution frameworks are in place to address these discrepancies. For individual and private disputes, achieving conflict transformation requires equal access to a fair justice system. However, when conflict escalates from the interpersonal to intergroup or institutional levels, restorative practices are better able to supply community dialogue, conferencing and mediation services. Such practices can take the form of centers for restorative dialogue and youth rehabilitation centers or community forums––which is showcased by restorative cities that do not replace, but complement the scope of traditional justice systems, as will be further introduced in the *repair* section of the report.[47]

Overcoming trauma is a process that includes both the personal (psychological) and the social level.[48] Helping individuals and communities heal from past disputes is a form of active responsibility by institutional actors to acknowledge historical wrongs and empower communities to find a collective way forward. Local and international examples of these practices include Truth and Reconciliation Commissions and institutional apologies for past harms. Assuming the dilemma that "we live together," set forth by Conflict Resolution expert Cristián Correa, these restorative practices invite civil society and city structures to rebuild trust and find a common way forward.[49]

46 Baljit Grewal, Johan Galtung: Positive and Negative Peace. (Active for Peace, 2003) Retrieved on March 20, 2021 from http://www.activeforpeace.org/no/fred/Positive_Negative_Peace.pdf, p. 3
47 Grazia Manozzi, The Emergence of the Idea of a 'Restorative City' and Its Link to Restorative Justice, (The International Journal of Restorative Justice, 2020) https://www.elevenjournals.com/tijdschrift/TIJRJ/2019/2/IJRJ_2589-0891_2019_002_002_006
48 Baljit Grewal, Johan Galtung: Positive and Negative Peace. (Active for Peace, 2003) Retrieved on March 20, 2021 from http://www.activeforpeace.org/no/fred/Positive_Negative_Peace.pdf, p. 3
49 Cristián Correa, Truth and Accountability Around Racial Justice in Los Angeles: Global Connections (in conversation at Occidental College, 2021)

An Analysis of Responsibility-Taking in Los Angeles: Successes & Failures

Using homelessness as a case study, this section assesses responsibility-taking by the City of Los Angeles and reviews how a RJ approach for active responsibility can be better utilized.

Advancing equity and harmony at the institutional level requires city officials to reassess their initiatives and proactively interact with unequal dynamics, such as homelessness. In the case of Los Angeles, historical examples of active and passive responsibility shed light on best practices and shortcomings when addressing the housing crisis and the racial disparities that contribute to, and are a result of, this crisis. According to the Los Angeles County Homeless Count, homelessness has grown by 14% in the City alone in 2019.[50] This does not include the impending impact of COVID-19. Homelessness has disproportionately affected Black Angelenos––while they only make up 8% of Los Angeles County's population, they are 42% of the homelessness population.[51] Using a restorative justice lens will assist the City in addressing the root causes of homelessness: structural racism.

The City's Response to the McCone & Kerner Commissions

The housing crisis can be traced back to the Great Depression when the rate of homelessness was nearly twice as great for Black Angelenos as it was for their white counterparts.[52] This housing gap widened over the years, exacerbating racial tensions that contributed to the 1965 Watts riots. The McCone and Kerner reports sought to capture the ongoing structural issues that harm communities of color and provide recommendations based on priority concerns. More than 50 years after the Kerner Commission, South Central Los Angeles still faces under-investment. While the Los Angeles City government released several reports addressing the issues surrounding homelessness, they remained relatively inactive throughout those years.

Many of the McCone and Kerner Commissions' recommendations were either not implemented or only partially implemented at the city level. *Nineteen years after* the McCone Commission, City Councilmember Robert Farrell put forth a motion that the City Council review the report. This initiative eventually led to the Los Angeles County and City Human Relations Commission report (1985), which finally acknowledged that housing remained one of the most critical problems in South Central Los Angeles. However, the report also found that the McCone and Kerner's recommendations were not fulfilled. Affordable, low-density units were not being constructed at this point, and the legacy of redlining was still a substantial problem. The report

50 LAHSA. 2020 Greater Los Angeles Homeless Count Results. (LAHSA, 2020)
51 Jugal Patel et al., Black, Homeless and Burdened by LA's Legacy of Racism (New York Times, 2019)
52 Kirsten Moore Sheeley, et al., The Making of a Crisis: A History of Homelessness in Los Angeles (UCLA Luskin Center for History and Policy, 2021)

Responsibility

Campsites in the streets of Los
Angeles.

concluded that the Mayor and City Council should "request the City Planning Commission to develop a plan (...) to address the critical housing problems of South Central Los Angeles."[53] Alongside such vague promises, lack of coordination among city and county agencies led to years of political battle over housing issues. After years of stalemate, the Los Angeles Homeless Services Authority (LAHSA) was created in 1993. Still, long-term strategies, such as permanent supportive housing, did not arise for a significant period of time.

Following the 1985 report, the City insufficiently recognized the systemic issues that allow for a city-wide housing crisis. For example, much of these reports largely ignore homeownership, which intertwines with discriminatory land use and racial disparities in employment and income. Homeownership is a mechanism for building personal and intergenerational wealth, as well as providing greater security overall. In Los Angeles County, homeownership rates have fallen from 55% in 1960 to 46% in 2015. The rates in South Los Angeles follow this declining trend, but lag behind on average by 15 percentage points.[54]

This gap should be central in all the City's work towards equitable housing. Without addressing homeownership, the City "implicitly [perpetuates] the lack of asset building through remedial policy, thus the reproduction of wealth inequality."[55] Instead of tackling the structural factors of homelessness, the City focused on short-term, surface-level solutions. In sum, the City's response to the McCone and Kerner Commission represents passive responsibility because:

- The main problem was eventually stated at the city and county level, but no concrete follow-up plan was ever implemented;

- The City was not proactive in addressing the structural systems that could prevent homelessness cases in the long run. Instead, all it did was deem who *bore* responsibility.

53 Los Angeles County and City Human Relations Commission, Commission Report (1985) , p. 16
54 Melany De la Cruz-Viesca, et al. Fifty Years After the Kerner Commission Report: Place, Housing, and Racial Wealth Inequality in Los Angeles. (The Russell Sage Foundation Journal of the Social Sciences, 2018)
55 Ibid. p. 173

Home in South Central Los Angeles.

Example of Passive Responsibility in Los Angeles

A specific example of passive responsibility appeared when we researched City policies around housing discrimination. Subprime lending in the early 2000s targeted Black and Latinx Angelenos, giving them much higher interest rates than white Angelenos and further harming at-risk groups during the market crash in 2008.[56] In this context, predominantly Black and Latinx communities "shifted from being objects of economic exclusion to targets for financial exploitation."[57] To lenders, they represented "an untapped market...with little financial experience."[58]

In the following years, Los Angeles attempted to hold banks accountable. In 2010, the City passed legislation to set up a registry for building inspectors to identify banks who owned foreclosed properties and fine them up to $1,000 a day. Four years later, however, the City never imposed the penalty or consequences for banks who failed to report these properties. In 2013, the City also sued four major banks involved in predatory mortgage loans. Rather than seeking to compensate borrowers who lost their homes, it instead demanded lost tax revenue and property maintenance costs. These moments of potential responsibility-taking indicate that the government has not shown much will to combat predatory lenders and did not prioritize direct relief for victims of lending discrimination.

The example of passive-responsibility taking above demonstrates a lack in victim-centered responsibility taking. Victims in this case represent those directly impacted by the long-standing structures that caused subprime lending. They were not *empowered* to share their truth nor gain control over the situation.

As the lawsuit against the corporate banks suggests, settlement for victims was also not prioritized, offering no opportunities for monetary or symbolic reparations that could facilitate healing. For the City to take active responsibility, it must allow for *dialogue* with victims and offer redress to create opportunities for reconciliation––including efforts to eliminate structural harm.

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56 Kirsten Moore Sheeley, et al., The Making of a Crisis: A History of Homelessness in Los Angeles (UCLA Luskin Center for History and Policy, 2021)
57 Justin Steil, et al. The Social Structure of Mortgage Discrimination. (House Stud, 2018) , p. 762
58 Justin Steil, et al. The Social Structure of Mortgage Discrimination. (House Stud, 2018) , p. 762

Successes of Active Responsibility in Los Angeles: ED 27

It is important to recognize past and current city actions of active responsibility in order to provide tangible models for future responsibility taking. Following the killings of Ahmaud Arbery, Breonna Taylor and George Floyd and massive nation-wide protests, Mayor Eric Garcetti set forth Executive Directive (ED) 27, to take action at every level and every function of city government to advance racial equity. Additionally, the administration named its first-ever Chief Equity Officer, Brenda Shockley, a life-long community activist on racial equity, to spearhead the City's response to racial injustices and institutional harm. This work aims to develop meaningful partnerships with civil society to address institutional racism in Los Angeles. These administrative developments represent a shift in institutional responsibility from a passive to an active role.

Successes of Active Responsibility: Confronting the Crisis

Specifically on homelessness, the City of Los Angeles' recent *Confronting the Crisis* campaign demonstrates that addressing the housing crisis is one of its priorities. This represents the beginning of active responsibility. On July 8, 2019, the Mayor's office released a statement that "homelessness is a humanitarian crisis—an urgent and complex problem facing our city, state and nation...and we have to do more, faster, to combat it."[59] The most recent update on February 6, 2020 suggests that the City has made great strides by achieving one of its goals to build at least 100,000 housing units by 2021. It is on track to reach its second goal of building and preserving 15,000 affordable housing units by 2021.[60] The Proposition HHH dashboard also boasts impressive data on the investment of both effort and finances on behalf of the City: $968 million has been invested to fund 111 projects, with the expectation of creating 7,305 total units. These actions speak to the City's desire to engage in active responsibility relating to the housing crisis. However, the success of these initiatives also raises the following questions:

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59 LA Mayor's Office, Confronting the Crisis: Helping our Homeless, (Mayor of LA, 2019) https://www.lamayor.org/confronting-crisis-helping-our-homeless-neighbors
60 LA Mayor's Office, Expanding the Supply of Housing, (Mayor of LA, 2020) https://www.lamayor.org/expanding-supply-housing

Despite such projects, why is the number of people experiencing homelessness still rising?

In 2020, 66,436 people in Los Angeles County made up this group, representing a 12.7% rise from the previous year's count.[61] COVID-19 will likely increase this number. Such trends suggest that long-term, multidimensional solutions rooted in active responsibility and RJ practices could be more impactful than approaches that have been used by city government thus far.

Where is the discussion on racial disparities within the housing crisis?

Active responsibility and redress cannot be fully taken if there is no action to right wrongdoing at the structural level. In 2019, LAHSA's Ad Hoc Committee on Black People Experiencing Homelessness released a report highlighting institutional racism as the main driver of Black homelessness. The recommendations include advancing racially-equitable policies across all public institutions and targeted investments to reduce disparities. The City must utilize this intersectional analysis to inform its next steps on the campaign in order to work towards equity and harmony.

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61 Los Angeles Homeless Service Authority, Greater Los Angeles Homeless Count Results. (LAHSA, 2020)

How can a RJ approach for active responsibility be better utilized?
To read more about lessons learned from restorative approaches to addressing housing crises, please see pages 66-69 of the appendix.

The victims of Los Angeles' homelessness crisis––those who have *really* experienced this struggle––are also those who understand what they need to truly heal and recover. Similarly, the communities that have been targeted and tormented by racist policies and redlining understand how they have been impacted, and what they have lost. As was outlined earlier in *The Role of Victims/the Community in RJ & Active Responsibility Processes*, it is their voices, their emotions, and their needs that must be prioritized in any process of active responsibility that seeks to truly end homelessness in the City of Los Angeles.

In June 2019, the campaign's outreach teams made over 1,200 contacts with those experiencing homelessness.[62] Though the pandemic brings restrictions, outreach is a great starting point in working towards a victim-centered approach. Collaborating with nonprofits already on the frontline of the crisis is another method. Using the "Housing First" model, People Assisting the Homeless (PATH) has provided 850 housing units and situated more than 10,000 people with supportive services in Los Angeles. Government agencies, including the City of Los Angeles, fund 48% of the program. Mayor Garcetti also made an appearance at a PATH event in March 2019 celebrating the opening of its 65-unit supportive-housing development.[63] These types of supportive partnerships should be extended to other nonprofits in order to empower communities and advance equity.

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62 Los Angeles Homeless Service Authority, Outreach Efforts. (LAHSA, 2019)
63 People Assisting the Homeless, Mayor Garcetti Brings Holiday Cheer to Supportive Housing Complex, (PATH, 2017) https://epath.org/mayor-garcetti-brings-holiday-cheer-to-supportive-housing-complex/

A Promising Future for Active Responsibility in Los Angeles?: Ridley-Thomas' Right to Housing and L.A. REPAIR

Homelessness continues to grow in Los Angeles. This is occurring despite numerous initiatives, including those under the aegis of $1.2 billion in proposition HHH funding. Recent city initiatives, however, show promise in the ways they are moving toward a more active responsibility model. Both the Right to Housing motion and L.A. REPAIR, for example, connect to RJ principles of community inclusion. Further, and perhaps most exciting, the Right to Housing frame implies a model of active responsibility that depends on the interchange of community and community member empowerment. Unanimous approval on March 3, 2021 of Councilmember Ridley-Thomas' Right to Housing motion will push the city along with community stakeholders to craft recommendations to "envision, develop, and implement a legislative, budgetary, and policy framework that would require the government to provide a robust and responsive spectrum of solutions to prevent and address homelessness."[64] This is a crucial opportunity. Much of what a Right to Housing could signify for Los Angeles remains undefined, although at the global level––and via U.N. mechanisms, in particular––there has been substantial activity around how to implement a right to housing which can inform action in Los Angeles.

Similarly, through the *L.A. REPAIR* pilot the City will:[65]

- Give communities a direct say in grassroots investments to support job creation and provide organizational backing for community intervention, racial healing, justice and reconciliation," and;

- "Partner with community and faith organizations to establish spaces that foster dialogue among youth and adults alike to name the things that have so starkly divided our fortunes...and hold our city to promises of a better future."

These programs parallel restorative practices that seek to empower victims and communities, prioritize their voices, and meet their needs. Mayor Garcetti publicly acknowledged that "loving Los Angeles means facing the bitter truth about our past —that maps of our city were drawn to protect the wealth of white people and destroy the wealth of Black people and other people of color."[66] It is clear that the City recognizes the housing crisis and the egregious racial disparities that exist within it. This is a fundamental first step. Now, with the *Right to Housing* and *L.A. REPAIR* in progress, the City of Los Angeles has a mandate to take active responsibility. The essential question, however, remains: how will that mandate be put into practice?

64 Christina H. Babb, Right to Housing' Motion Prioritizes Ending Homelessness (DS News 2021) https://dsnews.com/daily-dose/03-04-2021/right-to-housing-motion-prioritizes-ending-homelessness
65 Eric Garcetti, State of the City Address, (City of Los Angeles, 2021)
66 Eric Garcetti, State of the City Address, (City of Los Angeles, 2021)

Mayor Garcetti providing remarks at a 2019 PATH event celebrating the opening of its 65-unit supportive-housing development.

Limitations of Los Angeles Jurisdiction

Nonetheless, we recognize that there are inherent limitations to the work that the City of Los Angeles can do. A few examples of these are:

1. 1996 Proposition 209, which was added to the state constitution, created several barriers to taking active responsibility with public resources. Its vague wording creates a system of race neutrality that prevents active responsibility for harm and affirmative action. In the context of LA's housing crisis, this legislation will pose difficulty in tailoring potential programs targeting those most in need of city resources, communities of color.
2. Distribution of jurisdiction between city and county governments. The notorious decentralized structure limits what responsibility can be taken by the City without overstepping the County's legal jurisdiction. The City is then left with limited options on legislation that could be passed within its purview. However, the City could instead turn to welfare programs such as the Affordable Housing Trust Fund or community-based initiatives to bring about long-term solutions.

Rebuilding Trust & Overcoming Trauma: Truth-Telling Processes & Institutional Apologies

> This section explores truth-telling processes as a means to engage in active responsibility at the institutional level and reviews the components of an institutional apology.

Although engaging in practices of active responsibility at an institutional level is challenging, around the world and in the U.S. institutional actors are turning towards truth-telling processes as a means to engage in active responsibility. These actors understand that to reckon with past offenses they "must publicly acknowledge wrongdoing, for without truth-telling there can be no accountability, and without accountability there can be no forgiveness."[67] Progressing towards truth requires legitimate and collective forms of accountability. One example of such a process is a Truth and Reconciliation Commission (TRC) that concludes with a public apology, comprehensive plans for non-repetition of harm, monetary reparations and programming to address structures of political, economic, and social exclusion.

Truth and Reconciliation Commissions: Dealing With Harm From an Institutional Perspective

A TRC, as first established in post-apartheid South Africa, is a model for a legitimate mechanism by which a government can carry out processes of truth-telling. According to Prof. Kelebogile Zvogbo, a TRC is a "temporary body authorized by the government to investigate political violence over a period of time, and establish a pattern of violence while engaging with the affected population."[68] These processes are not flawless, and increasingly practitioners are emphasizing accountability over reconciliation. Nonetheless, this model's effectiveness in healing "the nation...while simultaneously healing individuals" demonstrates the importance of truth and accountability in cultivating reconciliation.[69] This is not to say that TRCs automatically produce reconciliation. Rather, processes of truth-telling and accountability play catalytic roles in the process. Ultimately, TRCs are a culmination of recognition, responsibility, and repair -- they are an act of active responsibility that seeks to recognize through an "authoritative account on the past" and repair by providing "a framework for governments to address past harm and safeguard against future harm."[70]

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67 Mark R. Amstutz, The Healing of Nations: The Promise and Limits of Political Forgiveness (Rowman & Littlefield, 2005) , p. 25

68 Kelebogile Zvobgo, "Truth Commissions and Transitional Justice." presented at Occidental College (2020)

69 Samara Auger, The South African Truth and Reconciliation Commission : 'The Truth will Set You Free'. Healing the Wounds (Essays on the Reconstruction of Societies After War, 2007), p. 2

Though such mechanisms were initially conceived as tools for political transitions, they are now applied in various contexts. Truth-telling processes no longer solely apply to nations experiencing a political transition, nor are they constrained to a focus on the past or a specific time frame. Instead, government actors, ranging from the local to the national level, are turning to processes centered around truth and accountability to address a wide range of human rights abuses––thereby embodying active responsibility practices.

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70 Kelebogile Zvobgo, "Truth Commissions and Transitional Justice." presented at Occidental College (2020)

A Truth-telling Process in Los Angeles

A truth-telling process in Los Angeles has tremendous potential to successfully address historical legacies of racialized violence and segregation that persist today. We aim to outline an effective blueprint for how a truth-telling process inspired by earlier TRCs can be implemented in Los Angeles. With that being said, there are inherent challenges to this process. The first challenge for designing a Truth Commission in Los Angeles would be to define the scope of the commission's mandate. While the mostly historical nature of harms in LA means that the lines between victim and perpetrator are less clear, any truth commission in LA would still have to define:

- The harms that need to be repaired

- The historic and current dimensions of the harms

- Who or what perpetuates those harms

- Who or what benefits from those harms

- Who is negatively impacted by the harms

The Mauritius Truth and Justice Commission, which attempted to address historic harms, failed to do this, which limited its success. While not exhaustive, two main ways of defining the scope of a commission in Los Angeles come to mind: one focused on the legacies of slavery and anti-black racism with a larger time scope, and one with a shorter time scope focused on police brutality, starting either with the police violence that sparked the 1965 Watts riots or the beating of Rodney King.

Both these options come with significant advantages and disadvantages. One commissioner for the Greensboro, North Carolina, TRC argues that a commission addressing the legacies of slavery and anti-black racism is key to addressing racism in the United States.[71] In Los Angeles, a truth commission would have the potential to successfully combat the history of anti-black racism. This option could be expanded to include the legacies of discrimination towards other marginalized groups, but could make the scope too big to be feasible and dilute the focus on African Americans. The second option, while potentially more manageable, would likely not successfully address the history of anti-black racism.

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71 Joshua Inwood, The Politics of Being Sorry: the Greensboro Truth Process and Efforts at Restorative Justice, (Social and Cultural Geography, 2012) p. 615.

Canada's high-level Truth and Reconciliation Commission (TRC) as a part of the Indian Residential Schools Settlement Agreement from 2008-2015.

Another challenge lies in the creation of the commission. While most truth commissions are independent bodies created by governments, nongovernmental actors sometimes create TRCs, as in the case of the Greensboro, North Carolina Truth and Reconciliation Commission (GTRC). The GTRC was created by a local organizing committee, composed of social justice advocates and survivors. The City of LA could convene such a group of organizations to choose the commissioners, and then further support and fund the process. The structure of the commission could specifically include people from outside of LA. Specifically choosing renowned human rights advocates, public figures, and others from the international community could provide legitimacy domestically and internationally. Finally, significant involvement of civil society organizations and media engagement during the creation and execution of the commission can help increase trust and participation, particularly of the most marginalized, both of which are factors that contribute to a commission's success.

Establishing a truth commission in an influential global city such as Los Angeles would represent a restorative response to domestic racial harms and could serve as a catalyst for other truth and accountability processes in the US.

Lessons learned from International Truth Commissions: The Waitangi Tribunal (New Zealand)

To read about more lessons learned from International TRCs, please see page 70 of the Appendix.

First established in 1975, the Waitangi Tribunal is a permanent independent commission tasked with investigating breaches of the Treaty of Waitangi (1840), New Zealand's founding document. Through its work, the Tribunal seeks to reconcile and provide settlements for historical injustices committed against New Zealand's indigenous population, the Māori. Specifically, the *Treaty of Waitangi (Fisheries Claim) Settlement Act of 1992* (in which the government compensated the Māori for $170 million in losses), the *Waikato Raupatu Settlement Act of 1995*, and the *Ngai Tahu Claims Settlement of 1998* are concrete examples of the Tribunal's efforts to make up for past transgressions and to address police violence.[72]

Shortly after the 2019 Christchurch shootings in which fifty-one Muslim worshippers were killed, New Zealand's police force, which traditionally does not permit frontline officers to carry firearms, floated the idea of sending armed units on neighborhood patrols.[73] However, this proposition was quickly shot down after Māori activists filed an 'emergency claim' with the Waitangi tribunal.[74] In their statement, the activists claimed that this change would negatively affect their community as Māori "are nearly eight times more likely to be subjected to police force [and] between 2009 and 2019, two-thirds of those shot by police were Māori."[75] Ultimately, the Waitangi Tribunal can be characterized as "an instructive example" to countries currently struggling with how to "address enduring issues with racism and colonialism" as it has "registered 2,500 claims, partly or fully reported on 1,000 claims, published more than 100 final reports and issued distinct reports covering almost 80 percent of New Zealand's landmass."[76] As one of the 'longest surviving' truth & reconciliation commissions in the world, the Tribunal serves as a model for how a truth commission could be used as a mechanism to continually address instances of racial injustice in L.A.[77]

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72 Janine Hayward, Treaty of Waitangi Settlements: Successful Symbolic Reparation, (ANU Press, 2019) p. 409
73 Schaer, How the Maori are Pushing New Zealand to Confront its Past, (World Politics Review, 2021) p.1.
74 Ibid.
75 Ibid. p.2
76 Janine Hayward, Treaty of Waitangi Settlements: Successful Symbolic Reparation, (ANU Press, 2019) p. 416.
77 Schaer, How the Maori are Pushing New Zealand to Confront its Past, (World Politics Review, 2021) p. 1.

> "The only way to dismantle a structure that has been created is to tell the truth. Once they see it, they can't unsee it." -Jodie Geddes

Overcoming Trauma through Active Responsibility: Institutional Apologies

A truth commission in Los Angeles will allow the City to fully understand and document past harms, whether that be police brutality, Black homelessness or racial violence more generally. In order to heal these harms, institutional actors must pursue equitable actions that help communities overcome trauma. This process should include recognition of past events, active responsibility taking, and the potential for reconciliation and reparations––both monetary and symbolic. Truth commissions connect to institutional responsibility because they can "provide opportunities for critical self-reflection that can help to create circumstances that lead to an apology. Truth commission hearings and reports...give the public and its leaders, both past and present, the factual and narrative bases to consider or reconsider their views about the past and their roles in what happened to victims and the broader society."[78] A public apology for past harm is the pinnacle of active responsibility. While it is considered a symbolic act, institutional apologies provide a cathartic experience for victims of harm, and outline how a government will commit itself to non-repetition of harm and monetary reparations. In this way, institutional apologies combine recognition of past harms, take unconditional responsibility, and provide actionable steps to address the needs of victims.

The International Center for Transitional Justice (ICTJ) defines an institutional apology as "a formal, solemn and, in most cases, public acknowledgement that human rights violations were committed in the past, that they caused serious and often irreparable harm to victims, and that the state, group, or individual apologizing is accepting some or all of the responsibility for what happened."[79] In conversation with Cristián Correa, a Senior Expert at the International Center for Transitional Justice, we pieced together seven pieces of an effective institutional apology (see page 49).

Each of the aspects in an effective institutional apology will be essential in finishing an L.A. based truth commission. The function of an institutional apology is not to absolve the city of its involvement in past harms. Instead, it provides the city with a path forward in order to take active responsibility for current inequities and facilitate healing.

78 Carranza, Correa, and Naughton, More Than Words: Apologies as a Form of Reparation, (International Center for Transitional Justice, 2015), p.7
79 Ibid. p.1

63
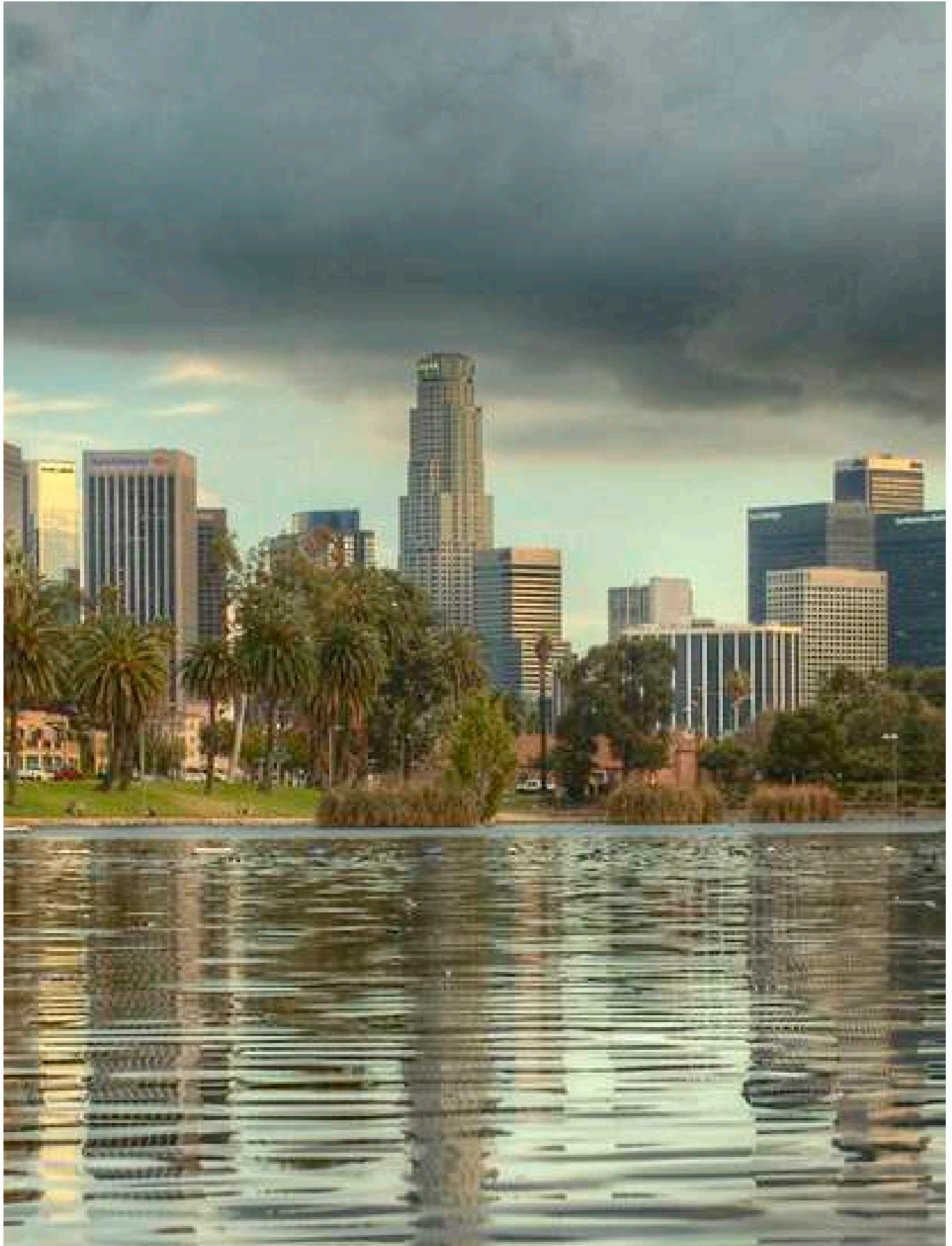
1. The apology must be unconditional––current national or city governments cannot blame harm on past administrations. The apology must fully recognize the institution's roles in creating and perpetuating harm––"they are not diluted by qualifying language designed to limit their scope or redirect blame."[80] Expressions of regret and sadness will fall short of true responsibility.

2. The apology must come out of a shared process with the affected community–– involving victims of harm will allow for a shared definition of the harm and will allow victims to envision an apology that will be most impactful and healing for them, their families, and their larger community.

3. The apology must be in the correct context––an institutional apology cannot be used for political gains. It must be initiated by community members and expressed in genuine terms. If not, the apology itself will be overshadowed by conflict, controversy, and further mistrust from victims.

4. The apology must be accompanied by an intentional ceremony and celebration–– presenting an apology can take many forms: written, speech or recorded. Above all, though, it must center victims' voices, stories, and needs. The ICTJ report, "More than Words: Apologies as a Form of Reparation" explains, "The possibilities of getting it right—making good decisions about the language, timing, setting, and who makes the apology—are increased by discussing these issues with victims in advance and bringing them into the planning process."[81] Through a ceremony, an institutional apology is embedded in public and institutional memory, which works to "assure victims—and the rest of society—that victims were not at fault for what happened and emphasize common values shared by everyone in society."[82]

5. The apology must be specific and name the harm––general terms are not sufficient. By naming harm, a government or city signals the extent of learning and understanding that came from a truth commission. Naming harm gives solace to victims by recognizing their trauma, and committing to further reparative measures.

6. The apology must include plans for future justice––this includes monetary reparations and other forms of symbolic reparations, like the removal of monuments that celebrate oppressors or the resurrection of community driven memorials. Future justice outlines the institution's plans for non-repetition of harm and removal of all harmful language, policies and structures.

7. The apology must outline plans for repetition and integration––an institutional apology is not a single event, rather the beginning of a new future in active responsibility taking. The initial apology must outline how the institution will hold itself accountable to all aspects of the apology and provide ways for the apology to be embedded in the public system–– whether that be through yearly ceremonies, an artistic representation or any other form of permanent recognition.

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80 Ibid.
81 Ibid. p. 11
82 Ibid. p.2

Conclusion

In the City of Los Angeles, racial injustice is rooted in institutional structures that perpetuate harm. While the City has made significant efforts to address these issues, racial discrimination continues to define the lives of many Angelenos. Our research demonstrates the importance and value of engaging in processes of active responsibility based on RJ principles, which prioritize the inclusion of the victim, the offender and the community. The *Right to Housing* and *L.A. REPAIR* are two LA based initiatives that reflect these principles.

Truth-telling processes, such as TRCs, are an effective collective mechanism for government actors to take active responsibility. However, actions without an apology are meaningless, and vice-versa. An institutional apology, as a means of active responsibility, is fundamental for healing victims and community members, restoring relationships, and dismantling systemic patterns of racial discrimination. The following section will build on recognition and responsibility to outline concrete avenues for repair in Los Angeles.

"A city really tak
ing responsibility is
naming what is and
isn't taking place
then offering
resolutions that
create spaces with
those that are or will
be directly
impacted."

-Jodi Geddes

Repairing Harm in Los Angeles: A City & Community Restorative Response

Introduction

Repair refers to a dynamic process that involves victims and offenders, and their larger community. It consists of three crucial and interlinked components: acknowledging past harms, addressing current needs and discrepancies between individuals and groups, and preventing the recurrence of harm by building communal and institutional strategies for peaceful and fair conflict resolutions.

As the previous sections have explained, the City of Los Angeles has witnessed three generational social uprisings for racial justice: the 1965 Watts riots, the 1992 Los Angeles Uprising, and the 2020 Black Lives Matter protests. In different ways, each demanded government responsibility and reparation of present and past harms, particularly around police brutality. In order to effectively respond to these demands, government officials must assess the causes of harm, acknowledge their occurrence and consequences, and engage processes of harm reparation. Reparations and Restorative City models emerge as alternative approaches for cities to face the realities underlying these uprisings. The aim is to allow victims to voice their truths, redress historical wrongs, and dismantle structural violence. This is possible when cities identify avenues for holistic local action that centers non-recurrence of harm.

Reparations: From Individual to Community Reparations

For years grassroots organizers have uplifted reparations as an avenue to address the endless historical harm in the United States committed against Black populations. Mayor Eric Garcetti is even pushing this idea forward -- he recently stated that he was going to "name an advisory commission and engage an academic partner to help me push toward creating a pilot slavery reparations program for Black Angelenos."[83] Yet, both the conceptualization and implementation of a successful reparations program remains unclear.

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83 Eric Garcetti, State of the City Address (City of Los Angeles, 2021)

To facilitate this dilemma, we draw from both national and global models of reparations -- these are further outlined in the appendix. Perhaps the most important global model comes from the International Criminal Court (ICC) and its founding Rome Statute. The ICC introduces the idea that reparations can engage a wide variety of tangible and intangible actions in order to achieve the ultimate goal of satisfying demands for acknowledgement of historic harms and redress for their consequences. The concept of reparations was first discussed on a broad international scale in the Rome Statute, thereby establishing the International Criminal Court (ICC) in response to grave crimes against humanity. Within the Rome Statute, reparations are broken down into five categories. These are outlined below.

Restitution	Restoring the victim to his/her original situation before the violation inflicted upon them. This can include but is not limited to: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return of one's place of residence, restoration of employment and return of property.
Damages Compensation	The provision of compensation for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case. Such damage includes: physical or mental harm, lost opportunities, material damages and loss of earnings, moral damage, cost of legal, medical, psychological and social services.
Rehabilitation	The bestowing of medical, psychological and psychological services in addition to legal assistance.
Satisfaction	Measures which include the cessation of human rights violations and abuses, truth-seeking, searches for the disappeared, recovery and reburial of remains, judicial and administrative sanctions, public apologies, commemoration and memorialization.
Guarantees of non-repetition	Reforms ensuring the prevention of future abuses, including: civilian control of the military and security forces, strengthening an independent judiciary, protection of civil service and human rights workers, the overall promotion of human rights standards and the establishment of mechanisms to prevent and monitor social conflict and conflict resolution.

The most challenging aspect of reparations, particularly tangible or monetary reparations, is in identifying victims. In the context of our research around social uprisings and unjust policing this is extremely difficult. When attempting to identify victims, we ask: How many people has a single police officer affected with unjust policing? How many communities feel the negative impacts of over-policing on their communities? How can a city reliably identify victims and attempt to issue reparations for past harms?

We believe the answer to these questions relies on communal reparations rather than individual reparations, although individual reparations may be necessary in specific instances. In the majority of the case studies we analyzed, cities focused on uplifting entire communities, rather than targeting specific individuals to rectify harms. While in an economic sense this may result in an issue known as the "free rider problem," in which those not affected by unjust policing benefit from the policy, reparations are not a zero-sum game. In this way, communal reparations solve the main problem when issuing reparations, that is, the identification of victims.

Forms of Reparations

In the face of contemporary controversy surrounding monetary reparations, environmental reparations have the potential to provide economic self determination and community emancipation.[84] Reparations based in community development through environmental justice enable individual and community empowerment. Environmental and community reparations include: investment in solar and renewable energy infrastructure in underdeveloped neighborhood communities, controls of toxic substances, clean air initiatives, and development of green spaces within a city.

Communities in Los Angles are ridden with intergenerational trauma as a result of consistent institutional disenfranchisement and oppression. Racist environmental practices and inequitable development have increased an already strained relationship between the City and marginalized communities. This includes, "disparities in exposure to environmental toxins from energy infrastructure and the 'fiscal geographies' of asset stripping, through tax evasion and subsidization, shape the spaces of energy extraction, production, and use."[85]

The issue of inequitable development, specifically in regards to housing (as the Responsibility section evaluated), was reemphasized by Mayor Garcetti in his latest State of the City address, when he stated that "redlining and exclusionary zoning resulted in a city where today Black and Mexican-origin families hold 1/90th of the wealth of white families on average."[86]

Reparations in the form of green infrastructure and environmental and economic self determination are imperative to community development. These measures are an important response to institutional harm. Green reparations are also closely associated with restorative city models, which will be explored in the next section.

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84 Manning Marable, Power to the People? Energy and Economic Underdevelopment of Black People in the 'New South, (Black Books Bulletin 7.3,1981)
85 Nikki Luke and Nik Heynen, Community Solar as Energy Reparations: Abolishing Petro-Racial Capitalism in New Orleans. (American Quarterly, 2020)
86 Eric Garcetti, State of the City Address, (City of Los Angeles, 2021)

Restorative Cities

Lessons Learned from Restorative Justice in Oakland, California

There are many ways in which Los Angeles can work to become a restorative city. According to Yoana Tchoukleva, a restorative city is any municipality "whose infrastructure reflects the principles of restorative justice: equity, accountability, accessibility, interconnectedness, the possibility of healing, and genuine peace."[87] Despite this universal definition, Grazia Mannozzi notes that "every urban structure requires an intervention tailor-made to its own requirements, needs, and features."[88] Los Angeles can facilitate healthy community relations through the implementation of restorative practices in schools, youth justice systems, and neighborhood councils.[89] Using the examples of Oakland, California this section provides government officials with a blueprint for confronting issues of racism and social inequity through RJ principles.

The City of Oakland provides a replicable model from which Los Angeles can learn. Like Los Angeles, Oakland sees disproportionate levels of unemployment, gun violence, incarceration, police violence, and inadequate education services in marginalized (black and brown) communities.[90] To combat this, the City of Oakland partnered with Restorative Justice for Oakland Youth (RJOY) -- a grassroots organization that seeks to implement restorative practices in Oakland's public schools. Through the use of restorative practices, such as circles and innovative problem solving, the Oakland Unified School District has been able to reduce suspensions by 50% since 2011.[91]

Further, Oakland has enlisted the help of Community Works West (CWW). Through its work in the field of juvenile detention, CWW has reduced recidivism rates among low-level felons by 50 percent.[92] Equally important, the City has tasked the North Oakland Restorative Justice Council with establishing "grief circles" in "communities affected by violence to foster healing and prevent retaliation."[93] Despite these successes within Oakland's youth justice and education sectors,Tchoukleva concedes that their "scope and reach" remain relatively small.[94] In order to strengthen Oakland's ability to become a restorative city, Tchoukleva suggests that the city establish a network of RJ centers that can offer 'restorative services', like conferencing and circles, in addition to basic services for citizens "struggling with sustainable employment, food, housing, and ealthcare."[95] Similarly, Tchouleva calls for the formation of a restorative justice board, much like the Whanganui Trust, to monitor Oakland's progress towards becoming a restorative city.[96] In brief, further exploring the example of Oakland is critical to any future efforts

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87 Yoana Tchoukleva, Re-Imagining Oakland: Building the First Restorative City in the Country (2020) p. 8.
88 Grazia Mannozzi, The Emergence of the Idea of a 'Restorative City' and Its Link to Restorative Justice. (The International Journal of Restorative Justice, 2019) p. 1.
89 Saywood, Whanganui, 324
90 Yoana Tchoukleva, Re-Imagining Oakland: Building the First Restorative City in the Country (2020) p. 14.
91 Ibid.
92 Ibid.
93 Ibid.
94 Ibid.
95 Ibid. p.20
96 Ibid.

by the City of Los Angeles to implement restorative practices at the municipal level.

Current Reparative Processes in the Greater Los Angeles Area

Another example of city healing efforts comes from the City of Manhattan Beach in California. City officials recently initiated a reparative process with historically marginalized populations in this community.
Bruce's Beach was a Black-owned beach resort in Manhattan Beach, California. The resort was seized by the City in the 1920s to build a park (which was not completed until the 1960s).[97]
In 2006, the Manhattan Beach City Council took the first step in recognizing past harm by ceremoniously renaming the area "Bruce Beach" as a sign of goodwill.[98]

In 2020, the Manhattan Beach City Council set up a Bruce's Beach task force to examine the

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97 Ibid
98 Ibid. p.24.

history of disenfranchisement and displacement in the area. The task force identified the City as having caused immense harm to Black populations in Manhattan Beach. In their suggestions, the task force calls on city officials to issue an apology to "acknowledge and apologize for historic racially exclusionary policies and practices" while "committing to redressing the enduring negative effects of racial exclusion."[99] Further, the task force suggested that the City partner with community members to create a public art installation at Bruce's Beach -- one that is transparent about the history of racial exclusion in Manhattan Beach. Current action in Manhattan Beach represents a concerted city effort rooted in active responsibility, recognition through art and memorialization, and symbolic reparations.

Conclusion

Ultimately, if Los Angeles wishes to pursue restorative practices at the city level, it must develop close partnerships with key departments and agencies within the education, police, housing, and mental health sectors. Recognizing the needs of communities that have been harmed is essential to a healing process in a restorative environment. Using restorative practices that center community voices, Los Angeles can identify pathways for reparations. Transforming L.A. into a restorative city is an immense task, but with the right community vision, and a determined bureaucratic effort, Los Angeles can make history by becoming a restorative city.

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99 Bruce's Beach Task Force Bruce's Beach Task Force Progress Report to Council.(2021) Retrieved April 17, 2021, https://www.citymb.info/home/showpublisheddocument?id=46095

Concluding with Frequently Asked Questions

The avenues we propose for truth, justice, and accountability in Los Angeles are immensely complex. Without accessible language, our recommendations and research have little bearing on community members in Los Angeles. Because of this, we have chosen to conclude our work with a comprehensive frequently asked questions section. We hope these questions invite city/community conversation around the creation of a more equitable and just Los Angeles.

Frequently asked questions about Transitional Justice and Truth and Accountability Processes

What are distinctions when we talk about justice as 'equality' vs justice as 'equity?'

Equality means the distribution of resources and/or goods and/or opportunities in equal amounts. Equity recognizes that each person has different circumstances and distributes resources/goods according to need.

What are forms of racism?

Racism: Can range from face-to-face or covert actions toward a person that express individual prejudice, hate or bias based on race. That individual prejudice has a broader context of broader patterns of social discrimination based in implicit or explicity white supremacism. This can express itself in racialized violence that is directed at or disproportionately affects members of a certain racial group. In many cases this violence is carried out by or allowed to continue by the state. Restorative justice processes seek to address the manner in which individual racial violence flows out of societal racism and white supremacy.

Structural Racism: A system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity. It identifies dimensions of our history and culture that have allowed privileges associated with "whiteness" and disadvantages associated with "color" to endure and adapt over time. Structural racism is not something that a few people or institutions choose to practice. Instead it has been a feature of the social, economic and political systems in which we all exist.

Institutional Racism: Institutional racism refers to the policies and practices within and across institutions that, intentionally or not, produce outcomes that chronically favor, or put a racial group at a disadvantage. Poignant examples of institutional racism can be found in school disciplinary policies in which students of color are punished at much higher rates that their white counterparts, in the criminal justice system, and within many employment sectors in which day-to-day operations, as well as hiring and firing practices can significantly disadvantage workers of color.

Microaggressions: A more casual form of Racism that often takes the form of com
ments or remarks that play into racist tropes or stereotypes. Mircoagressions usually do not come from a place of hatred and harm is not intended by these statements. However, just because harm is not intended by these statements does not mean that no harm is done. Research has shown that this kind of casual racism can often have a lasting psychological impact on the groups who experience it. So while at a first glance microaggressions may seem relatively harmless compared to more blatant forms of racism that does not mean these kinds of remarks are not problematic or harmful.

What are the distinctions between Transformative, Transitional & Restorative Justice?

Beyond contexts of immediate aftermath of large-scale violations, transitional justice is increasingly used to redress legacies of human rights abuses through judicial and non-judicial measures such as criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms. Meanwhile, Restorative Justice is a forward-looking approach. It acknowledges that repair can be done when acknowledging the relationship between victim, offender and community caused by harm. It offers opportunities to create new collective futures by a victim-centered approach. Then, there is a more expansive approach to restorative justice which is Transformative Justice. Transformative Justice is the idea that justice will only occur if there is a fundamental restructuring of social, political, and cultural relationships within societies in order to dismantle systems of oppression and prevent future oppression. We argue that there is an interplay between these three concepts of justice, with a common focus on addressing exclusionary and discriminatory hierarchies of power that drives societal division by focusing on revisiting the social contract as one based in creating more inclusive institutions, the rule of law grounded in human rights, and a pluralistic narrative in which all residents are an equal part of society.

If Transitional Justice has traditionally been conceptualized as being about nation-states, why and how could it relate to a city like Los Angeles?

Transitional justice normally refers to a nation state that emerges from a period of conflict and repression and addresses large-scale or systematic human right violations that are so grave that the normal justice system isn't able to provide the response that is needed. However, beyond contexts of immediate aftermath of large-scale violations, transitional justice is increasingly being used to redress legacies of human rights abuses at sub-state levels. Our research posits that transitional justice principles can help us work toward a more just and equitable Los Angeles. At a nation-state level, transitional justice processes most commonly take place in the immediate aftermath of mass atrocities for which the state had primary responsibility. A city-level process is more complex in that there are potentially more actors responsible for historic harms, making accountability less clear. As well, harms will tend to be less immediate but more long-term and structural. Nonetheless, in both contexts there are common ways to effectively address past harms in ways that prevent their recurrence. This should be grounded in a process that centers recognition of historic wrongs, active responsibility-taking, and reparative processes to help heal past harms. Progress with each of these domains depends on community and city cooperation.

How could Restorative Justice be a part of Transitional Justice?

If we consider transitional justice to be a large scale process that is different depending on the country and the situation, we can think of restorative justice as a smaller process that can be included within the strategies of transitional justice. Transitional justice would thus be an umbrella approach where restorative is one of many initiatives beneath the overall process. So if transitional justice is a large scale human rights reimagining process within a country, restorative practices such as healing circles with victims and offenders would be facilitated as part of the attempt to reconstruct human rights situations within the country or region.

What is the difference between Restorative Justice and a punitive justice model?

Davis and Scharrer describe this key distinction as follows. A punitive justice model asks: What law(s) were broken and by who, as well as the proper punishment for their actions. Contrasting this, a Restorative Justice model focuses on the community aspects by asking: who was harmed, the needs of every party involved, and the ways in which all parties involved can contribute to repairing the harm. Punitive justice models assume conventions in compliance with the institution of criminal justice, whereas Restorative Justice is forward-looking—dealing collectively with the aftermath of an offense and implications for the future. Recognizing that individuals exist in networks of relationships sharing a common physical, psychological, or political space, Restorative Justice views actions, individuals, and relationships in ways that offer opportunities to create new collective futures.[100]

What is the difference between Retributive and Restorative systems? What is the importance of implementing a restorative system?

Retributive justice systems place the emphasis of the process on punishing the offender, whereas restorative justice practices focus on the relationship between the offender and the victim. Eduardo German Bauche explains how the construction of punitive systems are directly related to the social, cultural, economic, and political profits of the state in a given moment. The final verdict of a case in this system is not the satisfaction of the victim, but rather a successful application of a penalty that is reserved for the stat.[101] Restorative justice offers an alternative approach that gives more agency to the victims and tries to address the needs and voices of those involved. Through the restorative justice process the state's needs are no longer prioritized. This is relevant to our project because we are trying to emphasize the needs of the victims of racial injustice while also trying to reduce the harmful incentives of the state in the current system that allows for this.[102]

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100 (Davis and Scharrer, pg 98: "Reimagining and Restoring Justice")
101 (Bauché, 2018, p. 67)
102 (Germán Bauché, E., Isabel Prada, M. (2018). Diente de León: Teoría y metodología de la Justicia Restaurativa desde la práctica cotidiana. FDCJ.)

Why do many prefer to emphasize accountability rather than reconciliation in truth processes?

Although reconciliation is a worthy goal, truth and reconciliation commissions are oftentimes unable to satisfy the victim or open a dialogue, making reconciliation difficult. By focusing on accountability, TRCs are able to simultaneously work towards three results: recognition of past harms, institution of reparative solutions and prevention of future harms. These are especially important as they are a result of victim-centered approaches. Additionally, the byproduct of focusing on accountability may lead to reconciliation as a result.

What are different types of reparations?

Reparations were first discussed on a broad international scale in the Rome Statute, establishing the International Criminal Court (ICC) to address grave crimes against humanity. Within the Rome Statute, reparations were broken down into five categories:

Restitution	Restoring the victim to his/her original situation before the violation inflicted upon them. This can include but is not limited to: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return of one's place of residence, restoration of employment and return of property.
Damages Compensation	The provision of compensation for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case. Such damage includes: physical or mental harm, lost opportunities, material damages and loss of earnings, moral damage, cost of legal, medical, psychological and social services.
Rehabilitation	The bestowing of medical, psychological and psychological services in addition to legal assistance.
Satisfaction	Measures which include the cessation of human rights violations and abuses, truth-seeking, searches for the disappeared, recovery and reburial of remains, judicial and administrative sanctions, public apologies, commemoration and memorialization.
Guarantees of non-repetition	Reforms ensuring the prevention of future abuses, including: civilian control of the military and security forces, strengthening an independent judiciary, protection of civil service and human rights workers, the overall promotion of human rights standards and the establishment of mechanisms to prevent and monitor social conflict and conflict resolution.

What is the Positive Peace Theory? Why is it helpful to the LA context?

Positive Peace Theory was coined by Peace and Conflict studies expert Johan Galtung as a framework to distinguish the absence of violence and conflict, *negative peace,* from the integration of human society or positive peace. The integration of human society through *positive peace* depends on four fundamental variables, contingent on each other, that constitute a holistic approach to conflict resolution. This framework encompasses local government and civil society's effort to achieve *equity* and *build harmonious relationships* with each other, while simultaneously *transforming current conflicts* and *overcoming trauma*. In Los Angeles, positive peace represents a practical guide for civil society and government actors to take responsibility for present injustices and past harms. Working towards integration, therefore, requires proactive and collaborative efforts that advance equity and harmony between residents, dismantle violent structures, and help communities and individuals heal from past traumas.

$$\text{PEACE} = \frac{\text{EQUITY} \times \text{HARMONY}}{\text{TRAUMA} \times \text{CONFLICT}}$$

Why Restorative Cities?

A restorative city is any municipality whose infrastructure reflects the *principles of restorative justice* and implements the use of restorative practices in city-level institutions, such as schools, juvenile detention centers, and youth community programs.[103] In terms of the why, restorative cities (such as Whaganui, New Zealand, and Oakland, California) have demonstrated more success in addressing issues rooted in institutional/systemic racism than cities that have continued to solely rely on a punitive justice approach. Through the use of restorative practices (Family Conferencing, Circles, etc) at the municipal level, the city of Los Angeles can reconceptualize their approach to eliminating the school to prison pipeline, lowering crime rates, and creating equal opportunities for historically marginalized communities - Black, Asian, Hispanic, and Native American. Although the goals of LA as a Restorative Justice City will expand beyond just schools and the youth justice system, these arenas - which have seen the most success in the use of restorative practices - serve as a useful point of departure when considering the implementation of alternative justice practices in a city as large and diverse as Los Angeles.

How would a Transformative Justice model differ from Transitional Justice or Restorative Justice?

Transformative Justice is a more expansive approach than either transitional justice or restorative justice. Instead of simply seeking to restore the actors, transformative justice sets out to transform individual actors and the broader society -- i.e. it seeks to change the larger social structure as well as the environments, habits, thoughts, feelings of those involved.[104] The bottom-line in transformative justice is that justice will only occur if there is a fundamental restructuring of social, political, and cultural relationships within societies in order to dismantle systems of oppression and prevent future oppression. Transformative justice requires multiple processes -- from grassroots social mobilizations to robust institutional reform.

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103 (Tchoukleva, 2020)

104 (Wozniak)

Why a Truth and Reconciliation Commission (TRC)?

Kelebogile Zvobgo describes TRCs as: a "temporary body authorized by governments to investigate political violence over a period of time, and establish a pattern of violence while engaging with the affected population." As a mechanism of transitional justice, truth commissions seek to provide an "authoritative account on the past" and "provide a framework for governments to address past harm and safeguard against future harm." While truth commissions are often referred to as truth and reconciliation commissions or simply TRCs, not all truth commissions are specifically mandated to promote reconciliation. These commissions often conclude with a final report and a public apology that encompasses plans for non-repetition of harm, monetary or other reparations, supportive programming, etc. (Zvobgo, Truth Commissions and Transitional Justice, 7 October 2020).

What do institutional apologies look like?

The International Center for Transitional Justice (ICTJ) defines an institutional apology as a formal, solemn and, in most cases, public acknowledgement that human rights violations were committed in the past, that they caused serious and often irreparable harm to victims, and that the state, group, or individual apologizing is accepting some or all of the responsibility for what happened.The responsibility avenue discusses seven aspects of an effective apology:

Unconditional: Regardless of current government administrations the apology recognizes the institution as a whole creating and perpetuating harm.

Shared Process: The affected community is involved in the definition of the harm and the apology is centred around what will be the most impactful for the harmed community.

Contextualized: The apology is not used for political gain, the institutional apology is expressed in genuine terms and initiated by the community

Accompanied by an intentional Ceremony and celebration: A ceremony or celebration of the institutional apology embeds the apology into the public memory - uniting both victims and the rest of society.

Specific: An apology without naming the harm leaves the apology empty. Naming the harm recognizes the harm and ensures a commitment to further reparative measures.

Include plans for future justice: Future justice outlines the institution's plans for non-repetition of harm and removal of all harmful language, policies and structures.

Outline plans for repetition and integration: an institutional apology is not a single event, rather the beginning of a new future in active responsibility taking. The initial apology must outline how the institution will hold itself accountable to all aspects of the apology and provide ways for the apology to be embedded in the public system

How does our work relate to SDGs?

The United Nations' Sustainable Development Goals are a benchmark for growth at the global, national, and local levels. They give a basis for working towards long-term structural change rather than the short-term fixes often prioritized in traditional development work. Work on truth and accountability -- at the nation-state or sub-state (city) level -- connects to SDG 16. SDG 16 provides indicators for promoting peace, justice, and strong institutions. In particular our three avenues focus on using restorative justice to build trust and cooperation between the community and city institutions. The key benchmarks to keep in mind are 16.6, 16.7, and 16.10. SDG 16.6 highlights the goal to "Develop effective, accountable and transparent institutions at all levels".[105] In our work, this is reflected in the recognition avenue's work in the process of identifying harms and manifesting that accountability through art and memorialization. SDG 16.6 also comes into play with the City's need to take active responsibility for inequality within Los Angeles. This further connects to the repair group's work in how governments can use reparations and public service as a route to develop more accountability. 16.6.2 specifies that the aim is to increase "Proportion of population satisfied with their last experience of public services" which can be attained through the community based routes such as truth commissions described in our work.[106] 16.7 aims to "Ensure responsive, inclusive, participatory and representative decision-making at all levels" which connects to all three avenues' work on restorative justice practices.[107] Restorative justice as well as truth commissions center around the direct engagement of all members of a community in a dialogue. This process would satisfy SDG 16.7 by involving community members at all levels. Lastly, SDG 16.10 has a goal to "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements".[108] This links directly to the process of truth commissions which first looks to the past to establish and community truth over past harms and seeks to make its conclusions transparent public information and works to ensure freedoms going forward.

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105 (United Nations)
106 (United Nations)
107 (United Nations)
108 (United Nations)

Should we distinguish between "Survivors" and "Victims"?

A person can choose to identify as either a survivor or victim, the implications of each word are different and can be impacted by the type of trauma experienced by the individual. An individual who identifies as a survivor is implicitly associated with survivorship––i.e, of having faced their obstacles and to one degree or another having moved past them. An individual who identifies as a victim emphasizes that there is an existence of a perpetrator who is at fault for the trauma and harm they have experienced who might still hold power over them. This doesn't show weakness but is a way of surviving/coping with trauma. These terms are fluid and an individual may identify more with either one as they process their trauma and begin to heal. Terms like these empower individuals to decide how they perceive themselves and how society perceives them. The victim-centered approach of restorative practices prioritizes the needs of those who have been harmed and supports them in their healing process, instead of focusing on the actions or intentions of the person, group, or institution that caused the harm.

Why do we suggest a victim-centered approach?

Victim-centric approaches are imperative to the success of and efficacy of Truth and Reconciliation Commissions' ability to provide affected communities with an avenue toward recovery; emphasizing and addressing the needs of the victims. In advocating for justice for past harms, a victim-centered ensures minimal amount of retraumatization and allows space for a meaningful path forward by having the community be centrally involved in this process. A victim-centered approach gives those afflicted a sense of dignity and provides a unique opportunity for healing, as opposed to focusing on the actions and intentions of the offenders.

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Appendix A:
Recognition Case Studies

The following case studies were chosen based on specific moments of political unrest that were identified in Section 1. The Watts Riots and the BLM movement were both important points in the history of Los Angeles, and in this section we examine memorialization projects that are already happening.

Watts Riots; August 1965.

The Watts riots occurred in South Angeles after a young man was pulled over for reckless driving. Violence and protest occurred for almost five days after. The neighborhood is now widely known for the riots, yet there is little to no recognition of this tumultuous time. There is currently a very large sculptural art installation which is one of the primary attractions in the neighborhood created by Italian artist, Simon Rodia. The site sometimes hosts cultural events like art and music festivals and serves as a community center. It is important for the City to devote equal amounts of physical space and resources to support projects in collaboration with local residents of the neighborhood.

The City has made efforts through the Department of Cultural Affairs (DCA) to work with the Social and Public Art Resource Center (SPARC), an organization creating commemorative murals throughout Los Angeles. The organization has a clear mission: to engage community members in collaborative artistic projects and to create spaces for public memory. For the Watts memorial, they are working with local artist Judy Braca to commemorate the Watts Riots/Rebellion of 1965. The mural will serve as a visual reminder of community resilience and the vision for an improved quality of life in Watts.[112] Braca grew up in the Watts neighborhood and has worked on multiple large scale memorial projects for the city of Los Angeles. Although plans for the mural have been in place since before 2016, it has yet to be completed.

SPARC and Braca have held community events, specifically focusing on youth and artists, to engage residents of the area in the creation of the mural, a strategy that helps highlight ownership of the piece and the space. The mural is also set to include markers on the ground of personal statements of those who lived through the riots as well as an augmented reality feature that viewers can interact with on their phone. Part of truth and accountability involves educating people about past injustices and bringing light and attention to the forgotten experiences of Black Angelenos. The current site for the mural is directly in the Watts neighborhood and ground markers will allow this piece to take up space and serve as a physical reminder of the disruption and following resiliency of 1965. Unlike Rodia's Towers, this mural reflects the history of the neighborhood and engages the community in a genuine expression of their experience. This city partnership with a community based organization featuring local artists to memorialize specific moments in time is a great example and model for commemorative memorialization. Partnerships like these can be intentionally used as a truth and accountability tool throughout the restorative justice process.

Black Lives Matter; 2013-present

In the case of the Black Lives Matter movement, there have been a series of events that triggered protests and rallies. As discussed previously, unaddressed tensions and demands from previous moments of unrest build upon each other and manifest in a larger way to drive future political unrest. This is exactly what we have seen with BLM. At its core, this much more recent movement is defined as being anti-police, and as a result it has used sort of "guerilla" tactics to challenge the system.[109] One of these strategies is muralism. Murals and street art can be put up quickly and are often created by community members to express or memorialize community moments.

After the death of many local celebrities like Kobe Bryant and Nipsey Hussle, there were commemorative murals painted in their honor across the city of Los Angeles. Similarly, many murals have been created to memorialize George Floyd, Breona Taylor, and other victims of police brutality. A familiar image includes the names or faces of all the victims or includes wording like "Say their names," or "I can't breathe." Language like this mirrors what is said on social media and is an opportunity to send a strong message of solidarity. As we have previously discussed, art can be a powerful and healing space for communities. Murals are an opportunity

112 Social and Public Art Resource Center. Watts: Riots/Rebellion 50th anniversary COMMEMORATIVE Mural project. (SPARC, 2016) Retrieved March 17, 2021, from https://sparcinla.org/projects/watts-riotsrebellion-50th-anniversary-commemorative-mural-project/.

to transform negative moments into beautiful physical spaces for local residents. This past summer, the city council of Los Angeles in collaboration with "Black LGBTQ+ Activists for Change (BLAC), StreetsLA, and the Los Angeles Department of Transportation (LADOT)" created a large mural on Hollywood Boulevard, inscribing "All Black Lives Matter."[110] This ground mural was painted in the colors of the transgender, non-binary and pride flags. When speaking on the mural, councilmember Mitch O'Farell said in a statement "Today, after years and years of violence against our Black and Queer communities, we are creating the first memorialized space in Los Angeles dedicated to transgender people of color."[111]

This large piece of art acknowledges intersectional issues and is dedicated to the BLM March that occurred on Hollywood Boulevard. This goes beyond simply memorializing the death of George Floyd and other victims, but further recognizes the reaction of the City and the involvement of citizens in protests. The inclusion of the pride colors also acknowledges the impact of systemic racism on more targeted marginalized communities and paves the way for an open dialogue about intersectionality. Karina Samala, Chair of the City of Los Angeles Transgender Advisory Council said "acknowledging the historic event in June, while elevating the conversation about the experiences of Transgender and Queer people of color, is critical as we progress in the movement to ensure the visibility of our community."[112] Visibility and accessibility are the core tenets of murals. When exploring Transitional Justice and the inclusion of artwork, murals are an incredible way to create art for the community, by the community. Unlike gallery exhibitions, murals are visually present in local spaces and can be seen everyday. It is also an opportunity to support and highlight local artists.

110 Mitchell O'Farrell, ALERT: Crews to close part of Hollywood Blvd (LACity, 2021) Retrieved March 17, 2021, from https://mailchimp/lacity/alert-crews-to-close-part-of-hollywood-blvd.
111 Nouran Salahieh, L.A. making permanent all Black Lives MATTER mural on Hollywood Boulevard to COMMEM-ORATE March that drew thousands in June (2020) Retrieved March 17, 2021, from https://ktla.com/news/local-news/l-a-making-permanent-all-black-lives-matter-mural-on-hollywood/.
112 Brody Levesque, LA's permanent street mural commemorating All Black Lives Matter March, (Blade, 2020) https://www.losangelesblade.com/2020/08/28/permanent-street-mural-commemorating-all-black-lives-matter.

Memorials for the Future

The Memorials for the Future competition is an important example of a community-government partnership that implemented the key components that Silas outlined. This competition was initiated and organized by the National Park Service (NPS), the National Capital Planning Commission (NCPC), and the Van Alen Institute -- a combination of federal government organizations and a non-profit organization. Across these actors, the NCPC focused on providing basic city construction guidelines, granting permits, and officially launching the program. The Van Alen Institute collected input for valuable artistic ideas. This project was funded by government grants and philanthropic donations.

In the United States, certain installations act as agents for addressing white supremacy, while also creating spaces for Black people to see their history. Brian Stevenson explains how the Legacy Museum is a structure that promotes "the 'ending of silence' that was needed to help with 'truth and reconciliation.'"[113] They make the argument for how the legacy museum and the NMPJ forcefully bring past trauma to the forefront of the viewers experience. Art installations in Los Angeles can present their messages in whatever capacity best serves the community, however intentionally assertive memorials have the power to transform individual understanding of history.[114]

113 Nicholas. S. Paliewicz and Marouf Hasian Jr., The Securitization of Memorial Space. Rhetoric and Public Memory, (University of Nebraska Press, 2020) p.4.
114 Ibid. p.11.

Appendix B:
Case Studies in
Responsibility-Taking

Limitations to the City of Los Angeles' Responsibility-Taking

Titled as an Affirmative Action Initiative, this proposition prevents discrimination or preferrential treatment based on race, gender or other factors in public education, contracting and employment. This vague wording creates a system of race neutrality that prevents active responsibility for harm and affirmative action in the public sector. According to a study conducted by UC Berkeley, application and admission rates of Black and Latinx students actually declined after the passing of Prop. 209.[115] In the context of LA's housing crisis, this legislation will pose difficulty in tailoring potential programs targeting those most in need for city resources.
The LA Times points out that the County "handles jail, foster care, emergency rooms (⋯) and law enforcement," making them the "chief provider of social services."[116]

Active Responsibility for Equity and Harmony:
International solutions to Homelessness

There are a number of examples where an RJ approach has been applied to homelessness. For instance, Waikiki Youth Circles is an organization in Hawaii which uses a RJ approach to help homeless minors. The center provides food, lockers, laundry, health care and access to social services to youth up to age 21.[117] The program also includes circles designated to help youth talk about their struggles and discuss strategies to achieve goals, such as finding housing, employment or making college plans. The program has succeeded in helping a number of youth reach their goals and develop the tools they need to reintegrate into society. The program represents alternative ways for a city to address conflict and trauma outside of traditional justice systems. While the program certainly was small, there is potential for programs like this to be expanded or offered as an alternative to juvenile detention. Increased social services are an extension of active responsibility––when city governments are able to recognize institutional harm and take responsibility, they are better able to create supportive policy and infrastructure.

This research concludes by linking the issues of housing insecurity and homelessness with active responsibility. As discussed earlier, restorative justice is a tool in the broader scope of active responsibility. The examples below discuss supportive programs for homeless populations that follow RJ principles and demonstrate active responsibility by city governments. Further, our case

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115 Nicholas. S. Paliewicz and Marouf Hasian Jr., The Securitization of Memorial Space. Rhetoric and Public Memory, (University of Nebraska Press, 2020) p.4.
116 Ibid. p.11.
117 Lorenn Walker, Waikiki Youth Circles: Homeless Youth Learn Goal Setting Skills. (Journal of Family Psychotherapy, 2008).

studies use the positive peace framework, which identifies equity, harmony, conflict transformation and overcoming trauma as key ideals to address past and present harms. Specifically, the programs below address homelessness through harmony and equity in order to mitigate the trauma and conflict of homelessness and the systems of oppression that perpetuate homelessness. This section will first identify and outline specific case studies, including their successes, tactics and populations of focus. We will then bring these case studies to the LA context in order to provide recommendations for active responsibility taking as it relates to Black homelessness, gentrification and unequal property ownership.

These specific case studies were chosen because they each represent examples of how a restorative justice approach can be used to support and reintegrate unhoused city residents. The case studies address the possibility for equity and harmony.

Another notable example comes from Brazil. There is a movement focused on a process called land grabbing in which unhoused people corrupted vacant or underutilized property in major cities. This movement pushed for centering housing as a source of security and gateway to other necessities such as healthcare and education. They are currently known as the Movimento dos Trabalhadores Sem Terra (MST) and Movimento dos Trabalhadores Sem Teto (MTST), or landless and roofless workers movement, respectively.[118] The movements are known for setting up meetings between landowners, the government and people in need of housing––in many ways resembling restorative dialogue processes. The negotiations give actors the opportunity to see each other face to face, thereby allowing them to understand each other's perspectives. The primary goal of the negotiations is to convince landowners to allow the unhoused people to live on said land.[119] The government incentivizes landowners to come to the table by offering to buy the land or buildings they own or by offering tax forgiveness. This is combined with The Progressive Urban Property and Land Tax, which penalizes vacant or underutilized properties.

While the program in Brazil certainly had its fair share of hurdles, it nevertheless serves as an excellent example of how RJ can be used to improve the housing crisis. According to the LAHSA, there are an estimated 36,165 unhoused people living in Los Angeles as of 2019. Additionally according to the U.S. Census, there are an estimated 93,535 vacant housing units in the city. Applying the principles developed in Brazil to Los Angeles has the potential to dramatically improve the stability and wellbeing for large numbers of unhoused people.

Finally, it is important to examine programs undertaken in Salt Lake City, Utah. The program known as "Housing First" emphasizes "putting chronically homeless people into supportive housing right after they accept it, especially if they are addicted or mentally ill."[120] The program decreased chronic homelessness significantly. This was achieved in a rather simplistic manner: by building housing infrastructure staffed by counselors who helped the residents deal with drug and mental health issues, as well as find employment and reintegrate into broader society. It is important to note here that numbers of chronically homeless people have gone up in Utah in recent years. This is not due to failure of the program. As Glenn Bailey, the director of a Salt Lake City Food Pantry, said "the mistake we made was stopping." The number of homeless people rose again because funding was shifted away from the program, despite its success, and relocated to mitigating drug trafficking.

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118 Clara Irazábal, Counter Land-Grabbing by the Precariat: Housing Movements and Restorative Justice in Brazil. (University of Missouri Kansas City, 2018).
119 Ibid.
120 Kevin Fagan, What S.F. Can Learn from Salt Lake City, (San Francisco Chronicle, 2014) https://www.sfchronicle.com/archive/item/What-S-F-can-learn-from-Salt-Lake-City-30428.php.

As previously mentioned these three examples are by no means flawless or end all solutions. The program in Waikiki is small in scale and funded largely through a non-for profit organization, which would be a challenging model for Los Angeles. However, there is some amazing proof of concept in the program that could serve as a blueprint for similar programs in Los Angeles. In particular, the program's focus on supportive societal reintegration gives program participants the skills they need to avoid future homelessness. This example of active responsibility, with a focus on the structural issues of homelessness, leads to a cooperative construction of city harmony. As individuals feel and see their basic needs satisfied, relationships across city actors horizontalize, facilitating harmony between residents and building a communal sense of belonging.

Similarly, the MTST in Brazil began through a social movement. Instituting land grabbing in partnership with the government was extremely tenuous. Yet, this movement is one of the best examples of using restorative justice to address housing. By convening unhoused residents, owners of vacant or underutilized property, and government officials, victims of unequal housing policy were able to express their concerns and needs. Further, this program invites ideas about restitutions for homeless folks, also known as monetary reparations in an accountability process.

Although there is no explicit use of restorative justice, the reforms taken in Salt Lake City provide a concrete example of city based active responsibility for homelessness. Admittedly a large portion of the funding for the program came through that Moromon Church, meaning that the program would need to be funded differently in LA. However, the program had immense success in reducing the numbers of chronically homeless people in Salt Lake.

Appendix C:
Truth and Reconciliation Commissions worldwide

Lessons learned from International Truth and Reconciliation Commissions

The Argentinian Truth and Reconciliation Commission

The National Commission for the Disappeared (CONADEP) is the official name of the arguably first Truth and Reconciliation Commission to be established in the world as a government and civil society joint response to the tragedies of the Dirty War in Argentina after the military dictatorship (1976 -1983) that led to the disappearance of more than 30,000 Argentine citizens along with several charges for crimes against humanity.[121] The Commission's work lasted one year (1983 - 1984) and comprised a nation-wide effort to center the process in the victims and their families as shown in CONADEP's Nunca Mas final report.

After six years of military dictatorship, the incoming democratic government of Ricardo Alfonsin called for the creation of CONADEP five days after assuming office arguing that "the Human Rights question goes beyond public power and engages both our civil society and the international community" under Decree 187 of December 15, 1983. Government commitment to the issue of Human Rights throughout the Commission's mandate and to bring truth to those who experienced the hardships and atrocities of the Proceso de Reorganización Nacional (PRN) is, according to the CONADEP president Ernesto Sabato, a critical factor in ensuring the completion and success of the Truth and Reconciliation Commission.[122]

The purpose of the TRC was defined following democratic and republican government mandates, ensuring that the Commission did not replace the national system of justice "but [aimed] to investigate the fate of the disappeared in the course of these unfortunate years of national life."[123] President Alfonsin in representation of a united multi-party democratic response deemed necessary to summon national and internationally renowned figures, scholars, legal experts in an ad honorem basis to constitute the Commission leadership team and define a course of action that would ensure transparency and efficacy when dealing with the testimonies from communities across the country. The commission highlights in its report the importance of international cooperation from human rights agencies, the Organization of American States, and

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121 Desaparecidos.org, Muro de la Memoria, (Website, 2021) http://desaparecidos.org/arg/victimas/.
122 CONADEP, Reporte Nunca Más, (Universidad de Buenos Aires, 1984).
123 Ibid. p.3.

the United Nations to pursue this complex task.

The lessons learned from the CONADEP delineate the importance of legitimacy for a potential TRC process in Los Angeles. By implementing a cooperative and autonomous model of Truth and Reconciliation that engaged civil society actors, influential figures, and the international community with active participation of government actors, the TRC acquired international recognition and its final report gained public support. With the support of activists, social movements, scholars, and influential figures together with government collaboration, a legitimate Truth and Accountability process could flourish for the City of Los Angeles.

The South African Truth and Reconciliation Commission

The South African Truth and Reconciliation Commission (TRC) was established by the passage of the Promotion of National Unity and Reconciliation Act under the new government post-Apartheid. As a Commission addressing racial discrimination and violence, including through police brutality, it offers several lessons for LA around public attention, the use of public hearings, and inclusion of other marginalized people.

Because one of a truth commission's central purposes is to establish the truth, its success rests upon widespread knowledge about the commission's work, in which the TRC succeeded. This success stemmed in part from the public hearings, which TRC staff believed had more impact on the public than the final report,[124] but also from its strategic engagement with the media. The TRC had a designated media liaison department staffed by journalists, a media strategy to prevent leaks and ensure that the Commission would be the first to release news of its work, and engagement with a variety of media types (print, television, radio, etc.), which ensured widespread knowledge of and access to the Commission's work. A commission in LA would increase its success by implementing these media strategies.

The TRC's use of public hearings presents pros and cons for their use in an LA context. Public hearings can present a unique opportunity for healing of victims. Two researchers found that story-telling was healing, especially the aspects of breaking silence and being listened to by others.[125] One TRC staff member believed public testimony would negatively affect victims, but instead found that it gave them a sense of dignity, even if it was also painful. However, there are concerns that public testimony of perpetrators and other victims can retraumatize victims, and some TRC staff members felt that the Commission did not provide enough emotional and psychological support to all victims who gave testimony, not just the ones who appeared publicly.[126] Public hearings also presented challenges, such as high logistical and financial costs, diversion of resources from other parts of the Commission's work, and yielding low amounts of new information, that was either not captured or not properly used. While public hearings

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124 Joanna Quinn and Mark Freeman, Lessons learned: Practical lessons gleaned from inside the truth commissions of Guatemala and South Africa, (Human Rights Quarterly, 2003) p. 1140-1141.
125 Cheryl De la Rey and Ingrid Owens, Perceptions of Psychosocial Healing and the Truth and Reconciliation Commission in South Africa, (Peace and Conflict, 1998) p.267.
126 Joanna Quinn and Mark Freeman, Lessons learned: Practical lessons gleaned from inside the truth commissions of Guatemala and South Africa, (Human Rights Quarterly, 2003) p. 1133.

present significant advantages, the decision of whether to implement them must center the needs of the victims. Moreover, special attention to the emotional and psychological needs of victims must be paid throughout the process.

The problematic nature of how the TRC addressed gender shows lessons for creating an inclusive and successful commission. The Commission only addressed gender through Special Hearings on women, which were a response to criticisms by feminist organizations,[127] and a chapter in the final report on women's experiences, which shows the reactive nature of the TRC towards gender. The separate nature of both the chapter and the Special Hearings served to sideline the topic of gender and further marginalize women, rather than fully integrating a gender perspective into all the Commission's work. Russell argues that consulting more with women in the process of creating the Commission would have mitigated this issue.[128] Additionally, the over emphasis on sexual violence in the special hearings served to victimize women and minimize their agency and role in resisting Apartheid.[129] Any TRC in Los Angeles must integrate a gender perspective into its work to interrogate gendered experiences of violence and discrimination. Besides gender, any Commission must also address how other marginalized identities (sexual orientation, disability, etc.) intersect with the marginalized racial or ethnic identity in question.

The Mauritius Truth and Justice Commission

While most commissions occur after a period of widespread violence (a transition), the Mauritius Truth and Justice Commission (MTJC) was created by a legislative act that resulted from bargaining between political parties. In addition to occurring outside a transitionary period, which is relevant for LA, it also presents an example of a commission that addressed the historical harm of slavery and its legacy, with a scope of 370 years.

Boswell notes that the MTJC did not clearly define who were the victims, or what harm needed to be repaired, which prevented the Commission from being truly victim-centered.[130] Additionally, by not answering those questions, the MTJC encountered problems in its relationship with different constituencies in the public. In some cases, this manifested in the prioritization of political considerations. For example, "the introduction of indentured labourers later helped senior politicians to deflect discussion of the specific problems encountered by the descendants of slaves after the MTJC report was published."[131] Another example of the prioritization of political considerations occurred around the issue of reparations, which were not included in the terms of reference of the Commission.[132] To avoid dealing with the issue of reparations, the MTJC ultimately claimed that not enough information about Creole family

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127 Barbara Russell, A self-defining universe? Case Studies from the 'special hearings: Women' of South Africa's Truth and Reconciliation Commission, (African Studies, 2008) p.49.
128 Ibid. p.50-51.
129 Ibid. p.54.
130 Rosabelle Boswell, Can Justice Be Achieved for Slave Descendents in Mauritius?, (International Journal of Law, Crime and Justice, 2014) p.148.
131 Richard Croucher, Mark Houssart, and Michel Didier. The Mauritian Truth and Justice Commission: Legitimacy, political negotiation and the consequences of slavery, (African Journal of International and Comparative Law, 2017) p.14.
132 Ibid. p.15.

histories was known to be able to give reparations, which they justified by saying that Creoles were ignorant of their ancestors' experiences. Yet, that was contradicted by transcripts of interviews done by the Commission. In anticipation of the argument that not enough was known about their ancestry, some Creoles, interviewed by Croucher, Houssart, and Michel, tried to do their own genealogical research and were met with resistance by government officials.[133] Further demonstrating the problematic relationship between the Commission and Creoles is the fact that many Creoles did not even know the Commission existed. Of those that did, some refused to be interviewed by the Commission, believing that it would do them no good.[134]

Boswell also notes that the Commission failed to define who were perpetrators, which resulted in problems with how the Commission addressed those that benefited from slavery.[135] The Commission did investigate one company that benefited from slavery, but not others, nor did the Commission require evidence from entities that had benefited from slavery, despite its ability to do so.[136] The final report, therefore, largely ignored the issue of slaveholders, their descendants, and other institutions that profited off of slave labor. The MTJC's failure to define those who were harmed, those who caused the harm, and the harm itself, and the consequences of this show the importance of defining these terms in the LA context.

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133 Ibid. p.18.
134 Ibid. p.18.
135 Rosabelle Boswell, Can Justice Be Achieved for Slave Descendents in Mauritius?, (International Journal of Law, Crime and Justice, 2014) p.148.
136 Richard Croucher, Mark Houssart, and Michel Didier. The Mauritian Truth and Justice Commission: Legitimacy, political negotiation and the consequences of slavery, (African Journal of International and Comparative Law, 2017) p. 20.

Examples of Truth-telling Processes: The Greensboro Truth and Reconciliation Commission and Canada's Indian Residential Schools Truth and Reconciliation Commission

The first truth-telling process in North America, the Greensboro Truth and Reconciliation Commission (GTRC), speaks to the evolution of truth processes in the 21st century. There are three distinct ways in which the GTRC differs from traditional truth processes: 1) the commission was non-governmental; 2) Greensboro was not going through a political transition; and 3) the commission began 25 years after, rather than soon after, the Greensboro Massacre. Although these three features of the of the GTRC contradict the definition of a traditional TRC as provided by Hayner (2002), its motivation to address the past, and the aim to heal––which reflect those of conventional truth-telling processes––are evident in its mandate, which reads:

"The passage of time alone cannot bring closure, nor resolve feelings of guilt and lingering trauma for those impacted by the events of November 3rd, 1979. Nor can there be any genuine healing for the city of Greensboro, unless the truth surrounding these events is honestly confronted, the suffering fully acknowledged, accountability established, and forgiveness and reconciliation facilitated."[140]

More recently, Canada's Indian Residential Schools Truth and Reconciliation Commission was the first instance of a nationwide act "to use a truth commission in an effort to redress historical wrongs (...) despite a significant lapse of time since the abuses took place."[141] Similar to the GTRC, the purpose of this truth commission was not to facilitate a political transition. And, further, the commission focused on events from 30 years ago. These adaptations are part of a larger trend in the 21st-century towards broader and more diverse implementation of truth-telling processes.

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140 Priscilla B. Hayner, Unspeakable Truths: Facing the Challenge of Truth Commissions, (Routledge, 2001).

141 Nicole E. Fehr, Locating Canada's Truth and Reconciliation Commission in Global Trends. (University of Notre Dame, 2010).