

10-1-2008

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Publication Information

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Repository Citation

Geske, Janine P. and McCanse, India, "Neighborhoods Healed Through Restorative Justice" (2008). *Faculty Publications*. Paper 521. <http://scholarship.law.marquette.edu/facpub/521>

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Neighborhoods Healed Through Restorative Justice

By Hon. Janine P. Geske and India McCanse

They gathered on the north side of the city, where most of Milwaukee's violent crimes occur. There were two dozen members of the community and eight special guests—offenders, who had committed severely violent crimes, returning from prison. They sat in a traditional Native American talking circle on the second floor of what used to be a bank. It is now a community center for this poor, African-American neighborhood. With a lit candle in the center, the facilitator explained the purpose of the gathering and of the restorative practice of meeting in a circle. Those gathered included victims, neighborhood residents, the community prosecutor, faith leaders, business owners, police officers, parents of local school children, and the federal prosecutor who leads the Safe Streets Initiative. For the next two hours, participants reflected on how violence affected their lives. For some, it brought tears. For others, it brought a chance to tell their story. But for all, it was a transforming experience.

Restorative justice talking circles are held in the Milwaukee community, involving both offenders returning from prison as well as first-time offenders. For the first-time offenders, this is a second chance and is chosen instead of prosecution or incarceration.

Milwaukee, like most major American cities, experiences violent crime on a daily basis. Wisconsin has one of the highest incarceration rates for African-American males. The prisons, like many elsewhere, are seriously overcrowded.¹ A trend of incarceration has formed like a black hole, moving from one generation to the next. Our traditional system of retributive justice will only feed this trend. Locking everyone up and throwing away the key is simply not a viable solution.

Although the most violent and severe offenders must be incarcerated to protect the community, there are those who, within a restorative model of justice, can be helped

to lead productive lives when they return to their communities. Because of its collaborative efforts in addressing crime, Milwaukee became one of eight cities in the country to implement a pilot project to decrease crime in 2007. In particular, Milwaukee implemented the Safe Streets Initiative, emphasizing a second chance that included restorative justice talking circles for offenders returning from prison and as an alternative to prosecution or incarceration for first-time offenders. This project, funded by a grant from the U.S. Department of Justice, seeks to decrease crime by implementing alternative means of law enforcement, increased community engagement, and new practices in the Department of Corrections.

Based on a model developed by Professor David Kennedy, the director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice in New York, Milwaukee's Safe Streets Initiative is a communitywide effort, engaging city leaders and institutions in ways that have never before been achieved. The 2007 Common Ground Conference, held in Milwaukee and hosted by Mayor Tom Barrett and Deputy U.S. Attorney Bill Lipscomb, brought together myriad leaders to propose a project that would integrate three main components: (1) enhanced and nontraditional resources for members of law enforcement; (2) engagement by staff to create stronger connections in the community; and (3) different operational correctional practices, both at the state and community levels. The project focuses on two areas of the city: the near north side, Milwaukee Police District 5, a chiefly African-American community that is burdened with poverty, a jobless rate for African-American males of about 44 percent, and one of the city's highest violent crime rates, and the near south side, Milwaukee Police District 2, a largely Latino community that has struggled with drugs, guns, and gang warfare.

Marquette University Law School's Restorative Justice Initiative leads the community engagement section of the program and operates a restorative justice model for achieving new outcomes. Restorative justice is a philosophy that is victim-driven and seeks to place the harm in the middle of the equation. Traditional justice practices are offender-focused: Nearly all the resources, time, and effort are spent on the offender—arresting, charging, investigating, prosecuting, convicting, sentencing, and incarcerating. The only time a victim is brought into the equation is to testify. Restorative justice allows the victim a voice and focuses on the harm that has been done. There are several models of restorative justice, including victim-offender dialogue, community conferencing, and Native American talking circles.

Since May 2007, while law enforcement agencies have been conducting intensive surveillance, research, and planning for gang “take downs” and “call-ins,” Marquette Law School's Community Coordinators have been developing relationships, strengthening community ties, and holding talking circles for a variety of constituencies.² These experiences have been indisputably positive. The Native Americans believe that when a community gathers in a circle, everyone has an equal place; there is no hierarchy in a circle. A talking piece, such as a feather or another treasured object, is used, and when one holds the talking piece, it is believed that he or she can speak only the truth. Circles require active and deep listening as the talking piece is passed from one to the next. Only the one holding the piece speaks.

In one of our earliest circles, an African-American mother of three sat opposite of the mayor and said to him, “Mr. Mayor, I can't stay in Milwaukee anymore. My children aren't safe; there is a gunshot in the wall above the bed where my baby girl and I sleep. I'm taking my kids and moving to the South because we can't take another violent summer in Milwaukee.” Everyone in the room could feel the sadness associated with that decision.

One of the most significant challenges in this project has been a long, negative history between the police and the communities of color. During another early circle in the African-American community, a white police lieutenant told the story of his nephew being shot and killed. The room was dead silent while the lieutenant told the story of the violent killing and the impact it has had on him, his family, and so many others. Everyone in the room was focused and stunned by the story. That is the gift of restorative justice talking circles—they bring

together those who would not have been likely to meet otherwise. They transform the participants, who come to realize how far a violent act can spread, and how tragedies can happen to anyone—even a cop.

Circles involving offenders returning to their communities from prison have two parts: a premeeting and the circle itself, known as a “contact notification.” First, community prosecutors, police, and other law enforcement officials meet with the offenders as a group. In this premeeting, the offenders are told that the officials do not want to send them back to prison, but that the offenders are being watched. The offenders learn that the police, the FBI, the DEA, the ATF, and local and federal prosecutors are working together and surveying their activities in the community. They are told that if they reoffend, they will be put away for hard time. And they are told that they are being “handed over to the community.” At this point, the Safe Streets staff explains to offenders that they are about to enter another room that is full of community members who are there to support them but are not going to put up with more violence in their neighborhoods. For many offenders, it is the first time that they hear from victims and communities the deep and substantial

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impact that their criminal behavior has had on many people. They are told that when the circle is finished, they will be given information about education, job training and employment, alcohol and drug treatment, recovering a driver's license, and other resources. In these circles, many offenders have had the courage to tell their stories and have received tremendous support afterwards. Victims and community members talk about the healing nature of this process. At pilot sites for this program around the country, these contact notifications have been shown to reduce recidivism significantly.

In another circle on the south side, a young member of the brutal gang the Latin Kings had just been released

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from prison. This gang member approached a compassionate officer after the circle and told him, "I've never had a cop talk like that to me before."

The police officer gave him his card and said, "If there's ever anything I can do to help you, give me a call." And he did.

One of the keys to this work is asking victims of crime to describe their lives before the crime, what they experienced during the offense, and how the event has affected them and those close to them. The more that victims can convey to the offenders how much the crime has harmed them, the more powerful the experience. A regular participant in our circles is a woman who has been a chaplain at the Milwaukee Children's Hospital for more than 10 years.

She describes her experiences of holding sobbing mothers whose children have been injured or killed by gunfire. She then shares how three years ago she became one of those sobbing mothers. She was the mother of a 33-year-old Department of Justice drug agent named Jay. One evening, Jay was filling his car with gas on the way to start his shift. He went into the gas station to buy a cup of coffee. As Jay was returning to his car, he was approached by two men who wanted to rob him. One of the men held him at gunpoint, while the other patted him down to find his wallet. The robber suddenly felt her son's gun and told his partner. Having left his bullet-proof vest in the passenger's seat, Jay had no armor to deflect the bullet when he identified himself as a police officer and asked them not to shoot him. Jay died a week later. This is one of the unforgettable stories brought to the circle by victims.

Other circles are being conducted with a group of offenders who have been arrested but have had their prosecution deferred in hopes that, with community resources, they will avoid further crime. Circles are being conducted in schools for issues like bullying, gang violence, and poor sportsmanship. In one classroom, the behavior of students was so rude and disrespectful that the teacher requested a facilitator to conduct a circle. All the students in this elementary school classroom gathered in a circle with their teacher. When her time came to speak, she broke into tears. The students were shocked. This event transformed the entire classroom, and after the circle, the students started to realize the impact of their disruptive behavior.

The experience of a circle transforms the participants and forges healing for all members of the circle community.

Whether in a classroom, with violent offenders, in a poor community, or in a prison, restorative justice circles work because they create a safe place for everyone at the table, while removing the boundaries that keep people separated. The experience of a circle transforms the participants and forges healing for all members of the circle community. ♦

Endnotes

1. Mark Mauer & Ryan S. King, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity*, The Sentencing Project, 2007, at 3, available at www.sentencingproject.org/Admin/Documents/publications/rd_stateratesofincbyraceandethnicity.pdf.
2. Sonya Bice, *Responding to Crime in a Different Way: Marquette's Restorative Justice Initiative*, MARQ. LAW. 2008 at 16, available at law.marquette.edu/s3/site/images/magazine/springSummer2008.pdf.