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# How is the Most Segregated City in the Country Addressing Disproportionate Minority Contact with a Juvenile Burglary Restorative Justice Program and What Implications Exist for Community Based Restorative Circles? : Conflict Analysis and Recommendations

Lauren Thrift

*SIT Graduate Institute*, lauren.thrift@mail.sit.edu

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Abstract

Milwaukee, Wisconsin is considered the most segregated city in the country and has the most disproportionate rate of minorities in Wisconsin's juvenile justice system. The State of Wisconsin recognizes disproportionate minority contact (DMC) is a product of both differential offending by minorities and the racist differential processing by the juvenile justice system. Milwaukee's residents are locked in a conflict about the role of racism in the high rates of minority crime and whether to address DMC with more stringent punishment or increasing alternatives to incarceration.

The entrenched segregation between African American and Caucasian neighborhoods and social groups reinforces polarization, increasing the stereotypes and racial inequity that affect DMC while simultaneously barring the communication between the groups necessary to reduce it. Although the state recognizes that low-income minorities are influenced by the high exposure to risk factors associated with crime, it does not comment on the structural violence and racism that perpetuate the inequitable system. Milwaukee is currently addressing DMC in the juvenile justice system, but no methods are in place to overcome segregation. Methods of conflict transformation and restorative justice can be utilized in Milwaukee at the individual, relationship, and community levels to transform Milwaukee's race/crime conflict and reduce DMC.

*Keywords:* Disproportionate Minority Contact, Juvenile Justice, Segregation, Conflict Transformation, Racial Inequality, Racial Discrimination, Differential Involvement, Differential Offending, Differential Processing

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Lauren Thrift

SIT Graduate Institute

## Addressing Disproportionate Minority Contact and Segregation with Restorative Justice

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Student name: Lauren Thrift Date: 10-21-12

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## 1. Problem Statement

Residents of Milwaukee, Wisconsin are locked in a conflict over how to address the high rates of disproportionate minority contact (DMC), the disproportionate rate of minorities in the juvenile justice system. The solutions are generated based on whether the parties view DMC as positive or negative and what role the parties believe racism plays in DMC. Proponents of more stringent punishment methods view the high DMC rates as positive for keeping criminals off the streets. They do not believe racism plays a role in DMC. Proponents of alternatives to incarceration advocate for reducing DMC through a more preventative, community centered approach to juvenile justice than the current punishment approach. They are more likely to recognize the structural violence and racism toward Milwaukee minorities that historically fueled its DMC. Milwaukee is currently addressing DMC with efforts to reduce racial discrimination within the juvenile justice system, including Circles of Accountability (CofA), a juvenile burglary restorative justice program, and is seeing some success. Community wide efforts, including restorative community circles, are required to sustainably reduce the segregation and racial inequality influencing DMC.

Racial and economic social divisions fuel the conflict by providing more opportunity for the parties to polarize. In 2010, the United States Census Bureau reported that Milwaukee residents live in the most segregated conditions in the United States. (United States 2010 Census, 2010) Milwaukee scores 81.5 on the census (United States 2010 Census, 2010), meaning 81.5% of people would have to relocate to make areas equally mixed.

The segregated conditions and high DMC in Milwaukee are influenced from a long history of racial discrimination and inequity toward minorities. Segregation is a barrier that divides the African American and Caucasian social group identity formation, perpetuating the institutionalized structural violence and stereotypes that increase DMC. Neighborhoods within

Milwaukee city are highly segregated and Milwaukeeans label them by racial demographics. The North Side neighborhoods of Milwaukee proper have very low Caucasian residency and are known as “Black” neighborhoods. More affluent Milwaukee areas such as the higher priced property on the edge of Lake Michigan and the suburbs have majority Caucasian residents and are known to be “White” areas.

Majority community member perception of African Americans in the North Side neighborhoods can lead to more bias against African Americans at various points in the justice system. Racial inequity also increases the chance of minorities coming into contact with the risk factors associated with crime. Higher arrest rates, higher charging rates, and higher rates of detention and confinement of minority youth are influenced by racial stereotyping and cultural insensitivity, whether intentional or unintentional (Disproportionate Minority Confinement: 2002 Update, 2002).

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002 describes Disproportionate Minority Contact (DMC) as, “the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system” (Leiber, Richetelli, & Feyerherm, 2009). Minority juvenile offenders are found to be overrepresented at every major contact point in Wisconsin’s juvenile justice process and the disparity grows larger throughout the process as compared to Caucasians (The Commission on Reducing Racial Disparities in the Wisconsin Justice System, 2008). Even small disparities add up by the end of the process, resulting in Wisconsin having one of the highest disproportionate rates of minorities at contact points in the juvenile justice system (The Commission on Reducing Racial Disparities in the Wisconsin Justice System, 2008).

Milwaukee City is the largest contributor to DMC in Milwaukee County, especially juvenile burglary committed by African American males between ages 14-16. Over half, 55.1%, of the juvenile commitments in Wisconsin come from Milwaukee County and, in 2009-2010, burglaries were 16.7% of all juvenile referrals in Milwaukee (Milwaukee County Delinquency and Court Services Division, 2012).

African American males, age 14-16, make up the overwhelming majority of first time burglary offenses in the juvenile justice system in Milwaukee County. Of Milwaukee County's reported juvenile burglaries in 2009-2010, African Americans committed 84.7% of all burglary referrals, compared to 73.2% of all other offenses combined (Milwaukee County Delinquency and Court Services Division, 2012).

Burglary referrals have a high risk of repeat offending, so high first-time burglary referrals means the amount of burglary offenders is increasing with an exponential risk of increasing repeat offenses. In 2009-2010, African American had a higher rate of repeat offending at 16.7%, or 46 out of 275, than Caucasians at 6.0%, or 3 out of 50 (Milwaukee County Delinquency and Court Services Division, 2012). In 2011, 81.08% of burglary referrals were first-time offender African Americans, as opposed to 17.12% that were first-time offender Caucasians (Milwaukee County Delinquency and Court Services Division, 2012). Of course reported offenses do not take into account any disparate reporting to law enforcement, since Caucasians could commit burglaries that are not reported at as high of a rate as African Americans.

## **2. Causes of Disproportionate Minority Contact**

National and State reports, including the Wisconsin Office of Justice Assistance's *The Disproportionate Minority Contact County Project Evaluation* (Wilberg Community Planning



LLC, 2008) that studies Milwaukee County, have shown racism affects disproportionate minority contact through differential offending and differential processing.

Differential offending describes the disproportionality of minorities that commit crimes compared to Caucasians (Nellis, 2005). Differential offending can be influenced by more minorities in poverty being exposed to the risk factors associated with crime (Leiber, Richetelli, & Feyerherm, 2009). Internalized oppression from structural violence can also increase minority crime.

Differential processing describes the disproportionality of discrimination toward minorities at the all contact points in the juvenile justice system from arrest to release (Nellis, 2005). The reports (Nellis, 2005) found that differential processing, whether overt or covert, is enacted through practices and linked to laws and policies that disparately affect minorities. Police participate in differential processing through police targeting (Piquero, 2008), police profiling (Cole, 1999), and disparate detention by police (Milwaukee County Delinquency and Court Services Division, 2012). Once inside the system, minority juveniles can be exposed to differential handling of minority youths including inappropriate decision making criteria by racism (Disproportionate Minority Confinement: 2002 Update, 2002). The disadvantages accumulate (Leiber, Richetelli, & Feyerherm, 2009) throughout the process and can result in more stringent sentencing (Mitchell O. , 2005) than for Caucasians.

### **3. Milwaukee's Race / Crime Conflict**

Milwaukee is locked in a historical conflict of what causes the high inner-city crime rates and how to reduce them. The conflict is essentially over whether racism influences differential offending and differential processing, although the public does not call it by those terms.

Differential processing presents a conflict of whether racism is involved in the justice system and is institutionalized through structural violence. Differential offending presents a conflict of whether minorities commit more crimes out of individual or cultural merit or if structural violence and internalized oppression are involved. Because of this debate, Milwaukeeans are divided over solutions to reduce minority crime.

Although the findings in the official DMC reports are publically accessible online, they are not reported by the media. The conflict over the causes of DMC continues in the general public who are not aware of the findings. The general public may not have been exposed to the term “DMC” or be aware of the judicial system’s efforts to reduce it, but they are aware of the high rates of Milwaukee inner-city minorities involved in criminal activity and that the majority of inmates are Black males. They are also aware of the common image produced by the media of a Milwaukee criminal as being a young Black male, whether they believe this image is a stereotype or accept it as fact. The public overtly expresses opinions about the race/crime conflict in every-day conversation, through political stance, and whether they advocate for or against stronger punitive sentencing for offenders. Covertly, they public perpetuates the structural inequities and internalized oppression that increase DMC.

People that suggest a mixed-model hypothesis believe differential processing and differential offending both explain the high rates of DMC in Milwaukee County (Piquero, 2008). This perspective is most likely to believe structural violence and inequity influence differential offending and differential processing (Farley, 2004).

Advocates of differential offending do not believe racism is involved. According to this perspective, DMC is only increased because more minority youth are involved in crime than White youth (Nellis, 2005). John McAdams (2007), Associate Professor of Political Science at

Marquette University and advocate of the differential offending perspective, published his reactions to the Wisconsin study by the Commission on Reducing Racial Disparities in the Wisconsin Justice System (2008) in his “Does Wisconsin Lock Up Too Many Blacks?”.

McAdams (2007) believes his study contradicts the state findings that Wisconsin DMC involves racism. He concludes that Milwaukee’s DMC is a positive effect of keeping minority criminals off the streets and, for the community’s safety, should not be reduced. McAdams posted his article on his blog and it was reposted on the progressive Uppity Wisconsin blog (xoff, 2007), sparking a social media debate (xoff, 2007) among blog respondents about differential offending vs. differential processing. Respondents who are proponents of the mixed-model hypothesis accused McAdams study of being invalid and ill-conceived (xoff, 2007).

#### **4. Cycle of Violence**

The national and local reports acknowledge race can be a direct factor with racial discrimination or an indirect factor with the higher number of minorities exposed to the risk factors associated with crime. However, they fail to mention the racial inequity and long term effects of segregation and racial discrimination on race and class tensions in Milwaukee County and their effects on the high rates of DMC. Differential offending and processing are both affected by Milwaukee’s long history of racial tensions over economics. Thus, approaches to the conflict over how to reduce crime and what causes crime are, in themselves, approaches to the underlying conflict of economics and racial tensions.

The conflict groups utilized violent and non-violent acts to manage the conflict as it cycled through the latent and manifest conflict stages, but the conflict has not been transformed because the root causes have not been addressed. If Milwaukee’s race/crime conflict is like an

onion, many layers will have to be peeled back before the true core of the conflict can be exposed and addressed. The manifest stages, like the direct violence episodes and social action, are most visible on the outside layer of the onion. The inner layers of the latent conflict stage, including structural violence, racial inequity, and culture of violence, will have to be peeled back in order to reveal the root causes of the conflict.

#### **4.a. Manifestations of Violence**

Throughout its history, Milwaukee's dominant group aggressed directly or structurally toward the subordinate group out of fear of losing economic resources because they were trying to meet security and welfare needs. Internalized oppression and institutionalized oppression were influenced by basic human needs and relative deprivation.

According to Johan Galtung's (1990) Basic Human Needs Theory, every person has basic human needs (BHN) for security, identity, welfare, and freedom. If individuals or groups are deprived of their BHN, they will seek ways to fulfill their needs. Conflict erupts between the person or group trying to meet their needs and anyone or any group they perceive to be standing in their way. Milwaukee Caucasians inflicting violence on African Americans were afraid they would lose their sense of security, a basic human need (Galtung, 1990), if social structure or cultural values and norms changed. For Milwaukee residents in the dominant group, the race conflict was a need for security and racism was the defense mechanism.

Relative deprivation is the "the conscious feeling of a negative discrepancy between legitimate expectations and present actualities" (Schaefer, 2004, p. 403) and can cause stress to the person, like the effects of facing regular racial discrimination or worrying about access to resources when a large migrant group enters the job market. Actors perceive a discrepancy

between their perceived “value expectations” they feel entitled to, such as goods or services, and their “value capabilities”, their perceived ability to receive and obtain their value expectations (Arai, 2010). Actors’ perceived discrepancy between their value expectations and value capabilities increases the potential that they will attempt to breach this gap. This potential, if combined with other factors, can result in violence or non-violent tactics to breach the gap. The manifest stage is the most likely stage to include episodes of direct violence, such as a physical assault on a non-violent demonstration. BHN alone does not cause direct violence; direct violence is a physical manifestation of relational violence brought about by relative deprivation.

In Milwaukee’s manifest stages, the Caucasian dominant group utilized direct violence to repress ethnic or racial minority subordinate groups. When the gap between the actual and the potential was wide enough, the ethnic and racial subordinate groups also aggressed toward the dominant group in the manifest stage to meet their BHN through organized social action.

Structural and cultural violence was used in the latent stage of the conflict by the dominant group to restrict subordinate groups’ access to resources that the dominant group wanted. When one group gains dominance and creates structural actors that systematically restrict resource access to another group, the result is structural violence (Galtung, 1990). The dominant group is aggressing with structural violence to gain satisfiers to meet their perceived basic human needs and is reducing the subordinate group’s access to resource satisfiers. (Galtung, 1990) The dominant group legitimizes the structural violence by their perception of this gap between the actual and the potential (Galtung, 1990).

#### **4.b. Culture of Violence**

The cycle of violence toward the subordinate group has permeated Milwaukee’s history through ethnic and racial discrimination. Discrimination toward minority ethnic groups paved the

way for the overt racism toward African Americans in the rigid competitive race relations phase and the covert racism in the fluid competitive race relations phase.

Structural and direct violence toward ethnicities and racial groups in Milwaukee is a subset of the larger western culture of violence. Ethnic stratification and racial segregation are methods of structural violence utilized by Caucasians to meet their BHN throughout Milwaukee's history. French colonization in the late 17<sup>th</sup> century included claiming ownership of the hunting grounds of the Ho-Chunk People, the site of modern day Milwaukee, which began Milwaukee's cycle of a Caucasian group dominating a minority group out of prejudice and discrimination (Gurda, 2006). The cycle of inter-ethnic conflict began when the British claimed the colonized land from the French in 1763 after the French and Indian War and continued as England ceded its territories in North America to the US in 1783 after the American Revolution (Gurda, 2006).

The first American settlers in Milwaukee in the early 19<sup>th</sup> century, "Yankees" (Gurda, 2006) of Anglo-Saxon heritage and primarily English descent, began the cycle of segregation within Milwaukee to increase economic security. When Milwaukee was incorporated into a township, there was already an economic rivalry between the mostly "Yankee" residents who were living in two sections of Milwaukee. (Gurda, 2006) Their rivalry for access to resources and economic expansion developed into segregated living and socializing conditions. During the manifest stage of the conflict, the tensions culminated in the bloody Bridge Wars of 1845 (Gurda, 2006).

Milwaukee's trend toward segregation and conflict over resources expanded to ethnic stratification and discrimination with the arrival of European immigrants who were seeking industrial labor positions. The dominant "Yankee" group and then the newly dominant mixed

ethnic Caucasian group utilized these discriminatory tactics when they felt threatened by the increasing ethnic population and industrial era job competition (Gurda, 2006). The trend continued as the dominant Caucasian group utilized racial segregation and discrimination toward the arrival of large waves of African Americans who were also seeking industrial labor positions (Gurda, 2006).

**Ethnic stratification.** John E. Farley (2004) explains in *Majority Minority Relations* how ethnic stratification and conflict develops between groups:

1. Diverse groups coming into initial contact often display curiosity and accommodation toward each other. There is some conflict and some cooperation.
2. Then one group becomes dominant. Caste-like relations develop into either paternalistic or rigid competitive race relations with high restrictions placed on the subordinate group.
3. As society progresses to become more modern, urban, and industrial, race relations are more class-like and competitive systems become more fluid. There are less legal restrictions on a subordinate group, but the dominant group still retains power through covert discrimination.

*1<sup>st</sup> phase of ethnic stratification: initial contact.* Established groups display curiosity toward new groups in phase 1 of ethnic stratification and discrimination is minimal (Farley, 2004). “Yankees” were outnumbered by 1850 with 64% of Milwaukee being foreign-born (Gurda, 2006). During initial contact with European immigrants, the “Yankees” welcomed the diversity into the city but retained power. They chose to move to the East Side area between the Milwaukee River and Lake Michigan to avoid living with the immigrants (Gurda, 2006). Continuing the trend of geographic segregation, this movement began Milwaukee’s ethnic segregation.

Like the European immigrants' experience, African Americans before World War I were at first welcomed to the city, but segregation continued as they followed the immigrant housing movement pattern. They settled into the older housing as the established residents moved to higher-income housing (Gurda, 2006).

***2<sup>nd</sup> phase of ethnic stratification: rigid competitive race relations.*** Established groups display increased discrimination toward new groups to secure dominance in the 2<sup>nd</sup> phase of ethnic stratification (Farley, 2004). Included in Milwaukee's historical patterns of overt discrimination are ethnic nativism and scientific racism, job discrimination, and housing segregation.

*Ethnic nativism and scientific racism.* Soon the curiosity and accommodation wore off with the rise of ethnic tensions in the second phase of ethnic stratification. The dominant Yankee group's attempts to retain control of resources developed into ethnic nativism, with Yankee Protestant pastors preaching against Catholicism and even suggesting the immigrants be denied voting rights (Gurda, 2006). The conflict entered the manifest stage as the immigrants fought for their rights. They usually used voting and politics, but incidents of violence occurred occasionally in the manifest stage, such as the mob damaging a Senator's home over proposed laws they felt would repress their cultural lifestyle (Gurda, 2006). The immigrants' efforts culminated in a long-standing socialist government in Milwaukee that watched out for laborers' rights, but was ironically outvoted when it attempted to alleviate African American suffering (Gurda, 2006).

The second phase of ethnic stratification began for African Americans as they began to work together in large numbers for the first time during the Great Migration (Trotter, 1985) of 1910-1930. Although African Americans resided in Milwaukee since the 1830's, World War I



brought a large wave of African Americans seeking defense industry jobs. Some were recruited by industry as strikebreakers to, often unknowingly, help reduce the impact of the European immigrant labor strikes (Gurda, 2006). In response to the economic resource tensions of the large new labor force, African Americans and Caucasians entered into rigid competitive race relations (Farley, 2004) with its characteristic imbalance of power and legal forces protecting the inequity, favoring the dominant Caucasian group.

Milwaukee had generated a culture of dividing into groups by ethnicity, stratified by power, with the dominant group discriminating against the subordinate group while competing for power and resources. African Americans faced the worst and the longest discrimination. The European immigrants faced stereotypes and discrimination in the first generation, but over time were able to assimilate and have the benefits of White power due to their White skin. African Americans, no matter how assimilated or acculturated, because of their non-White skin were not able to benefit from White privilege. Low socio-economic status from scientific racism, job competition, and housing segregation prevented African Americans from following the immigrants in upward social mobility (Trotter, 1985).

Inequity is produced not from prejudice alone, but from a combination of ethnocentrism, competition, and unequal power (Farley, 2004). White Americans' attitudinal prejudice against non-Whites showed their ethnocentrism, they felt competition in the labor and housing markets, and they had White privilege and strength in numbers to exercise unequal power over non-Whites (Farley, 2004).

Dominant group Caucasians utilized ethnic and racial dehumanization throughout the 2<sup>nd</sup> phase of ethnic stratification to legitimize job discrimination and retain economic advantage. Groups can develop an "Us versus Them" mentality where the idea of the "Self" is inflated and

the “Other” is considered less deserving of social rewards (Galtung, 1990, p. 298). The historical culture of violence in Milwaukee legitimized each new episode of violence toward an ethnic or racial group by labeling them as “Other”. First the Yankee groups labeled “Other” groups based on geography but still within their homogenous racial and ethnic identity. Then immigrant groups in Milwaukee were considered an ethnic “Other” and African Americans were considered a racial “Other”.

“Other” groups were dehumanized and discriminated against. Dehumanization is a defense mechanism for a group’s emotional stress that they perceive to be from the “out-group” and can legitimize violence toward the “out-group” without feeling the guilt or shame they would feel towards people they relate to more (Bernard, Ottenberg, & Redl, 1971).

Overt racism became increasingly intense for African Americans as the majority group began to feel the competition over resources, similar to the economic conflict between the Anglo-Saxons and the European immigrants in the early industrial era (Gurda, 2006).

*Ethnic Nativism.* Milwaukee’s culture of violence utilized the “Us vs. Them” strategy toward Caucasians. Scientific ethnic nativism was instituted against foreign born Caucasians during World War I. The **Milwaukee Journal 1914** dehumanized Greeks by calling the Greek immigrants a “little colony of aliens” (Gurda, 2006, p. 260). In 1921, the KKK reorganized and gained 4400 followers. Their White supremacy excluded not only African Americans, but White immigrants, Catholics, and Jews (Gurda, 2006). In 1924, Milwaukee’s established immigrants used the scientific racism claim that Slavic and Mediterranean people’s head size and body type were different from earlier immigrants to influence Congress to drastically reduce the amount allowed to immigrate (Gurda, 2006).

Caucasian immigrants were also subjected to assimilation during WWI with the emerging homogenous national identity (Gurda, 2006). Immigrants were subjected to Americanization Programs (Gurda, 2006). “ ‘Loyalty’ crusades” (p.226), what Gurda (2006) labels as “little more than witch hunts” (p.226), forced assimilation of Germans by coercion in the midst of “anti-German hysteria”(p.225). Many Germans changed their last names and business names and Milwaukee’s long established tradition of German music and theater went underground (Gurda, 2006).

*Scientific Racism.* In the Pre-World War I era, Caucasians held racist beliefs that African Americans were intellectually and physically unfit to handle machinery and do the more skilled jobs (Trotter, 1985). African Americans were considered best fit for servant jobs until new waves of White immigrants competed for them (Trotter, 1985). As soon as Caucasians found the jobs appealing, ironically African Americans were deemed unfit for service jobs as well (Trotter, 1985).

In the Depression and WWII, as a flood of defense industry jobs allowed African Americans to enter the industrial labor market, Caucasian racism attempted to justify retaining their White privilege (Trotter, 1985). Blacks were considered to have lower intelligence than Whites, unfit to work the more skilled industrial positions, and physically more adapted than Whites to do the dirty, hot, intense manual labor of the lower paid positions (Trotter, 1985).

Milwaukeeans that believe high African American crime rates are the fault of the individual attributes of the minority or of the minority’s culture scapegoat and blame the minority group. Without interpersonal positive relationships, this perspective dehumanizes minorities as “subhuman”, thinks of them as a homogenous group, and believes they deserve disparate treatment.

*Job discrimination.* In the 2<sup>nd</sup> phase of ethnic stratification, inter-group conflict increased in Milwaukee as the groups became more stratified from each other by job and residential segregation. Intra-group conflict was also raised as groups became more internally stratified along social class lines.

According to Karl Marx (1994), economics are the driving force behind industrial era conflict. In a capitalist system, social fragmentation becomes stronger and the perception of relative deprivation increases as the division of labor becomes more stratified. Groups can aggress to gain or retain economic resources and to restrict upward social mobility. Economic capital, such as income, meets basic human needs and awards power. The subdominant group, the larger percentage of people, does the work of producing and receives wages as laborers. The owning group controls the means of production and receives profits from production.

Marx (1994) predicts when economic resources are scarce, such as jobs, the dominant group of owners will oppress the laboring subordinate group to retain the jobs and the power. Marx (1994) also predicts subordinate group members will join forces in social action when their quality of life is bad enough. Both predictions came true in Milwaukee during the industrial era. Caucasian immigrant laborers recognized the gap between the actual and the potential. They formed labor unions to aggress towards the Caucasian capitalists and new labor forces to retain their monopoly on economic resources (Gurda, 2006).

When a group uses discrimination against another group for the first group's gain and if this dominant group also has power over the subordinate group, the subordinate group can be considered oppressed (Fletcher, 1999). The dominant group in Milwaukee used both direct and structural violence to oppress subordinate groups.

In the manifest stages of the labor rights conflict, Caucasian Milwaukeeans sometimes utilized direct violence to retain social control in the industrial arena. Caucasian labor union strikes were often non-violent, but some were bloody when the police used direct violence in favor of the capitalists to repress the strikers, like the 1866 Polish March on Bay View (Gurda, 2006).

While labor unions sustained violence from capitalists, they also inflicted violence on new labor groups. The Wehr Steel Strike of 1934 (Gurda, 2006) was the first episode of direct racial violence against African Americans in Milwaukee's competitive industrial racial tensions. It was planned by a Caucasian labor union to purposefully instigate violence in order to drive African Americans out of their manufacturing jobs. They planned the strike without telling the African Americans and attacked them as strikebreakers when they attempted to enter the factory to go to work.

In the latent conflict stage, labor unions utilized structural violence as they sought to keep the best jobs for the majority group (Trotter, 1985). The labor unions were aiding the oppression of African Americans. The Caucasian labor union members were exercising their dominant group power to discriminate against African Americans in order to retain the jobs for themselves.

According to structuration theory (Javri, 1996), these patterns of repression and racism become indoctrinated over time into societal norms and are no longer questioned. They can influence larger institutions such as laws and policies to legitimize discrimination. The majority Caucasian group strategically utilized discrimination to respond to African Americans as they had with the new European immigrants. They developed a system entrenched with inequity to address what they perceived as a growing threat of losing their monopoly on capital enterprise and blue-collar labor to African Americans (Farley, 2004).

In a rigid competitive system, laws and policies deny privileges to minorities outright and without masking the discrimination (Farley, 2004). Milwaukee's Caucasians were concerned about not being able to meet their security needs by losing jobs to the influx of African Americans, so they strengthened structural violence towards African Americans and rationalized it with scientific racism. Continuing through the Depression and World War II, Blacks were relegated to lower paying and less attractive jobs, de facto residential segregation, and a variety of legal policies and practices to keep the racist system in place.

*Housing segregation.* African Americans were relegated to the same pattern of ethnic job discrimination and housing segregation as new immigrant groups, but racism limited opportunities to follow the ethnic groups in upward class mobility. Most of Milwaukee's pre-WWI immigrant groups settled in areas of a similar ethnicity to themselves and that surrounded their workplace, staying divided in segregated conditions (Gurda, 2006). As immigrants rose in socio-economic status they began to move to newer housing in outlying areas and new immigrants moved into their left-behind older housing (Gurda, 2006).

Milwaukee was considered overcrowded, dirty, and crime ridden (McCarthy, 2009). Many Caucasians wanted more space and a better place to raise children so, when their budget allowed, they moved to outlying areas in a wave of suburbanization in the 1920's and 30's (McCarthy, 2009). During 1920-1940, new African Americans entered the vacated areas in the 2<sup>nd</sup> and 6<sup>th</sup> wards, beginning racial segregation, but the area was still racially mixed with European immigrants living in the same dilapidated rental conditions (McCarthy, 2009). African Americans spread North and West by following the housing patterns of the Germans and Jews, but were denied the right to move into the more affluent areas and suburbs because of racial discrimination.

Racism intensified during this period with the competition for jobs and housing and many Caucasian neighborhoods fought against integration. Some of the reasons cited were because of the stereotypes of the lazy dirty African American and because of fears that having Black neighbors would drop their home value (Trotter, 1985). While 2<sup>nd</sup> and 6<sup>th</sup> Ward Caucasians rose in status and moved to the suburbs, African Americans were hedged into the North Side neighborhoods, increasing segregation density.

In rigid competitive race relations, the dominant group often utilizes legal policies to support their discriminatory practices. Discriminatory practices allowed homes to be sold to Blacks at well above their value and then to devalue by half because of the Black owner, devaluing the neighborhood (Trotter, 1985). Redlining, blockbusting, and restrictive housing covenants were also utilized to legally prevent Black home ownership in White neighborhoods.

City planners concerned about the businesses that have moved to Milwaukee's suburbs wanted to revitalize the central business district and utilized gentrification tactics (Trotter, 1985). WWII prosperity didn't affect inner core neighborhoods, which were sliding into decay and poverty since the 1920's and getting worse from neglect as the waves of residents moving to suburbs intensified (Gurda, 2006). Drawing on a racially discriminatory 1933 housing commission survey as justification, the city planners zoned the southern half of the 6<sup>th</sup> ward for commercial and light industrial use and displaced 20,000 African Americans from their homes without offering adequate compensation or public housing (Trotter, 1985). The stereotypes about African Americans helped rationalize the city planners' plans (Trotter, 1985).

***2nd phase of ethnic stratification: manifest stage.*** Under rigid competitive race relations, minority groups have more opportunity to assemble and work on social issues (Farley, 2004). Like the ethnic stratification and labor union strikes of Milwaukee's European

immigrants, African Americans became more aware of their relative deprivation of inequitable treatment and access to resources. The rise of national media also allowed mass communications of other successful protests to encourage local protests (Farley, 2004). Combined with an increase in minority education and more freedom to mobilize and speak against the status quo, minority social movements gained strength and frequency (Farley, 2004).

The subordinate group's sense of dissatisfaction from structural violence is not enough to influence them to aggress against the dominant group and propel the conflict into the manifest stage. Ellis (2006) lists three conditions necessary for a conflict to enter the manifest stage:

- A sense of dissatisfaction relative to another group
- The belief that this dissatisfaction will be relieved by changing the relationship with the other group
- A conscious sense of being a member of a collective entity

In the 1900's in Milwaukee, like in the industrial era with the Caucasian labor union strikes, these three criteria culminated for African Americans with activities to gain civil rights.

*Manifest stage criteria #1: a sense of dissatisfaction relative to another group.* African Americans felt they couldn't attain the economic resources of Caucasians because of racial discrimination that restricted them from achieving their goals. They felt dissatisfied from the relative deprivation of the gap between their value expectations and their low ability to achieve these goals without White privilege. They felt a need to redefine their identity and their freedom needs were limited by De Facto segregation and discrimination.

*Manifest stage criteria #2: the belief that this dissatisfaction will be relieved by changing the relationship with the other group.* African Americans wanted to achieve racial equality in order to have the same access to goods and services as Whites (Trotter, 1985). Social Identity



Development Theory (Hardiman & Jackson, 1997) proposes that a part of an actor's identity is their connection with a group and that they progress through different stages of development. Which stage of development actors are in determines their level of social awareness as well as what level of social action or inaction they feel inclined to produce. Actors may not follow the progression directly from one stage to the next and may exist in more than one stage at a time. Actors in stage four of Social Identity Theory (Hardiman & Jackson, 1997), "Redefinition", redefine their cultural values and norms. In this redefinition process, African Americans entered into conflicts among themselves about how to breach the gap between White privilege and their lower status (Trotter, 1985).

Industrialization allows more class stratification within a race and fuels the intra-class conflict that is expected in rigid competitive class relations. The African American intra-group conflict was intensified because of the stratification between the middle and working classes and it also split their middle class (Trotter, 1985). The conflict began to enter the manifest stage when African Americans decided to respond to their inequitable situation.

The contested strategies were between pluralism and separatism (Trotter, 1985). Pluralists were primarily in the Black middle class and promoted interracial cooperation. Actors in stage three of Social Identity Theory (Hardiman & Jackson, 1997), "Resistance", recognize the larger social picture and want to change it while remaining connected to the dominant social group. Pluralists wanted integration and to use social action to achieve civil rights.

The Milwaukee Urban League had a racially integrated board and sought to help lower-income Blacks be defined to Whites by class rather than race (Trotter, 1985). They tried to promote a positive image of the Black middle class to Whites (Trotter, 1985). Pluralists also organized socially and politically for job equality by joining forces with organizations like the

Congress of Industrial Organizations and the Fair Employment Practices Committee (FEPC) (Trotter, 1985). After a long civil rights organizing struggle to gain governmental power, in 1944 Blacks were able to elect the first openly Black assemblyman (Trotter, 1985). Despite interracial strides, socializing was still segregated with only 2% of social centers and no public swimming pools allowing Blacks.

*Manifest stage criteria #3: a conscious sense of being a member of a collective entity.*

Separatists (Trotter, 1985) valued a new African American identity. Actors in stage four may reject their connection to the larger group and redefine their own group identity (Hardiman & Jackson, 1997). Black Power groups promoted pride in being African American rather than in being assimilated and acculturated.

Separatists believed desegregation would create more African American dependency on Caucasians, rather than equality, and advocated for a separate power structure with autonomous control of their own society. The Industrial working class of Blacks was growing faster than the middle class. They helped develop segregated African American institutions to gain access to resources that were blocked by racial discrimination and to meet the stratified needs of the working class (Trotter, 1985).

Despite their method preferences, Separatists, Pluralists, and some Caucasians united under the rigid competitive race relations and opposed racial inequality through the social movements of the 1960's. In the Civil Rights movement, the conflict was propelled into the manifest stage as protesters resisted the second-class treatment African Americans were receiving. Power is defined as “‘resistance’ which can be overcome” (Emerson, 1962, p. 33). Civil Rights activists wanted to utilize a “balancing operations” (Emerson, 1962, p. 34) strategy to resist the dominant group by shifting the power dynamics. The dominant group has

dependency on the larger subordinate group to retain social order and control. Civil Rights activists utilized non-violent social action as leverage against social control to show the dominant group their inter-dependency and to reduce structural violence.

Although most Caucasians were in the social identity acceptance phase and opposed the Civil Rights movement out of fear for their sense of security, some Caucasians were stirred to action through the relative deprivation they perceived in the African American situation. Father James Edmund Groppi was a Milwaukee resident, a Caucasian of Irish decent, a Roman Catholic Priest, and the advisor to Milwaukee's National Association of the Advancement of Colored People (NAACP) Youth Council (Gurda, 2006).

Groppi led the Youth Council in protests of housing and school segregation (Gurda, 2006). They called on the Milwaukee School Board to desegregate public schools and joined forces with Vel Phillips, an influential African American public leader who called on the Housing Board to end residential redlining (Gurda, 2006). Lunch counter sit-ins and protest marches were ways the Civil Rights actors flexed their subordinate power, deviating from social norms to change the social order and control. They were willing to suffer sanctions imposed by the larger society for their deviance, in order to change the social norms and gain civil rights for African Americans.

The NAACP Youth Council marches for open housing met with dominant group hostility and violence toward the peaceful marchers (Jones, 2009). One alderman opposed to the bill called them a "harassment" (Jones, 2009, p. 181). The protests lasted through 200 nights of consecutive marching met with varying levels of violence and police suppression (Jones, 2009). The violence became a national issue because of the thousands of people from outside of Milwaukee who had joined the marches (Jones, 2009). The national media attention in 1967

undoubtedly helped the open housing bill be passed in 1968, soon after the 1968 Civil Rights Bill (Jones, 2009).

*The Black ghetto.* African Americans migrated to Milwaukee with increasing intensity after World War II. Many were coming as spill over from regional urban areas like Chicago. This Late Great Migration in the 1950's nearly doubled the number of African Americans in Milwaukee and created more strain on Milwaukee's inner city for jobs and housing (McCarthy, 2009). At the same time, many of the inner core's factory jobs that had spring boarded the White immigrants to the suburbs had closed or relocated to the suburbs (McCarthy, 2009). Since Milwaukee's African Americans were barred from relocating to most areas of the suburbs, they faced high unemployment and the risk factors associated with crime and poverty.

The conflict between the city and suburbs for economic resources intensified their conflict over race and crime. Many of the city's higher income residents had moved to outlying areas in residential decentralization during the Post-War era, so the Socialist mayors pushed annexation of the city's surrounding areas to increase tax revenue (McCarthy, 2009). The city needed to acquire enough land for the sprawling land requirements of the new industry they were trying to attract. Suburbanites resisted annexation because they wanted their taxes to improve their local suburban areas rather than the city (McCarthy, 2009), partially because of the stereotypes against the Black city inhabitants they had moved away from. All the areas around Milwaukee succeeded in incorporating into suburbs, closing what is known as the Iron Ring around Milwaukee, with the suburbs gaining the new industries and jobs (McCarthy, 2009). Losing the ability to expand lowered Milwaukee's economic ability for repair and regrowth in the city, especially affecting the dilapidated inner city core.

While Whites were rising in social class, inner-city Milwaukee was intensely affected by the deindustrialization and racism that continued as a downslide into Milwaukee's present day conditions. The Socialist mayor tried multiple times to get affordable public housing for the inner-city African Americans but was blocked every time (McCarthy, 2009). The stereotype of the dirty, lazy inner-city poor African American continued to rise.

#### **4.c. Institutionalized Violence**

**3rd phase of ethnic stratification: fluid competitive race relations.** Interaction between groups becomes more fluid in the 3<sup>rd</sup> phase of ethnic stratification as competition between groups reduces (Farley, 2004). Overt discrimination is less likely to be legalized or accepted by the dominant group, but covert discrimination still secures the dominant group's power over the subordinate group (Farley, 2004).

In her "Oppression" Marily Frye (1996) describes the oppressed experience of African Americans in an American city's Black ghetto, "there are people in there who are caged, whose motion and mobility are restricted, whose lives are shaped and reduced" (p. 377). Milwaukee's Black ghetto cages its residents in a situation of poverty and high unemployment by not offering enough jobs, limiting mobility to suburban jobs, and exposing residents to the risk factors associated with crime. If Milwaukee's African Americans stay in the Black ghetto, they face risk factors associated with crime. If they leave the ghetto, they face racial discrimination and can be treated like potential criminals.

Oppression is perpetuated by internalized oppression and institutionalized oppression, what Barbara Love describes as two Pillars of Oppression (Fletcher, 1999). Socialization, the "internalization of culture" within the self (Galtung, 1990, p. 293) perpetuates internalized and institutionalized oppression by shaping the actor's perspectives towards themselves and others.

Actors in stage two of Social Identity Development (Hardiman & Jackson, 1997), “Acceptance”, generally do not question social structure. They internalize the cultural values and norms of the dominant group. The image of an iceberg in Freud’s (1953) theory of Psychoanalysis helps explain how messages in socialization can be accepted without the actor’s awareness. The smallest and most visible part of the iceberg is the point sticking above the water, representing the conscious mind that recognizes the smallest amount of the messages received by the mind. The majority of the messages are absorbed, beginning in early childhood, without the actor realizing they are being internalized. This lack of awareness is represented by the rest of the iceberg that is harder to see in the sub-conscious level at the water’s edge and the unconscious level under the water.

**Institutionalized oppression.** Throughout Milwaukee’s history of ethnic and racial discrimination, dominant group members have perpetuated institutionalized oppression. Structural violence and stereotypes toward the subordinate groups were normalized and these messages were passed through the dominant group’s intergenerational socialization. The same process exists in Milwaukee’s current stage of ethnic stratification, fluid competitive race relations.

Milwaukee’s Post-World War II era ushered in more economic stability (Farley, 2004), reducing race competition in the job market and lowering Caucasian fear of losing economic resources in Milwaukee. In the fluid competitive stage, the races have more contact, class mobility is more fluid, and inter-racial competition is lower (Farley, 2004). Less Caucasians were competing with African Americans for blue collar jobs since many Caucasian 2<sup>nd</sup> and 6<sup>th</sup> ward residents had relocated to suburban blue-collar or middle class jobs. Discrimination is outlawed legally in the fluid competitive stage, but is still prevalent in structural violence on an

everyday basis through covert discrimination and cultural racism rather than overt racism (Farley, 2004). Although illegal and more covert, Milwaukee's African Americans still face racist stereotypes and distrust, housing and job discrimination, inequitable political representation, their situation being blamed on their culture, and a distorted image in the media.

*The Black ghetto.* The Black ghetto still exists in modern Milwaukee. In the 1970's – 90's, during continuing suburbanization and deindustrialization, the Black ghetto in Milwaukee's inner core continued to push north and west (Jones, 2009) into the present day North Side neighborhoods that are known for high poverty and crime rates (Boyle). Although the 1968 Open Housing Bill gave African Americans the legal right to live anywhere in the city, racial steering, redlining, and inequitably high mortgages and loan interest still preserve segregation illegally (Farley, 2004). In 2010, geographical political representation for Blacks was still not equitable (Jones, 2009). The majority of African Americans are still in Milwaukee's North Side neighborhoods while Caucasians are in the South Side, North Shore, and suburbs (Jones, 2009).

In 1967, America's Black ghettos were institutional ghettos and the minority communities were there for the jobs (Schaefer, 2004). The modern jobless ghettos have high unemployment, driving the standard of living down and poverty up (Schaefer, 2004). To accompany the rising poverty in the North Side neighborhoods from unemployment, there has been an increasing trend of structural violence from punitive policy and loss of social welfare programs from the 1970's to the present (Jones, 2009).

In modern-era fluid competitive race relations, there is less job status division by race (Farley, 2004), but African Americans still face job discrimination. Residential geography also limits African American job prospects. Suburbanization, deindustrialization, and globalization put inner-city manufacturing laborers out of a job market. 90% of Milwaukee's jobs in May of 2000 were located in the suburbs and outlying areas (Pawasarat & Quinn, 2000). Without the means to purchase a car and since

public transportation to the suburbs is not feasible, Milwaukee's jobless ghetto residents are discouraged from seeking jobs in the suburbs (Boyle). By 2007, Milwaukee's male unemployment rate was 43%, the 2nd highest in the US (Jones, 2009).

*Covert racism.* Modern-era Whites perceive their prejudice and discrimination to be lower toward Blacks than in the rigid competitive race relations era (Farley, 2004). Most majority group members no longer believe the scientific racist perspective that African Americans living in poverty are there because of their genetic inferiority (Farley, 2004). The covert racism in Milwaukee's fluid competitive race relations is exhibited through cultural racism. This modern form of racism is manifested through recurring microaggressions that discriminate or use racism on racial and ethnic groups (Michaels, 2010).

Majority group members perpetuate cultural racism by believing that minorities in disadvantaged situations are there because of influences from their culture (Farley, 2004). Standard rhetoric that implies equal opportunity for majority and minority group members to work hard and achieve their goals is an institutionalized false assumption. This belief legitimizes the culturally racist perspective that the high truancy and crime rates in the North Side neighborhoods are caused by what is misconstrued as a culture that doesn't have high enough standards and work ethic to succeed.

When oppression is so common place and accepted that it becomes a part of the culture and every day practices, it becomes institutionalized and normalized (Hardiman & Jackson, 1997). Over time, the discriminatory behavior was considered normal and discriminatory laws, policies, and practices in Milwaukee were developed (Hardiman & Jackson, 1997). Because of dominant group socialization and the normalcy of structural violence, Caucasians in the Acceptance stage of Social Identity may not be aware of their covert racism or the full extent of the subordinate group's suffering (Hardiman & Jackson, 1997). Institutionalized cultural racism



reduces opportunities for Caucasians to recognize the effects of racial structural violence on differential offending. It influences some Caucasians to believe that the causes of DMC do not involve racism. When they oppose progressive social movements intended to reduce structural violence, they are attempting to preserve social structure or cultural values and norms because they are still subconsciously afraid they will lose their sense of security with change.

*Media.* The media inflames cultural racism and racial tensions by over representing images of the inner-city African American male as a criminal (Soler & Garry, 2009). Repetitive and wide-spread stereotypical images perpetuate the oppressive situation by normalizing the ideologies that justify discrimination and oppression (Collins, 1996). In 2000, ABC News recognized that local television news delivers crime information to the most people and can influence the most people in a community (Wisconsin Office of Justice Assistance, 2010). These messages legitimize the cultural violence towards African Americans by strengthening the general public's stereotypes about African Americans and crime.

Media also depicts crime as being more prevalent and violent than it actually is which increases public fear of crime (Wisconsin Office of Justice Assistance, 2010). The way news stories depict African Americans also perpetuates stereotypes that generalize African Americans as being part of a homogenous group, violent, and poor (Wisconsin Office of Justice Assistance, 2010). These racial stereotypes may influence lawmakers and juvenile justice decision makers, thus increasing DMC and providing barriers to DMC reduction.

Racial stereotypes were perpetuated by media in Milwaukee as early as the 1910's – 1920's (Trotter, 1985). The Milwaukee Journal's racist reporting underrepresented Black heroes in news stories and overrepresented Black offenders (Trotter, 1985). The Milwaukee Sentinel over reported alleged interracial sex with a slant against Blacks (Trotter, 1985). Wisconsin

News' racist logic argued that Milwaukee's rising crime rate was due to the Black Great Migration (Trotter, 1985).

The media can also perpetuate and increase the stereotypes linking minority youth and juvenile delinquency (Wisconsin Office of Justice Assistance, 2010). Media has a tendency to report stories that make headlines and inadvertently over represent minority youth with crime (Wisconsin Office of Justice Assistance, 2010). Public opinion polls report that people are afraid of juvenile crime (Wisconsin Office of Justice Assistance, 2010). This fear combined with the stereotypes that minority youth are more likely to commit crimes than Caucasian youth cause people to be afraid of minority youth (Wisconsin Office of Justice Assistance, 2010), resulting in higher discrimination against minority youth. Prejudice and discrimination from the community is recognized as a risk factor to having less access to opportunities for positive involvement in the community, which increases the chances a minority will have contact with the juvenile justice system (Nellis, 2005).

**Internalized oppression.** The media can also encourage internalized oppression. Overrepresentation of African Americans as criminals promotes a message to African Americans that they should internalize these images and become the stereotype. Microaggressions delivered through these media messages attack the victim's psyche and deliver messages of the stereotype to be internalized. Microaggressions influence the victim's identity attitude, the "extent to which one internalizes or externalizes attitudes toward oneself and one's group" (Michaels, 2010). As subordinate group members experienced structural violence and dehumanizing messages from events, personal interaction, and media over generations, they perpetuated internalized oppression by passing these messages intergenerationally within their group.

Internalized oppression in the Acceptance Phase of Social Identity (Hardiman & Jackson, 1997) helps explain why actors from the subordinate group accepted these messages through assimilation or acculturation in the latent conflict stages, rather than resisting the oppression. If the three conditions underlying the manifest conflict stage are not met, the subordinate group aggresses within itself in the latent conflict stage through increased crime and violence in their community.

Milwaukee's public race/crime conflict is currently in the latent stage. Although African Americans may recognize the racial inequity and small groups may act, they are not collectively involved in direct social action. Rousseau (Michaels, 2010) attributes this inaction to intergenerational transmission of trauma, "The dynamics of historical trauma and microaggressions teach people to go underground. Those of us [African Americans in Milwaukee] who suffer do so quietly, and we are taught to do this because of what happened to our elders."

African Americans in Milwaukee face a collection of historical traumas passed through the centuries of discrimination and second class treatment. When large groups of Southern African Americans came to Milwaukee in the Great Migrations, they brought with them their intergenerational transmission of trauma from the paternalistic race relations in slavery and sharecropping and passed it to their northern offspring (Trotter, 1985). In Milwaukee, African Americans faced further discrimination and poverty that was passed to future generations.

Differential offending can also be influenced by minorities in poverty facing high exposure to the risk factors associated with crime (Leiber, Richetelli, & Feyerherm, 2009). The Commission on Reducing Racial Disparities in the Wisconsin Justice System (2008) cited

Wisconsin's specific risk factors as crime, disrupted families, low education, and lack of opportunity in poor communities.

When trauma is not released in a non-violent or "healthy" manner, an individual can release the trauma through violent or "unhealthy" methods. Trauma transmitted intergenerationally through a group can cause violence towards the other or towards the self even long after the trauma occurred and especially if coupled with current trauma (Galtung, 1990). Galtung (2004) defines poverty as the lack of access to resources. If those resources are needed as satisfiers to meet basic human needs, then the person in poverty will enter into a conflict about how to meet those needs and will aggress either violently or nonviolently toward themselves or towards others to meet their needs.

A system of socioeconomic stratification combined with emphasis on materialism can lead to higher crime rates (Sveinsson, 2012). If people's perceived value expectations of social status from the materialistic culture are higher than their perceived economic value capability to achieve the material items and social status, increased crime may be a result of people's attempt to breach this gap and to achieve higher social status or economic gain.

The first-time juvenile offenders involved in Circles of Accountability in Spring 2012 cited peer pressure most often as the reason they committed the burglaries. They had a need for social belonging with their peers. Some also said they were seeking social belonging because of conflicts they were having with family members. Others said they needed an outlet for their anger. When faced with the prospect to commit a burglary with their peers, they agreed out of fear for their social reputations. If they lost respect in the eyes of their peers or appeared to not support their peers, they believed they would lose social status and control over their social well-being. Without control over their social well-being, they believed they would be ostracized from

their social group and face discrimination, shame, and low self-esteem. The social structure of their youth culture influenced them through social pressure not to deviate from the group and to commit the burglary.

***Fluid competitive race relations: segregation.*** Milwaukee's conflict over controlling economic resources and reacting with structural violence created a long history of segregation and racial tensions that set the stage for the current DMC race/crime conflict. These historical factors directly affect the poverty and risk factors associated with crime that African Americans face today in Milwaukee. Segregation exacerbates the situation by inhibiting communication and the building of relationships that are necessary to transform the conflict.

The races interact more at work and in public in fluid competitive race relations (Farley, 2004). However, the races tend to stay in their sub societies for personal socializing (Farley, 2004). In Milwaukee, residential segregation restricts racial groups from the amount of cross-racial socializing that would be natural in integrated neighborhoods. Group members relate more to in-group members and further distance themselves from out-group members (Schaefer, 2004), perpetuating the "Us versus Them" mentality. Segregated groups have more opportunity for dehumanization and discrimination toward each other and less opportunity for positive communication that can build empathy and exchange valuable information.

Intergenerational transmission of trauma further perpetuates the divisions between the groups and, coupled with dehumanization, can result in apathy toward other groups' needs, resulting in further discrimination and structural violence. Communities remember traumatic history and distrust people that look like that stereotype. The dominant group experienced high stress levels every time they were worried about losing jobs to a new immigrant group and when concerned that social programs, like welfare, are enabling poverty and crime at their expense.

Repeated reporting of African American violence, the underreporting of the violent effects of white collar crime and structural violence, and the overrepresentation of minority offenders in media combine to develop the stereotypes Caucasians can carry against African Americans and crime.

Over time, these wounds may become harder to heal and stereotypes may increase, based on the build-up of traumatic historical memories and emotions. People exhibiting overt racism may believe discrimination and stereotypes to be acceptable if these past traumas guide their analysis of the current conflict. People exhibiting covert racism, like in Milwaukee's fluid competitive race relations phase, may have unconscious thoughts and beliefs built into their analysis and behaviors, placed there through intergenerational transmission of trauma.

Without the information exchange, dominant groups have less opportunity to realize that the structural violence of poverty, including crime, is connected to discrimination and the high minority poverty rate. Because of their fears of inner-city crime, some Caucasians use their perception of the disproportionate amount of minorities in poverty to justify cultural racism and isolate themselves through segregation, without realizing the expense to the marginalized Blacks.

## **5. Approaches to Reducing Disproportionate Minority Contact**

### **5.a. Current Milwaukee Solutions**

Two approaches to reduce crime that are currently utilized in Milwaukee are punishment and alternatives to punishment, but no approaches currently exist to reduce segregation. People who believe differential offending is not influenced by structural violence support stringent punishment for offenders, a conflict management approach. Punishment techniques seek to reduce crime, but do not focus on improving relationships or structure or addressing the root causes of the high crime rates.

**Conflict management: punishment.** Conflict management is defined as:

“A social process where destructive (and often violent) manifestations of a conflict are controlled and made less destructive by way of applying either violent or non-violent means to cope with them. (Note that unlike conflict transformation and resolution, conflict management does not necessarily require eradicating or coping with the root causes of the conflict.)” (Arai, 2010, p. 6)

The rise in crime since the 1970’s and public concern over the rise in youth violence in the 1990’s facilitated harsher punishment policies for juveniles (Kids Count, 2009). The current punishment strategy is largely based on Cesare Beccaria ‘s deterrence theory that punishment deters recidivism by threatening loss of social and material capital (Kids Count, 2009). Punishment by the justice system is supposed to reduce material capital through monetary loss and social capital through shame (Kids Count, 2009).

**Conflict resolution: alternatives to incarceration.** Fagan and Meares (2008) argue against using punishment as a deterrence method because they recognize the lack of conclusive evidence that harsher punishment proportionately reduces crime. They recall the theory of social organizations which states that crime is the result of a weak social structure in the community rather than a direct result of individual factors associated with crime. People in poverty are less likely to internalize formal control processes because they are more focused on meeting their BHN. If crime pays more and the street culture gives stronger social rewards as compared to perceived losses through punishment, the appeal of crime can be higher than the deterrence of punishment. When the justice system responded by increasing the level of punishment, it took funding away from social services and undermined its crime fighting effectiveness.

People who recognize the influence of structural violence on DMC prefer alternative approaches to reducing DMC, rather than more strict punishment. *Reducing Disproportionate Minority Contact: Preparation at the Local Level* (Soler & Garry, 2009) reports that a portion of the public wants youth to be held accountable and to learn responsibility. They do not believe punishment will achieve their goal, so they generally support alternatives to incarceration. Speakers at a public hearing in Wisconsin noted the need of alternatives to detention and incarceration that will help offenders improve their behavioral health while also holding them accountable for their delinquent actions (The Commission on Reducing Racial Disparities in the Wisconsin Justice System, 2008).

Milwaukee County was first successful with alternatives to incarceration programs such as the FOCUS, Firearms, and First-Time Juvenile Offenders Monitoring Programs (Wilberg Community Planning LLC, 2008). These alternatives to punishment use the conflict resolution approach. Conflict resolution is defined as, “An outcome and process in which the issues in an existing conflict are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long run and productive of a new, positive relationship between parties that were previously hostile adversaries” (Arai, 2010, p. 6). Recidivism was lower in 2009-2010 for youth involved in alternatives to incarceration. A striking 0% of burglary offenders who participated in the First Time Juvenile Offenders Program repeat offended within the given time period, while 14.8% of those who received traditional punishment repeat offended (Wilberg Community Planning LLC, 2008).

**Conflict resolution: restorative justice.** There was still a need to address burglary specifically, since it had the highest offense rate and arrested cases are most likely to be minorities (Milwaukee County Delinquency and Court Services Division, 2012). In 2012,



Milwaukee County Children's Court partnered with the Milwaukee County District Attorney's Office and Safe & Sound, Inc., a non-profit, to introduce the juvenile burglary restorative justice program, Circles of Accountability (CofA).

CofA is designed to reduce Disproportionate Minority Contact (DMC) and recidivism. The project was modeled after the adult justice system's successful restorative justice Community Conferencing Program (CCP) because of its successful 80% reduction in recidivism. As of the writing of this paper, CofA is in its pilot year. Recidivism data will be available after the pilot year.

The restorative justice process utilized by CofA is a conflict resolution approach that helps first-time offenders develop more empathy for their victims so that they are less likely to repeat-offend, thus reducing DMC. CofA also reduces DMC by including community member volunteers in the process. Community members and offenders build more empathy for each other which strengthens the community.

With a different perspective of basic human needs, people can choose a different solution. After completing restorative justice components of Circles of Accountability, the young people who committed burglary recognize the full extent of the harms caused to themselves, their victims, and their communities. They said if confronted with the peer pressure again, they would not commit the burglary again. They acknowledged that the social ramifications they anticipated from their peers were not as bad as the harms they learned about in Circles of Accountability that were caused by the burglary.

Circles of Accountability reduces burglary by: (a) helping burglary offenders to recognize the harm they caused and to feel more empathy for others; (b) helping burglary offenders take responsibility to repair the harm they have caused; (c) consistently responding to

burglary in a way that produces results and sends a message; (d) helping build a community that takes responsibility to reduce burglary; (e) building a culture of inclusion and diversity appreciation for all; (f) teaching the foundations of respect, honesty, and caring.

The punitive focus of the justice system leaves the victims' and communities' voices out of the equation of sentencing (Zehr, 2002). Their needs go largely unmet (Zehr, 2002) and there is no focus on strengthening the link between formal and informal social controls or on community building (Bazemore & Schiff, 2005). Restorative justice seeks to repair harm rather than punish, while still holding offenders accountable, and reduce the offender's recidivism. It focuses on rebuilding the hostile relationships between the victims, offenders, and community members (Zehr, 2002) and increasing informal social controls (Fagan & Meares, 2008).

### **5.b. Potential Solutions**

Milwaukee's alternatives to the traditional punishment approach are helping reduce DMC, but the deeply entrenched race/crime conflict slows the process. Conflict resolution helps repair harm and strengthen relationships, but it does not necessarily transform the relationships and systems that can generate sustainable, collaborative solutions. While conflict resolution asks how to end something not wanted, conflict transformation also asks how to replace it with something that is wanted (Lederach, 2003).

John Paul Lederach (2003), a leader in the field, defined conflict transformation in his widely circulated The Little Book of Conflict Transformation: "Conflict transformation is to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships" (p.14). Conflict does not create violence on its own; whether it is addressed through violent or non-violent tactics

makes the difference (Lederach, 2003). Conflict is a normal part of everyday life and helps drive change (Lederach, 2003). Conflict transformation allows the parties to look through lenses that focus on transforming relationships and systems for sustainable systemic change that will eliminate the cause for the conflict (Lederach, 2003).

Galtung (2004) recognizes different levels of conflict that need to be transformed at the micro level of individuals and relationships and the meso level of groups within the community. Conflict transformation is the bridge that can bring together across the race/crime conflict because it addresses all the levels of the different perspectives: individual, relationship, and community. It can help build relationships between conflict parties in order to reduce segregation, improve structural and cultural dynamics, reduce racial bias in differential processing, and reduce the systemic oppression which will reduce differential offending. At this time, no official conflict transformation approaches are being taken by the Milwaukee County District Attorney's Office or the Milwaukee County Children's Court.

**Micro level: individual.** In Milwaukee's race/crime conflict, differential processing and offending occur at the micro, or individual level. Internalized oppression, the risk factors associated with crime, shame from punishment, and disparate treatment by the juvenile justice system cause a conflict with the juvenile offenders' self-esteem. Structural violence causes minorities to have less access to prevention and treatment programs than Caucasians, so they are more vulnerable to the risk factors associated with crime and more likely have contact with the juvenile justice system (Gochenhour & Janeway). Inversely, if minority youth are given more prevention and treatment opportunities through alternatives to punishment, they should be less likely to have contact with the juvenile justice system (Gochenhour & Janeway).

**Micro level: relationship.** Peace is not the end result but is an ever evolving quality of relationships (Lederach, 2003). In order to transcend dualism between conflict groups, the relationships must transcend their current isolation and dualistic attitude to recognize their web of interdependent relationships with “the Other” (Lederach, 2005). The dual concern model (Pruitt & Kim, 2004) emphasizes how peacebuilding is most successful when feasibility is perceived as high, the conflict parties have high other concern as well as high self concern, and blame is mutual.

High other concern, developed from interpersonal bonds that help produce empathy toward the other, influences parties toward yielding and problem solving rather than contending or avoiding. Relationship bonds can be built through a restorative justice dialogue process that utilizes the sharing of narratives. To build trust and break down stereotypes, conflict parties must learn to ask questions of the other and engage with the other to confront and deconstruct fears of the other (Lederach, 2005).

Listening to each other’s narrative, “the deep, formative telling of one’s story” (p.143), can help this process (Lederach, 2005). Storytelling between segregated parties helps parties reveal information helpful to finding commonalities that promote parties empathizing with each other’s situation. Most of Milwaukee’s history involves parties blaming the other, rather than utilizing conflict transformation methods. Communication is broken at the meso relationship level by segregation and police/community relations. Restorative circle dialogues can help groups perceive commonalities and reduce blame on the other to increase mutual-blame. When this happens, they can begin to work together to transform their relationships and the conflict.

***Restorative justice in schools.*** Restorative justice can be adopted as a whole school approach with a cultural shift to the restorative mindset. A restorative culture in schools promotes conflict being worked out in the classroom and reduces punitive contact with the disciplinarian or police (Bazemore & Schiff, 2005). Restorative justice programs can teach young people the skills of nonviolence to work out their relational disputes and transform a conflict into a peaceful situation (Schell-Faucon, 2001). Some schools that pushed deterrence to the maximum level with zero tolerance punishment policies realized the results did not reduce recidivism and switched to a restorative justice approach (Bazemore & Schiff, 2005). One school that implemented a restorative justice program saw more conflicts being handled in the classroom rather than through the disciplinarian, students began asking for restorative justice when an offense occurred, and there was a sharp decline in offenses in general (Bazemore & Schiff, 2005).

***Police-community relations.*** Restorative justice circles can also help transform police/community relations into a greater level of trust and collaboration. Milwaukee has a history of police brutality and racial profiling and there is a history of distrust between the African American community and the Police. Speakers at a public hearing on how to lower DMC (The Commission on Reducing Racial Disparities in the Wisconsin Justice System, 2008) asked, “Who can Black folks call when crimes are being committed by the Milwaukee PD?”, since they perceived beatings of African American males by police to be common place (The Commission on Reducing Racial Disparities in the Wisconsin Justice System, 2008, p. 25).

An inner city African American community organizer also told the author in 2012 of his wish that police would walk the streets in his inner-city neighborhood and socialize with the residents to increase positive contact between the groups. He said that although the police patrol

in their cars out of concern for their safety and fears of aggression from residents, the residents perceived the car patrol as police officers' disinterest in getting to know or trust them.

The conflict of perceptions between Milwaukee's police and residents can be transformed through restorative circles like the "Community-Police Relations (CPR)" (Mid-South Peace and Justice Center, 2012) dialogue held by the Mid-South Peace and Justice Center in Memphis, TN. The CPR dialogues between residents and the police are developing an action plan that will be used to restructure police and resident interactions and institutionalized systems.

**Meso level: community.** In order to reduce DMC and shift the race/crime conflict paradigm, Milwaukeeans will have to utilize conflict transformation techniques to build relationships and a restorative culture that will help create sustainable systemic change. On the meso community level, the justice system needs to treat minorities and Caucasians more equitably and offer the same chances for minorities to improve their lives and reduce delinquent behavior (Redding & Arrigo, 2006). The community level also holds the large scale, protracted conflict of group identity, historical transmission of trauma, and deep seeded value judgments on "the other" that perpetuate structural violence. A segregated structure that provides disparate access to upward mobility and risk factors associated with criminal delinquency will stand in the way of DMC reduction efforts. As long as the community buys into and perpetuates stereotypes of minorities and crime, they will remain unmotivated to adopt DMC reduction methods other than encouraging minorities to stop committing crimes.

The main reason DMC efforts by the juvenile justice system are not fully successful is because the greater community is not involved in helping juvenile justice reduce it. Restorative justice can help the community gets a sense of ownership over the justice process. Community restorative justice processes can be a "structural prevention" (Arai, 2010, p. 65) technique. A

preventative restorative justice method can transform the root causes of the Milwaukee's race/crime conflict at the community level.

In the larger picture, the goal of restorative justice is to reduce violence and suffering by building stronger, more supportive communities with a restorative culture. Building a restorative culture makes supporting each other and building strong relationships the norm rather than the exception (Morrison, 2005).

***Neighborhood restorative justice.*** The research of Bazemore & Schiff (2005) uncovered communities' concerns that the justice process be shared with the community like in generations past. They documented neighborhoods that strengthened their informal social control and restorative culture by incorporating restorative justice, such as circles and neighborhood accountability boards, into neighborhood organizing and proceedings.

***Community involvement in juvenile justice decision making.*** In *The Future of Community Justice*, Adriaan Lanni (2005) lists community based juvenile justice initiatives that have proven successful: restorative justice and community justice, sentencing circles, and citizen reparative boards. The article further suggests that community justice initiatives can be used for violent crimes if local grand and petit jurors are involved. Local Grand juries can also be utilized as focus groups to help shape juvenile justice policy

***Community Peace Circles.*** Peace Circles are a restorative justice process that can help communities address issues related to DMC. For example, in Summer 2011, incidences of racially infused youth violence made headlines in Milwaukee and disturbed the city. Peace circles were held in the neighborhood of one incident and allowed an opportunity for residents to express emotions and concerns. A Rapid Response Team, suggested by the Interfaith

Restorative Justice Committee in Milwaukee, can be designed to deploy trained facilitators to any part of the city to hold peace circles to address a community conflict.

The strengthened community ties can also lead to social justice reforms when the community members taking part in the circle recognize a larger systemic issue underlying the offense and mobilize their strengthened social capital to act on their new goals (Bazemore & Schiff, 2005). People that do not believe structural violence influences differential offending or differential processing see from the micro perspective. By hearing the narrative storytelling from other people's personal experiences with racism, they can gain more information about system structure and see the meso perspective. Bazemore & Schiff (2005) believe the narrative storytelling processes in restorative circles are important to help strengthen informal social control and social structure.

Participants must learn to listen to other perspectives and develop empathy for each other in order to successfully transform the conflict (Collins, 1996). Community level restorative justice processes can help conflict groups learn more empathy for each other and build community. Restorative dialogue can help span the power spectrum of different socio-economic and racial groups and allow them to rethink power structures and oppression (Collins, 1996).

### **5.c. Creativity in Conflict Transformation**

Galtung (1990) believes the key to conflict transformation is finding creative ways to satisfy both parties' basic human needs. Restorative justice is a creative conflict transformation method that can prevent DMC by building restorative culture in the community. Then the community can find creative ways to reduce structural inequality in order to reduce differential offending and differential processing.



Lederach (2005) agrees that creativity is an important tool for disrupting the intergenerational pattern of protracted conflict. Creativity is stunted by societal norms that perpetuate structural inequity, so transcending violence and creating constructive social change requires thinking outside the box. Dialogue sessions can help the parties strengthen their web of relationships and recognize their interdependence to move from fear to love.

Lederach (2005) states conflict parties must recognize that the web of relationships they are dependent on includes their enemies, be willing to cross social divides to reduce dualistic polarity, and be willing to take risks and use creativity. He recognizes that the juvenile justice system is process management oriented and needs to build essential relationships for creative change in the social structure (2005) By applying Lederach's theory of the moral imagination, Milwaukee's juvenile justice system needs to work with the community and apply creative conflict transformation methods to help break down the duality of the race/crime conflict in order to strengthen the web of relationships.

## **6. Recommendations**

“We can all probably agree let's invest in children but let's make sure that we are doing it in the ways that it really works.”—Governor Jim Doyle (2010, p. 10)

The analysis and recommendations included in this essay address the root causes of the conflict so Milwaukee can have a path to implementing what “really works”. Milwaukee needs to transform its race/crime conflict in order to reduce inequity and discrimination, thus reducing differential offending, differential processing, and DMC. A three-prong strategy utilizes the transformative effects of restorative justice to address the individual, relationship, and community levels of this conflict.

### **6.a. Responses to DMC at the Individual Level**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires states to determine whether DMC exists and to find its underlying causes at various contact points in the processing system in order to submit an intervention plan to reduce DMC (Leiber, Richetelli, & Feyerherm, 2009). National recommendations to reduce DMC from differential offending and differential processing are passed to the states through *The Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition* (Leiber, Richetelli, & Feyerherm, 2009) and the *Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC)* (Nellis, 2005). Both manuals recommend prevention and early intervention, training and technical assistance, culturally appropriate services, evaluation methods, and alternatives to secure detention as strategies for DMC reduction.

*The Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition* (Leiber, Richetelli, & Feyerherm, 2009) acknowledges the necessity of a long term strategy and lists characteristics of successful programs and principles for reducing recidivism from differential offending at the individual level. The principles for reducing recidivism include recommendations for risk, need, treatment, and fidelity. These principles suggest behavioral treatment is the most appropriate and effective way to reduce recidivism because it teaches pro-social skills to replace the antisocial skills of crime. The Annie E. Casey Foundation also recommends that community services address youth development and supervision needs (Kids Count, 2009).

Wisconsin tested juvenile offender behavioral pilot projects that were designed to reduce DMC, including intensive monitoring and behavioral health treatment. *The Disproportionate Minority Contact County Project Evaluation report* (Wilberg Community Planning LLC, 2008)

shows great success in Milwaukee's FOCUS Program, First-Time Offender Monitoring program, and the Firearms project. The high program dosage addressed behavioral health needs and the intense monitoring provided a community based alternative to incarceration (Wilberg Community Planning LLC, 2008).

Stakeholders in Milwaukee are concerned about juvenile offenders' welfare and strongly support creative prevention and rehabilitation efforts (Wisconsin Office of Justice Assistance, 2010). The traditional punishment methods are not reducing DMC. They propose juveniles should have more access to social services and "creative alternatives to formal court services" (p.134) like Milwaukee's juvenile intensive monitoring and behavioral health treatment programs (Wilberg Community Planning LLC, 2008).

At the individual level, this paper recommends following the recommendations from the reports listed above, building more programs like FOCUS Program, First-Time Offender Monitoring program, and the Firearms project, and restructuring Circles of Accountability to increase program dosage. An intensive monitoring program and regular restorative reentry circles should be created to increase program dosage for burglary offenders and should be directly connected to Circles of Accountability.

#### **6.b. Responses to DMC at the Relationship Level**

**Restorative justice in schools.** This paper recommends increased funding to schools for student-led restorative justice programs and restorative justice trainings for all faculty and staff.

**Police-community relations.** This paper recommends Community Police Relations restorative circle dialogues, modeled after the Mid-South Peace and Justice Center in Memphis, TN. Milwaukee's CPR program should also be a community led initiative to collaboratively

build an action plan to improve Milwaukee's police-community relations and reduce differential processing.

**Circles of Accountability.** Circles of Accountability is proving successful in its pilot phase. Restorative justice programs should be created for other high rate offenses in the juvenile justice system since the adult program also covers multiple offenses. The juvenile programs can also include victims like in the adult Community Conferencing Program if the cases are made available pre-disposition.

Families are a strong part of juveniles' relationship networks. The Annie E. Casey Foundation recommends families should be included in the process to help youth development (Kids Count, 2009). This paper recommends families be involved in restorative justice programs, like family group conferencing, to strengthen the relationship between juveniles and their families, lead toward a stronger family support and accountability network for the juvenile, and help them access family services that will help lower the juveniles' recidivism.

The Characteristics of Successful Programs listed by *The Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition* (Leiber, Richetelli, & Feyerherm, 2009) are a useful criteria for evaluating Circles of Accountability. Recommendations for improving Circles of Accountability by addressing these characteristics were submitted to Safe & Sound, Inc. in June 2012, after its first six months, and are listed in Appendix B. The recommendations were submitted by the Restorative Justice Coordinator and Youth Programs Manager who were extensively involved with the program. The author was the Restorative Justice Coordinator at the time and recommends these criteria be used to improve Circles of Accountability.

### **6.c. Responses to DMC at the Community Level**

While the juvenile justice system can help reduce differential processing, it has less effect on reducing differential offending and the role racism plays in disproportionately exposing minorities to the risk factors associated with poverty. The general public will have to be involved to reduce racial inequity and discrimination in society. Responding to DMC at the Community Level involves a three-part strategy, neighborhood restorative justice programs, community involvement in juvenile justice decision making, and community peace circles.

**Neighborhood restorative justice.** Milwaukee has a plethora of community organizing non-profits that can build restorative justice into their neighborhood organizing. Block clubs and neighborhood residents can benefit from access to mediation and restorative justice services. Block clubs can help the neighborhood build a restorative culture by promoting and practicing restorative justice.

The Juvenile Detention Alternatives Initiative of Annie E. Casey Foundation suggests identifying a feasible “entry point” (Kids Count, 2009), working first with a particular aspect of the system that can then springboard the new strategy into other areas. When the neighborhood observes successfully transformed conflict cases, they will be more likely to ask questions and dive deeper into building a restorative culture. A restorative culture will help reduce the culture of violence that influences crime in Milwaukee and help build community relationships to collaborate on community issues, thus reducing DMC.

**Community involvement in juvenile justice decision making.** The OJJDP recommends involving the community in decision making efforts to reduce DMC (Soler & Garry, 2009). This paper recommends community based juvenile justice initiatives including restorative justice and community justice, community sentencing circles, and citizen reparative

boards. This paper also recommends that appropriate groups, such as local grand juries, be used as focus groups for juvenile justice policy decision making.

**Community Peace Circles.** Peace Circles are a valuable tool to help bridge the segregation divides between neighborhoods. The more the neighborhoods develop their restorative cultures, the more inclined they will be to participate in peace circles with other neighborhoods. This paper recommends peace circles that will allow residents to share personal narratives with each other, transmitting information necessary for raising awareness of racial discrimination, resolving the race/crime conflict, and reducing structural inequity. Facilitators should include Milwaukee's established and successful restorative justice facilitators.

Peace Circles and diversity workshops can be implemented in Milwaukee's Building Abundant Communities Series by the Marquette University Center for Community Collaborations, who can partner with Milwaukee's local diversity facilitators and peace educators. Building Abundant Communities recognizes that every community is "resource rich" in social capital. Public events are held to help people discover Milwaukee's resources to address social needs.

The potential for creative change lies within the conflict parties (Lederach, 2005). The Building Abundant Communities Series can guide the community to finding their own answers they have inside themselves. Each section needs to bring their piece of the puzzle to share and learn from each other. The workshops and peace circles can be ongoing and permanent through the narrative sharing, idea generation, implementation, and evaluation phases. Solutions need to be kept flexible (Galtung, 2004) so they can be adapted according to monitoring and evaluation.

**Youth programs.** Youth Programs that help bridge segregation barriers, like the SIT Youth Programs in Brattleboro, VT are a valuable tool for youth to learn diversity appreciation

and conflict transformation skills. This paper recommends a similar youth program for Milwaukee that can bring youth together once a month from different schools, from different young leaders programs, and from different neighborhood community groups to bridge segregation lines. The youth can engage in fun community building teamwork activities as well as restorative peace circles, where they let conflict come to the surface and discuss it. They may find solutions to the conflicts and work together in community service projects to address the issues. Youth can also engage in peace and diversity education workshops at their schools and community centers.

**Media.** Media can begin to reverse its trend of differential coverage of minority crime by covering community building events. Building Abundant Communities and the enlarging community engaged in restorative culture can put pressure on media to give more equitable coverage on race and crime issues.

“Peace is the sustained process of building conflict handling capacity” (Arai, 2010). Milwaukee must learn how to non-violently transform its culture into a restorative culture. In order to reduce disproportionate minority contact, Milwaukee must reduce its segregation and transform its race/crime conflict. Farley (2004) understands that the conflict parties must utilize both their intellectual and empathetic capacity for creative conflict transformation. Milwaukeeans must be aware of minority disadvantage and the historical structural inequity that caused it and look from other perspectives. Restorative justice at the individual, relationship, and community levels can help bridge social gaps by sharing intellect and empathy. Building relationships and a sustainable restorative culture allows Milwaukee’s abundant community to capitalize on its social resources and transform the underlying structural inequities of disproportionate minority contact.

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**Appendix A: Top 10 Most Segregated Cities in the Country (United States 2010 Census, 2010)**

1. Milwaukee
2. New York
3. Chicago
4. Detroit
5. Cleveland
6. Buffalo, N.Y.
7. St. Louis
8. Cincinnati
9. Philadelphia
10. Los Angeles

## **Appendix B: Circles of Accountability Recommendations as of June 2012**

### **Sustainability**

- Develop a sustainability plan for the Restorative Justice Coordinator and for CofA.

### **Program Dosage**

- Develop a plan for mentoring the juvenile offenders to increase their involvement with positive role models and help lower recidivism.
- Include in the CofA contract that some of the juvenile offenders' hours be reserved for the Safe Places or for being a community representative in CofA.
- Provide year round opportunities for youth volunteers to be involved with juvenile offenders, outside of the monthly restorative circles. This increased program dosage for both juvenile offenders and youth volunteers.

### **Program Design**

- Beginning in July 2012, conduct a literature review of existing juvenile restorative justice processes around the country and around the world to identify positive qualities that can be incorporated into CofA.
- Redesign the Circle process to fit better in the timeframe, or redesign the time frame.
- Increase opportunities or requirements for parent involvement

### **Trainings**

- Recruit more Surrogate Victims whose businesses were burglarized.
- Provide more training to the Restorative Justice Coordinator, especially in working with the specialized population of high-risk youth and juvenile offenders and in restorative justice peace circles.
- Host multiple Surrogate Victim trainings throughout the year

- Host community member trainings each fall and spring
- Include more depth of topic and breadth of contacts in youth volunteer trainings, especially in Non-Violent Communication.

### **Funding**

- Research and write for grant funding for a juvenile reentry program that could a 2<sup>nd</sup> phase of CofA and write the reentry program into the CofA contract.
- Research and write for restorative justice grant funding Grant funding to fund the Restorative Justice Coordinator position.
- Look into building relationships with other Children's Court Programs at Safe Places to increase grant \$ and numbers of contacts with the Juveniles.
- Write for grants to fund ongoing youth trainings and ongoing juvenile offender involvement in the trainings.
- Develop a budget for CofA.

### **Referrals**

- Work with Children's Court to identify how to get more referrals at least 3 weeks in advance of a Circle and build an action plan.
- Encourage or require more involvement from the juvenile offenders' families.

## Appendix C: Circles of Accountability Program Report, 2012

This document is designed in the format and terminology of the Milwaukee County reports published in the *Disproportionate Minority Contact County Project Evaluation: for Brown, Dane, Kenosha, Milwaukee, Racine, and Rock Counties* to supplement the report with the latest relevant project.

# Circles of Accountability

## Program Description

Circles of Accountability (CofA) is a juvenile burglary intervention restorative justice program designed to reduce Disproportionate Minority Contact (DMC) and recidivism (or repeat offenses). The restorative justice process helps first-time offenders develop more empathy for their victims so that they are less likely to repeat-offend, thus reducing DMC. Restorative justice also reduces DMC by including community member volunteers in the process, which helps all participants build more empathy for each other and strengthens the community.

Collaborators involved in the design and implementation of CofA include Safe & Sound, Inc.; Milwaukee County Children's Court; and Milwaukee County District Attorney's Office. CofA was initiated to serve the juvenile burglary offenders whose victims did not participate in the DA's Office restorative justice program, the Community Conferencing Program (CCP). CofA's design was influenced by two restorative justice processes at the DA's Office, the CCP and Victim Impact Panels.

CofA was initiated in January 2012 and is in its pilot year. Recidivism data will be available after the pilot year. This section describes the author's involvement in the first six months of the pilot year.

Qualifying first-time juvenile burglary offenders are referred post-adjudication (after court sentencing) first to the Community Conferencing Program at the District Attorney's Office. If the victim does not participate, the referrals are sent to Safe & Sound, Inc. for Circles of Accountability.

Compliance with program requirements is considered a condition of their probation. Tardiness is discouraged and unexcused absences are not tolerated. If a juvenile offender completes the CofA requirements, they graduate the program. If they do not complete the requirements, they are deemed non-compliant with this condition of their probation and discharged from the program.

## Program Components

<b>Meeting</b>	<b>Participants</b>	<b>Time frame</b>
Pre-Circle Meeting	Safe & Sound staff, juvenile offender, guardian	One time: Preferably at least 1 week prior to the restorative circle
Restorative Circle	Safe & Sound staff, juvenile offenders, support people, Surrogate Victim, Youth and Adult Community Representatives, Facilitators	One Time: Each juvenile offender participates one time only, but the Circle is held once a month with different juvenile offenders each time.
Post-Circle Meeting	Safe & Sound staff, juvenile offender, guardian or support people	One Time: Two weeks after the Circle

### Pre-Circle Meeting

Safe & Sound, Inc. staff meet with the referred juvenile offender and their guardian in advance of the actual restorative circle for a Pre-Circle meeting to introduce them to the program and prepare them to participate in the restorative process.

### Restorative Circle

Juvenile burglary offenders participate in the restorative circle along with trained volunteers and facilitators to discuss the harms that were caused to burglary and help the young person be accountable for their burglary. Juvenile Offenders are encouraged to bring someone to serve as their Support Person. Trained volunteers include youth community representatives from young leader's programs, adult community representatives from Milwaukee County, a Surrogate Victim who shares their true story of being burglarized, and facilitators to guide the conversation.

### Post-Circle Meeting

Two weeks after the Circle, the juvenile burglary offenders meet again with Safe & Sound staff to discuss what they learned from Circles of Accountability and how they feel about their self-esteem and empathy level toward others. Juvenile Offenders are encouraged to bring their guardian or support people.

Connection to Safe Place after-school youth programs



Juvenile Offenders have the opportunity to build relationships with staff and young leaders from Safe Place after school programs at their restorative circle. Safe & Sound staff follow-up with juvenile offenders after their circle to invite them to be involved in Safe Place after school programs and encourage them to do their community service hours there.

## Theory of Change

restorative justice reduces burglary:

- by helping burglary offenders to recognize the harm they cause and to feel more empathy for others
- by building a community that takes responsibility to reduce burglary
- by consistently responding to burglary in a way that produces results and sends a message
- by helping burglary offenders take responsibility to repair the harm they have caused
- by building a culture of inclusion and diversity appreciation for all
- by teaching the foundations of respect, honesty, and caring

Howard Zehr recognized the many benefits of victims and offenders participating in restorative circles, “A meeting allows a victim and an offender to put a face to each other, to ask questions of each other directly, to negotiate together how to put things right. It provides an opportunity for victims to tell offenders directly the impact of the offense or to ask questions. It allows offenders to hear and to begin to understand the effects of their behavior. It offers possibilities for acceptance of responsibility and apology. Many victims as well as offenders have found such a meeting to be a powerful and positive experience” (Zehr, 2002).

Zehr (2002) understands that a **victim’s needs** are not always met through traditional punishment processes, “Victims often feel ignored, neglected, or even abused by the justice process” because the offense is defined as a crime against the state (or a broken rule against the school or youth program), so the “state takes the place of the victims”. He notices four of the victims’ needs tend to be “especially neglected” in punitive processes, so restorative justice focuses on them:

- “the victim needs answers to questions they have about the offense”
- “the victim needs “an opportunity to tell the story of what happened”
- “victims often feel like control has been taken away from them by the offenses they’ve experienced. Involvement in their own cases as they go through the justice process can be an important way to return a sense of empowerment to them.”

- “The victims need to have the harm recognized is a basic human need that “we all have when treated unjustly” and “when an offender makes an effort to make right the harm, even if only partially, it is a way of saying ‘I am taking responsibility and you are not to blame’.”

Zehr (2002) is very cognizant of participants’ sensitivities and recommends ways to reduce negative impact from the process. He recommends using “adequate screening and safeguards” when deciding if the offense is appropriate for restorative justice and to take measures to protect the victim from further victimization. He suggests using a surrogate victim, letter, or video if the victim does not want to or should not participate. When the victim does not want to or should not participate, there are also forms of Restorative justice where the offender hears from other community members and people who have been victims in the past who are willing to share their story of victimization to help the offenders have more empathy for their victims and reduce their repeat offenses.

Zehr says that **offenders** need:

- “accountability”,
- “encouragement to experience personal transformation”
- “encouragement and support for integration into the community”,
- “for some, at least temporary restraint.”

When an offense like burglary is punished in the traditional discipline system, the shame experienced by the offender does not have a healthy outlet to be discharged and can manifest as anger in self destructive patterns (Morrison, 2002). Morrison (2005) acknowledges that “unless the shame over wrongdoing is discharged, the internalized shame will act as an affective barrier to a full sense of belonging and significance...” which can lead to more shame and increase recidivism. The community typically does not offer the support required for positive reintegration and can stigmatize the young people, resulting in further distancing from the community. This punishment style doesn’t challenge the “stereotypes and rationalizations that offenders often use to distance themselves from the people they hurt”, and offenders are not given an outlet to address their shame or to make amends for what they have done (Zehr, 2002).

Reintegrative Shaming Theory (Morrison, 2002) says that offenders need their community to hold them accountable for their actions, to make it clear that those actions are not acceptable, and to provide support so they can change their behavior and reintegrate into the community as productive members of society. To help reduce repeat offenses and rebuild trust with the victim and community, the offender needs to identify with the community, to feel connected to the values and rules of society (Morrison, 2002).. As Morrison (2005) cites from a Tyler and Blader study in 2000, “Pride and respect are strongly correlated with compliant and cooperative behavior”, so when a young person who has bullied feels connected to their community, they take ownership of their responsibility to uphold the rules and values of the community and are much less likely to

bully. Restorative justice allows the offenders in an offense like burglary the opportunity to be held accountable for their actions and for positive relationships to be build or rebuilt (Morrison, 2005).

Restorative justice emphasizes offender accountability, not with a punishment focus but with what Zehr (2002) refers to as “real accountability (that) involves facing up to what one has done. It means encouraging offenders to understand the impact of their behavior – the harms they have done - and urging them to take steps to put things right as much as possible.” Zehr (Fall/Winter 2009) gives an explanation of why he wants restorative justice to help offenders be held accountable, “We were convinced that offenders have deep denial processes, and that the legal system and the experience of prison tended to increase those denial mechanisms. We wanted a way to hold them accountable, in the sense of helping them to understand [the need] to take some responsibility for what they were doing.” Morrison (2005) cites a theory by Braithwaite, 2001, that restorative justice helps an offender work through their “emotionally destructive state of unresolved shame” so they can “discharge shame rather than displace shame into anger” and then find a “sense of moral clarity that what she had done is either right or wrong”. The shame is discharged because the restorative circle allows the offender to be held accountable for what they did and to work on making things right (Morrison, 2002).

The **community** impacted by the offense can be considered a secondary victim, such as the neighborhood where the burglary happened or anyone in the larger community who heard about the offense and feels impacted. The community can be involved in the restorative process to help work out the issue and rebuild the relationships of the group (Zehr, 2002). Zehr (2002) lists the community’s needs as:

- “attention to their concerns as victims”
- “opportunities to build a sense of community and mutual understanding”
- “encouragement to take on their obligations for the welfare of their members, including victims and offenders, and to foster the conditions that promote healthy communities.”

Restorative circles meet these needs by including the community as participants where they are involved in storytelling, helping determine how harms will be repaired, and supporting the victims and offenders.

Restorative circles address the needs and relationships of participants to reduce the cycle of shame and negative behavior and to allow more opportunities for offenders to make amends. Restorative Justice tools like Circles are not a “cure all” for burglary without also sustaining a larger restorative culture, as Dr. Hilary Cremin, Cambridge University, points out (Clark, 2009). To reduce burglary, it is necessary to build a culture of nonviolence and train the community in the tools and in the mindset of restorative justice (Morrison, 2005).

Milwaukee needs a culture that prevents occurrences, rather than just resolving the burglary offenses as they happen.

In the larger picture, the goal of restorative justice is to reduce violence and suffering by building stronger, more supportive communities. Building a restorative culture makes supporting each other and building strong relationships the norm rather than the exception (Morrison, 2005).

It also means teaching young people the skills of nonviolence to work out their disputes and transform a conflict into a peaceful situation. If the culture of restorative justice is the norm and if the tools are used properly, burglary can dramatically be reduced in Milwaukee County.

**Restorative justice can help young people learn the skills of nonviolent conflict transformation necessary to reduce recidivism, (Schell-Faucon, 2001), by increasing:**

- **self-esteem**
- **tolerance of frustration and ambiguity**
- **self-awareness, awareness of others and empathy**
- **communication and interaction skills**
- **awareness of personal and cultural attitudes to conflict behavior  
in conflict situations**
- **ability to analyze and evaluate conflicts**
- **practical skills to manage and overcome conflicts**

## Principles of Effective Intervention

Need	Targets anti-social attitudes, values, or beliefs	Restorative justice helps build community inclusion and support, which reduces these factors
	Targets anti-social friends	The restorative circle meeting provides opportunities to build relationships with staff and young leaders from Safe Places. Juveniles are encouraged to participate in Safe Places to keep position peers around them.
	Targets lack of empathy	Restorative justice helps build empathy
	Targets impulsive behavior	Juveniles are asked to explore the stages of decision making throughout their burglary to help them be accountable for each decision and realize the opportunities to make better decisions next time.
Treatment	Focuses on current factors that influence behavior	Juveniles are encouraged to explore the reasons why they committed the burglary and to see how the burglary did not help those factors, but made them worse.
	Action-oriented	Juveniles learn responsibility for their actions. They are held accountable for their burglary and are required to complete the three CofA meetings.
	Offender behavior appropriately reinforced	They learn that unexcused absences are not tolerated. If they are non-compliant, they will be discharged from the program.
Program Fidelity	Program delivered as designed	Volunteers and facilitators follow a volunteers manual and process outline.
	Program based on specific, theoretical model	Restorative justice a data-driven and evidence-based method.
	Workers trained in program	Volunteers and Staff are

	delivery and have trained supervision	trained in restorative justice and Circles of Accountability. They are monitored for high quality participation.
	Printed materials describe program goals and content	Juvenile Offenders, their guardians, and their PO's receive a CofA brochure that describes the purpose and stages of the program.

## Logic Model

Goal	Objective	Outputs	Outcomes
Reduce burglary recidivism with first-time offenders	<ul style="list-style-type: none"> <li>• Increase juvenile's understanding of the harms they caused by their burglary</li> <li>• Reduce Disproportionate Minority Contact</li> </ul>	<ul style="list-style-type: none"> <li>• Train staff and volunteers in restorative justice and CofA</li> <li>• Conduct Restorative circles each month</li> <li>• Conduct Pre-Circle and Post-Circle meetings each month</li> <li>• Invite juveniles to attend Safe Places afterschool youth programs</li> </ul>	<ul style="list-style-type: none"> <li>• increase juvenile's level of empathy</li> <li>• increase community's empathy and support for juveniles</li> <li>• reduce shame/blame to help juveniles increase their self-esteem</li> <li>• Surrogate Victim feels like the restorative process was therapeutic to their healing journey</li> <li>• increase community bonding and build relationships across social boundaries</li> <li>• juveniles connect with Safe Places and build positive peer friendships</li> <li>• juveniles are influenced by</li> </ul>

			<p>positive peer groups and programming</p> <ul style="list-style-type: none"> <li>• increase number of community members who are trained in restorative justice</li> <li>• reduce DMC by reducing recidivism, building community, and by building empathy and support for victims and offenders</li> </ul>
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### **Program Coverage**

Circles of Accountability serves all first-time juvenile burglary offenders who qualify for the program (admit fault to all of their counts of burglary) and whose victims do not participate in the Community Conferencing Program. In Spring 2012, the overwhelming majority of the juvenile offenders were African American and 100% were male.

### **Program Fidelity**

Circles of Accountability is a restorative justice process inspired by the DA’s Community Conferencing Program, an evidence-based program with positive statistical results. Juvenile offenders, their guardians, and their Probation Officers receive brochures from Safe & Sound, Inc. that explain the purpose of the program, the restorative process, and the three meetings in CofA. Staff and volunteers are trained in the process and are monitored for high quality participation. They also complete regular surveys to evaluate their perception of each other’s quality of participation and their perception of the effectiveness of the programming with the juveniles.

### **Dosage**

Juvenile Offenders meet in Circles of Accountability three times: Pre-Circle Meeting, restorative circle, and Post-Circle Meeting. They are also invited to participate in Safe Places after school youth programs to maximize exposure to positive youth programming.

## **Barriers to Implementation**

Many restorative justice programs are pre-disposition so the participants at the circle including the victim, offender, and community members, can have input in the conditions of the probation and how the harm will be repaired. Because of complications with juvenile offender laws, Circles of Accountability was not able to get off the ground in its initial pre-disposition design. CofA was redesigned to be post-adjudication, so there is no agreement made at the circle of how harms will be repaired.

## **Satisfaction with Program Quality**

Safe & Sound's Restorative Justice Coordinator in Spring 2012 observed from satisfied juveniles and guardians:

- Most guardians and juveniles in the first 6 months of the pilot program seemed satisfied with their participation in CofA.
- Several juveniles shared with the author how the program helped them better understand how they hurt other people with their burglary.
- Most of the juveniles initially committed the burglary with the concern of losing social status or social connections if they did not follow their peers. Now, if given the peer pressure again, they would decide against burglary because they realize that the repercussions to themselves, their families, their friends, the victims, and their community far outweighs the repercussions of losing social incentives.
- The Pre-Circle Meeting helped them know what to expect and feel more comfortable about the restorative circle
- The volunteers at the restorative circle helped them feel supported by talking to them before and after the circle and showing empathy during the circle
- They liked learning about the philosophy of restorative justice and believe it should be more widely utilized

Juveniles and their guardians who showed dissatisfaction with the program expressed concern about:

- the challenges faced by the guardian to transport the juvenile to the three CofA appointments
- guardians were frustrated by the lack of progress if their juveniles who did not show increased empathy after participating in the program



## **Appendix D: SWOT Analysis: Circles of Accountability**

June 14, 2012

Lauren Thrift, Restorative Justice Coordinator;  
Isaiah Rembert, Youth Programs Manager

### **Strengths**

#### Empathy

- Juvenile Offenders learn more about the harms that were caused by their burglaries and develop empathy for their victims and other community members.
- Staff and volunteers develop more empathy for juvenile offenders

#### Community building

- Juvenile Offenders develop relationships with Community Members, Safe Place Staff, and Safe Place Youth from their Circle.
- Circle participants build relationships across social divisions and reduce stereotypes of each other
- Involvement of highly respected RJ professionals including an Assistant DA and the Program Manager of the Community Conferencing Program
- Involvement of Safe Places Youth and Staff
- The Juvenile Offenders have the option to bring support people, who often share valuable contributions at the circle
- Strong Support from Running Rebels Community Organization
- Trainings help spread the word about Restorative Justice to the Milwaukee community
- Graduation event for the youth attracts attention from high ranking officials in Milwaukee

#### Opportunity for staying busy and staying out of trouble

- Juvenile Offenders are invited to participate in Safe Places.
- Juvenile Offenders are invited to participate in CofA as youth community members.
- Even in this short time frame (6 months into the pilot phase), at least one graduated Juvenile Offender saw a Safe & Sound staff member in the grocery store and initiated a conversation about how CofA changed his life “It made me really not want to get in trouble anymore”
- Youth volunteers are engaged in a productive activity

#### Addressing victims needs

- Surrogate Victims get healing from sharing their story and feeling like they are helping young people reduce burglaries

- Volunteers who have been victims of burglaries (not the juveniles' direct victims) get the chance to share their story with multiple juvenile offenders

### **Weaknesses**

#### Pilot year, no data yet

- Lack of recidivism data in pilot phase
- Although there is no recidivism data in the first 6 months of the pilot phase, the facilitators' impressions of how many juveniles will not reoffend due to CofA is correlated with what Juveniles already seemed pre-disposed to do at the time of their Pre-Circle, before attending their Circle. The ones that seemed to already "get it" learned more and their conviction to stay out of trouble was strengthened by the circle. The ones that seemed like they weren't as remorseful or were still giving their parents problems with their attitude and behavior did not seem to grow much during the Circle and some were reported by their parents to still be getting in trouble after their Circle experience.

#### Low program dosage

- The Juvenile Offenders only have 3 contacts with the Program and only 1 contact with the Safe Place Youth.
- Lack of ongoing youth volunteer training. To hold their attention and impact their lives more, the trainings could use more depth in topics, especially Non-Violent Communication, and breadth of contacts.
- There is nothing in the contract for the Juveniles to use their community service hours with the Safe Places or with CofA.

#### Youth legal considerations

- The Youth 17+ background check policy is complicated.
- 16 year olds sometimes have a birthday and become 17+ after training, so it is difficult to make sure they get their background check before coming to a Circle after they turn 17.
- No real opportunity to repair harm because CofA is post-adjudication

#### Design challenges

- The 5:45-7:30pm time of the Circle is difficult to include all of the Circle components. This time frame exists because of the Safe Place Youth being based in.
- There is no sustainability with the 1 year AmeriCorps VISTA Restorative Justice Coordinator position that is running the program.
- Could use more involvement from the Juvenile Offender's family
- There is no budget for CofA. Even the pizza comes from Safe Places grants.

### Victim concerns

- The Surrogate Victims can be overburdened if there are less than 3 and they have to go more than once every 3 months.
- Need more Surrogate Victims whose businesses were burglarized.
- The actual victims of the juvenile offenders are not involved

### **Opportunities**

#### Grant funding

- There is an opportunity to include receive grant funding by including more contacts with the Juvenile Offender in a juvenile reentry program that could a 2<sup>nd</sup> phase of CofA.
- CofA could build relationships with other Children's Court Programs at Safe Places to increase grant \$ and numbers of contacts with the Juveniles.
- Grant funding for CofA can come from RJ grants and offender reentry grants

#### Program dosage

- Juvenile Offenders could increase their contacts with Safe Places by including in the CofA contract that some of their hours be reserved for the Safe Places or for being a community representative in CofA.

### **Threats**

#### Low referrals

- Referrals are not as high as was predicted by Children's Court before CofA began
- Referrals are often received in a short time frame before the restorative circle, creating challenges for the program coordinator and juvenile's guardian to schedule the pre-circle meeting before the circle

#### Parental concerns

- There is a lot of strain on the Juveniles' parents which results in parent frustration and anger towards the program and multiple no-shows and reschedules for the Juveniles.
- Transportation and parental involvement are challenging for the Juveniles and their families

#### Program coordinator training

- Juveniles of different emotional health levels can present challenges to the Restorative Justice Coordinator who is not trained to handle these types of challenges