



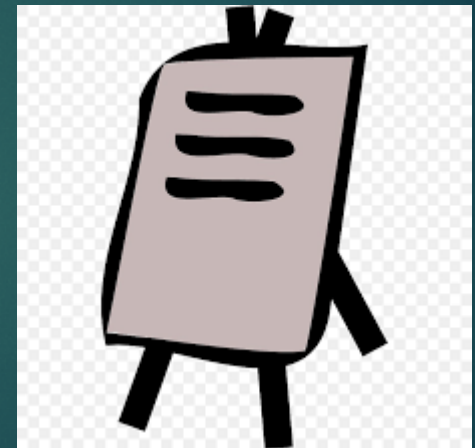
Restorative Responses to Adult Abuse & Neglect

PRESENTED BY DR. ALANA ABRAMSON & JANE OSBORNE

Exploring Restorative Responses

1. Why a restorative response to an abuse & neglect referral?
2. What is restorative justice?
3. What motivated the North Shore CRN to explore the possibilities?
 - ▶ Principles aligned, right people at the table
4. What was the plan? What did they do?
5. Case samples
6. Questions to explore with your local RJ initiative

Note: language practices to describe “the person who was harmed and the person who caused the harm” have changed over the years



What police officers said

- ▶ Amongst the most common & difficult situations we face are those involving at risk adults in relationships with family members that are simultaneously the primary supporters and the creators of risk
- ▶ Often these situations involve substance abuse, mental health or both
- ▶ CJS and Emergency Room solutions are not lasting solutions (revolving door)
- ▶ Restorative Responses gives us another option that we can consider in these cases



What Designated Agency (Health/CLBC) Representatives said

- ▶ The Adult Guardianship Act is very clear that any interventions must be both the most effective AND the least intrusive possible. When abuse is identified, the work only just begins. Any intervention must be creative and inclusive and usually requires a team approach.
- ▶ I believe the Restorative Justice approach to resolving conflict is a natural model for addressing these cases. In my opinion, more often than not there is no clear black and white line between abusers and victims in such case. In fact abusers are often also key supports, part of the solution or a hairs breadth away from being victims/at risk themselves. As a result, collaborative dispute resolution focused models are essential ingredients in many of these cases.
- ▶ Finally, one advantage of the RJ approach is that there is a clear Criminal Justice mandate and history to the process which allows the intervention to be taken seriously by the participants, and health care team. In other words, while in essence being quite collaborative and unobtrusive, the framework and model directly address the abuse and allow for more intrusive measures if required.

Community Perspectives

“Legislation doesn’t keep people safe; community keeps people safe.”

Heather von Ilberg

“A community development approach means the community owns both the issues and the answers for abuse and neglect of vulnerable adults.”

April Struthers



BC ASSOCIATION OF
Community Response Networks

Stopping Adult Abuse and Neglect ...Together.

Punishment & Rehabilitation

- ▶ Assumes rational choice
- ▶ Encourages actions to be motivated by self-interest & fear (external motivator)
- ▶ Does not address underlying causes of behaviour
- ▶ Focuses attention on the harm-doer, rather than the victims/survivor/older adult
- ▶ Assumes brokenness
- ▶ Usually involuntary
- ▶ Focuses attention on the harm-doer, rather than the victim/survivor/older adult
- ▶ Not likely to address familial, structural and social issues

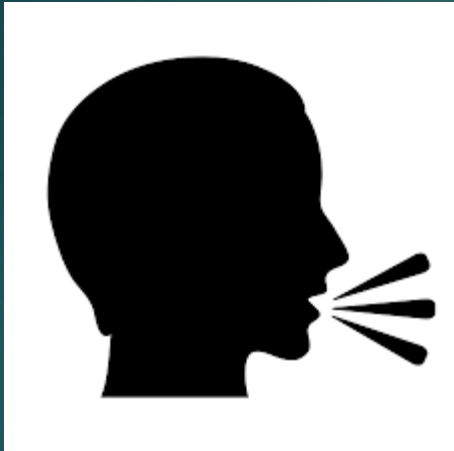


Questions to Re-consider just responses to harm

- ▶ What is justice?
- ▶ What needs to happen when harm occurs?
- ▶ Who should be involved?
- ▶ What is the role of the government and community in justice responses?



Justice needs of people who have been harmed



- ▶ Safety
- ▶ Answers/information
- ▶ Harm denounced
- ▶ Truth-telling (and Non-judgmental listener)
- ▶ Restitution/vindication
- ▶ Empowerment - voice



Justice needs of people who have harmed

- ▶ Accountability/making amends
- ▶ Encouragement for personal transformation/learning
- ▶ Encouragement and support for community integration
- ▶ To be heard, respected and valued
- ▶ Hope for the future
- ▶ For some, at least temporary restraint



Justice needs of communities

- ▶ Attention to concerns as victims
- ▶ Opportunities to build community and to be accountability
- ▶ Encouragement to see strengths and resilience





“

A foundational principle of restorative justice is that the process of justice must be victim-centered. This means that victims' voices must be heard and that victims' needs – as they define them – must be addressed. Victims should have a right and a place to say what they need to say.

”

▶ Howard Zehr (2001):
Transcending: Reflections of Crime Victims, P. 3

What is Restorative Justice?

“Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offenders, and the community in a search for solutions which promote repair, reconciliation, and reassurance. “

- *Dr. Howard Zehr*

Guiding Principles

- ▶ Accountability/responsibility
- ▶ Non-punitive
- ▶ Non-coercive
- ▶ Active participation & engagement
- ▶ Needs-based & flexible
- ▶ Community involvement & ownership
- ▶ Collaborative/interactive
- ▶ Relationality
- ▶ Restoration, transformation

Restorative justice: 3-legged stool

- ▶ Persons harmed
- ▶ Persons who cause harm
- ▶ Community
 - ▶ Facilitators
 - ▶ Families
 - ▶ Neighbors
 - ▶ Supporters
 - ▶ Service providers/advocates



Asking Different Questions

- ▶ The criminal justice system asks:
 - ▶ *What law has been broken?*
 - ▶ *Who did it?*
 - ▶ *What punishment do they deserve?
OR How can we rehabilitate them?*
- ▶ A restorative justice response asks:
 - ▶ *Who has been hurt?*
 - ▶ *What are their needs?*
 - ▶ *Whose obligations are these?*
 - ▶ *What needs to happen to start to heal people and relationships?*

Designing Restorative Processes

- ▶ Careful preparation
- ▶ Co-Facilitation
- ▶ Focus on building rapport and connection
- ▶ Connection to community based resources



Menu of Restorative Processes

- ▶ Face to face dialogue
- ▶ Letter exchange
- ▶ Video exchange
- ▶ Support circle for each party
- ▶ Surrogates

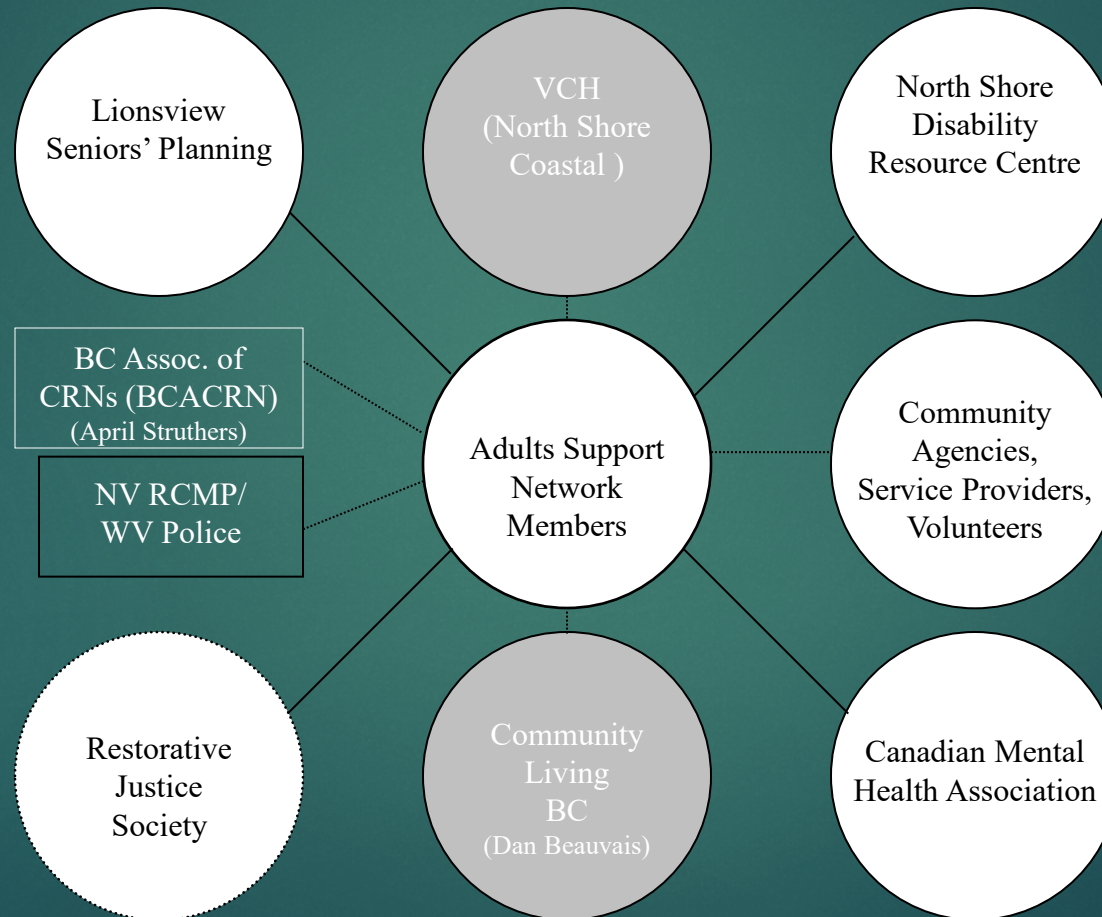


Restorative Justice & CRNs

- ▶ This is the North Shore story
- ▶ CRNs need to take advantage of the existing networks and strengths of the community
- ▶ Critical for success
 - ▶ Relationships with DA's, Police, community organizations
 - ▶ Shared values and common principles



Project start: North Shore CRN



Core Collaborators – Collaborative Principles

1. Work according to and model RJ & CRN principles, e.g. consensus-seeking, balancing power, empowering individuals, resolving conflict
2. Delegate detailed operating decisions to responsible partners, operations team, project teams
3. Commit to clear and transparent accounting practices and defined accountability structure
4. Long-term commitment to agreed roles, deliverables, timeframes & timely communication of issues
5. Commit to ensuring clients in their sector are well-served by the Network

Restorative Responses Quick History

- ▶ 2003-2004 Feasibility
 - ▶ Initial partners: NS CRN (Jane Osborne), NSRJ (Jacquie Stevulak), Public Guardian & Trustee (Alison Leaney)
 - ▶ North Shore Community Dialogue (Nov 2003 RJ Week)
 - ▶ Follow-up dialogues – different sectors (seniors, cognitive/mental disabilities, multicultural) February - June 2004 (using Circle processes)
 - ▶ Consultation (1:1) with key agencies (DA's, police, victims services, ...) identified critical issues, enablers, gaps, challenges
- ▶ 2005 -2008 (North Shore Restorative Justice Society)
 - ▶ Developed and implemented protocols with referral agencies – initial agencies: VCH Coastal, RCMP, WVP; later: CLBC
 - ▶ Took on initial referrals in 2006 – processes designed to fit situation

Case Example 1 - Complexities

21

- ▶ Referred by health care social worker
- ▶ Mother with Alzheimer disease not able to participate – became the symbolic centre
- ▶ Counselling
 - ▶ Past conflict between older sister and younger sister
- ▶ Restorative, face-to-face dialogues (multiple)
 - ▶ Financial conflict involving 5 of the siblings
- ▶ Outcome – agreement about Mum staying in care

Case Example 2 - Complexities

22

- ▶ Referred by MCFD / CLBC
- ▶ Sexual assault involving 2 young adults
- ▶ Face-to-face meeting not an option – design of safe processes critical
- ▶ Separate restorative circle processes with each young adult and their supporters to determine what was needed to repair harm
- ▶ Outcome – facilitated circle to deliver letter of apology and a gift from young man

Case Example 3 - Complexities

23

- ▶ Mother with early Alzheimer disease living in her own home with 2 sons who were in conflict
- ▶ Police called to intervene in a fight
- ▶ Design included bringing in community supports
- ▶ Restorative circle #1: 3 sons with mother present (supported by VCH) to express her wishes
- ▶ Restorative circle #2: 3 sons and supporters
- ▶ Outcome – Mum able to stay in home longer (later had to go into care)

Questions to Explore with your RJ Initiative

- ▶ What training do your facilitators have in issues of victimization and trauma?
- ▶ How would you describe the purpose of the RJ process(es) your program offers?
- ▶ What decisions do victims/older adults have a voice in throughout this process?
- ▶ How does the process you offer in this program demonstrate flexibility and responsiveness to victim needs?
- ▶ How well do your facilitators work with the emotional dimensions of harm – anger, grief, resentment, etc.?
- ▶ What are some examples of reparation agreements/outcomes that have been created in your program?
- ▶ What restorative options do you offer outside of a face-to-face encounter between the parties?
- ▶ How do you know that your program is safe and effective? (Alan Edwards)