

# *Waterloo's Restorative Justice Response To Elder Abuse*



**Arlene Groh RN BA**

*Elder Abuse/Restorative Justice Consultant*

*[Arlene@healingapproaches.com](mailto:Arlene@healingapproaches.com)*

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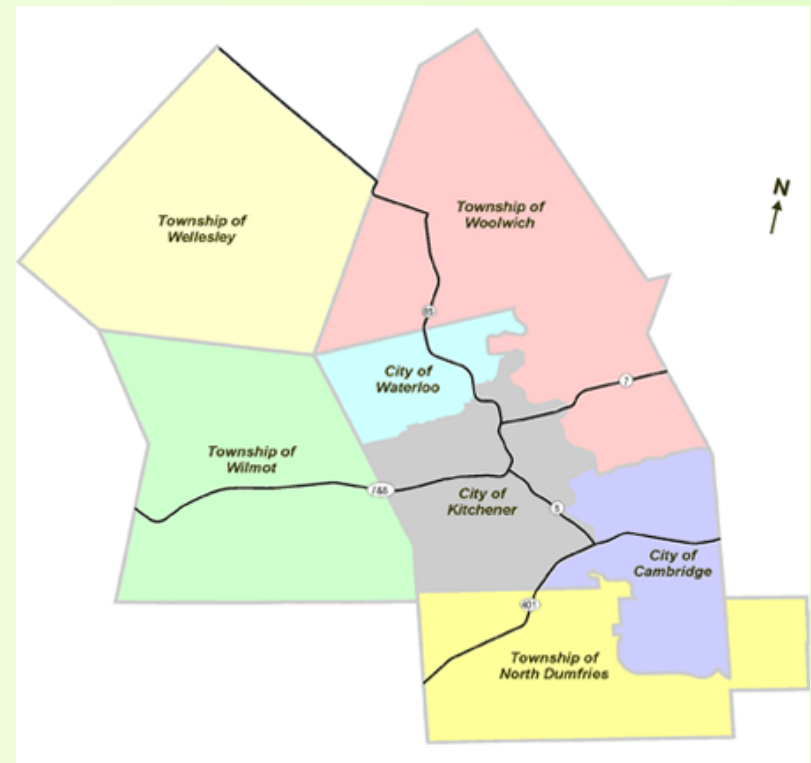
# Considerations

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- Waterloo's search for solutions to the complex crime of elder abuse
- Impact of restorative justice philosophy
- Evaluation findings
- Current status
- Replication of the model

# Region of Waterloo, Ontario, Canada

- Population: 508,000
- 1,382 sq/km
- 3 urban municipalities  
**Cambridge, Kitchener and Waterloo**
- Large rural areas, small towns/villages
- Diverse/multicultural community
- 2 universities/1 college



# Our Journey

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- 1998 community similar to others
- Restorative Justice Approaches to Elder Abuse Project (2000-2004)
- Elder Abuse Response Team (2004-present)
  - Holistic response where Truth, Justice and Mercy, Peace and Hope have life and interact.

## Restorative Justice World View

# Elder Abuse - Definition

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"Elder abuse is the mistreatment of an elderly person by someone that they should be able to rely on: a spouse, a child, another family member, a friend, or a paid caregiver."

Senate Committee Report on Aging, 2009 -  
*Canada's Aging Population: Seizing the Opportunity*

# Dynamics of Elder Abuse

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- Takes a variety of forms
- Complex social fabric of relationships

**GROUNDING IN ABUSER'S NEED TO  
GAIN / MAINTAIN CONTROL OVER  
VICTIM**

# Prevalence

- 4 to 10% of seniors (168,000 to 421,000 Canadians)
- 80% undetected
- Not limited to a particular culture, ethnic group, social status or religious group

**Anyone may be a victim of this human rights violation**

P. Bain, C.Spencer for WEAD

# *Legal Response to this Complex Crime*



*Traditional Justice*  
*Restorative Justice*



# Barriers to Legal System

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- Ageism
- Evidence
- Resources
- Family Values
- Fear
- Lack of knowledge

# Traditional Justice

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- Abuse is a violation of a law
- The alleged abuser is charged and tried before a Judge
- Prescribed standards for appropriate punishment

# Restorative Justice



- Paradigm Shift from Traditional Justice
- Philosophy or World View

**Abuse is a violation of  
people and relationships.**

# Restorative Justice



“Restorative justice is an orientation, not a type of program. It is a set of values and beliefs about what justice means, which in turn point to principles for responding to criminal harm.”

*Sharpe, S. Restorative Justice: A Vision for Healing and Change*

# Restorative Justice and Elder Abuse?

- Could an r/j process weave its way through the complex fabric of relationships and find acceptable solutions?
- Would seniors support this approach?
- Would it remove barriers to disclosure?
- Would the community be supportive?

# Dialogue With The Community

- Mennonite Central Committee (Ontario)
- Native Elder
- Seniors
- Police
- Crown
- Health Care Professionals
- Faith and Cultural Leaders
- Lawyers
- Waterloo Region Committee on Elder Abuse

# Restorative Justice Project

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Funded through Trillium Foundation\*

Phase 1 (February 2000-March 2003)

- Purpose:
  - To design, implement and evaluate a restorative justice approach to elder abuse.
  - Report: [www.healingapproaches.com](http://www.healingapproaches.com)

# Restorative Justice Project

## Phase 2 (January 2003- June 2004)

- To apply the model to the ethno-cultural community and members of the community of Cambridge

\*Other funders include The Law Commission of Canada, The National Crime Prevention Centre, Justice Canada, The Community Care Access Centre of Waterloo Trust Fund, The K-W Foundation, Jim and Lorna Blair Foundation



# Project Goals

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- To increase the reporting of abuse
- To develop and implement a restorative approach to elder abuse that encourages personal responsibility, permits healing, and promotes healthier relationships
- To develop people's own capacity to deal with abuse

# Two Major Components

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- **Community Education**
  - Seniors
  - Those who worked with older adults
  - Community members
- **Restorative Justice Model to Address Elder Abuse**

# Applying Restorative Justice

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- Literature review
- Community consultation
- Consultation with experts.

## **Consensus:**

Choice of tool incident driven

Principles to Guide Practice.

# Guiding Principles

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People have the right to—

- **Safety:** to live in safety and security.
- **Dignity and Respect:** to have personal values and preferences respected.
- **Autonomy:** to determine and control their own affairs

# Guiding Principles

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People have the right to—

- **Access Information:** to receive all the available information they need in order to make meaningful and informed decisions.
- **Confidentiality:** to determine for themselves what information is shared.
- **The least restrictive means.**

*(Adapted from Gallagher et al, Victoria Elder Abuse Project, 1993)*


# Restorative Justice Values

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## Guided:

- Development of project
- Practice
- How partners interacted
- How conflict was resolved
- Open dialogue

# Evaluation



## Self Evaluation Quantitative Final

*Groh, A. and Linden, R. (2011), Addressing Elder Abuse: The Waterloo Restorative Justice Approach to Elder Abuse, Journal of Elder Abuse and Neglect*

# Self Evaluation

*(Ontario Trillium Foundation Report 2003)*

## Education

- 108 presentations to 3,000 people
- 4 conferences/workshops 390 participants

## Restorative Justice

- 44 referrals: 24 cases assigned; 16 cases completed
- 45 trained circle facilitators



# Self Evaluation

*(Ontario Trillium Foundation Report (2003))*

- Screening instrument for doctors
- Brochure translated into 6 languages
- "English as a Second Language" training document
- Drama Troupe
- Video
- Manual: "A Healing Approach to Elder Abuse"
- **Partnerships strengthened**

# Quantitative Findings

(Dr. Michael Stones (2004))

- **Community education:** effectively imparted information about restorative justice.
- **Interventions:** for the most part effective in providing satisfaction, safety, and protection for victims of elder abuse.
- **Stakeholders:** uniformly committed to restorative justice; contemplated growth of the project.

# Final Evaluation

( Dr. Rick Linden )


- Conducted after the project completed
- Review of all project documents: data base, minutes of all meetings
- Key Person Interviews

# Final: Project Strengths

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- **Voice for seniors**
  - Planning and implementation
  - Victim's voice
  - Drama Troupe
- **Educational component**
  - Raised awareness for police, social and health services, seniors
- **Collaborative Component**
  - Community partnerships developed

# Final: Project Weaknesses



- Lack of referrals
- Small number of completed circles
- Using volunteers for complex cases

# Evaluation Summary

- Successful in raising profile of elder abuse in community (all three evaluations)
- Strong network of community partners including the multicultural community (Self and Final evaluation)
- **Lack of referrals and difficulty completing circle meant that restorative justice could not be primary means of dealing with elder abuse.** (Final evaluation)

# Conflict Management

- Best way to deal with conflict is to establish systems for conflict management
- Diverse agencies and organizations working together to address elder abuse
- Multiple points of entry
- Multiple options for conflict resolution

R. Linden. A.Groh *Addressing Elder Abuse: The Waterloo Restorative Justice Approach to Elder Abuse*

# Elder Abuse Response Team



*Connecting you with care*  
*Votre lien aux soins*

**CCAC CASC**

Community  
Care Access  
Centre

Centre d'accès  
aux soins  
communautaires



**Waterloo Regional Police Service**



# The Elder Abuse Response Team

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- MOU: Police and in-home health services
- Guided by Restorative Justice Values
- Mandate to refer to restorative justice process when appropriate
- Broad range of other community options

**Comprehensive Conflict Management  
Approach to Elder Abuse**

# Mosaic Counselling and Family Centre



- SA/DV Treatment Centre
- Counselling Services
- Elder Abuse Response Team
- Community Care Access Centre
- Victim Services Unit
- Victim Services of Waterloo Region
- Women's Crisis Services of Waterloo Region
- Domestic Violence Investigation
- Family and Children Services
- Domestic Violence Team
- DV Crown Attorney's Office
- Victim Witness Assistance Program

400 Queen Street South, Kitchener

(Child friendly interview rooms, meeting rooms, soft interview room)

[www.fvpwaterloo](http://www.fvpwaterloo)

Arlene Groh RN, BA: Elder Abuse Restorative Justice Consultant

# Joint Investigation

- Safety (emergency housing option)
- Determine offence: facts in issue
- Background: investigative & intelligence; CCAC & medical
- Mobile audio/video for statements
- Interview caregivers, physicians, community services
- Obtain statements (witnesses)
- Obtain relevant documents (POA, Dr., health care professional assessments)



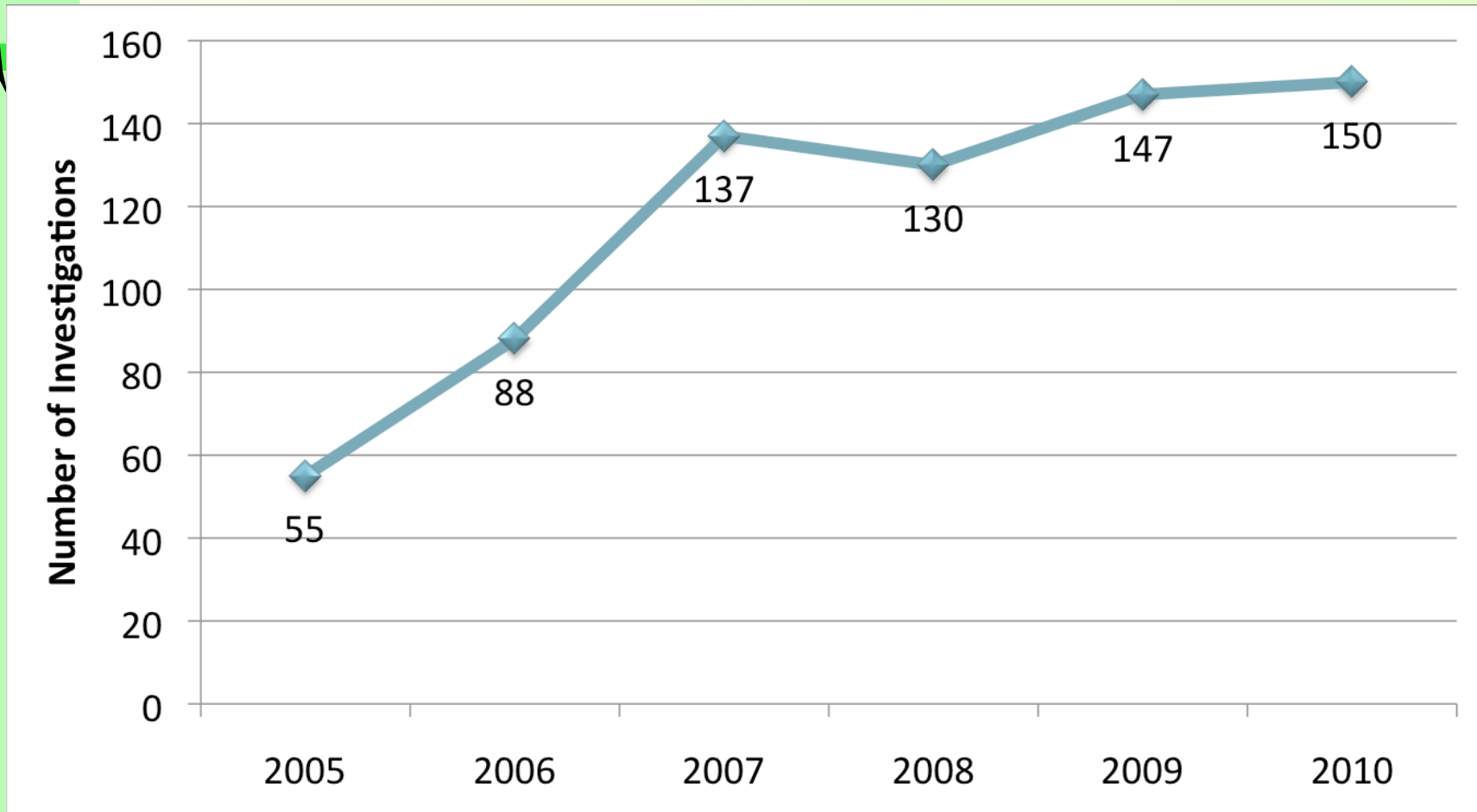
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# Possible Dispositions

- Charges laid - traditional court process
- Diversion to restorative justice (Community Justice Initiatives)
- Referral to community agencies (CCAC; community geriatric program; SW; victim services; community support programs; social services; legal professionals)
- Advocating for assessments (hospital; family physician, community geriatric, financial)
- Advocating for support from informal caregivers

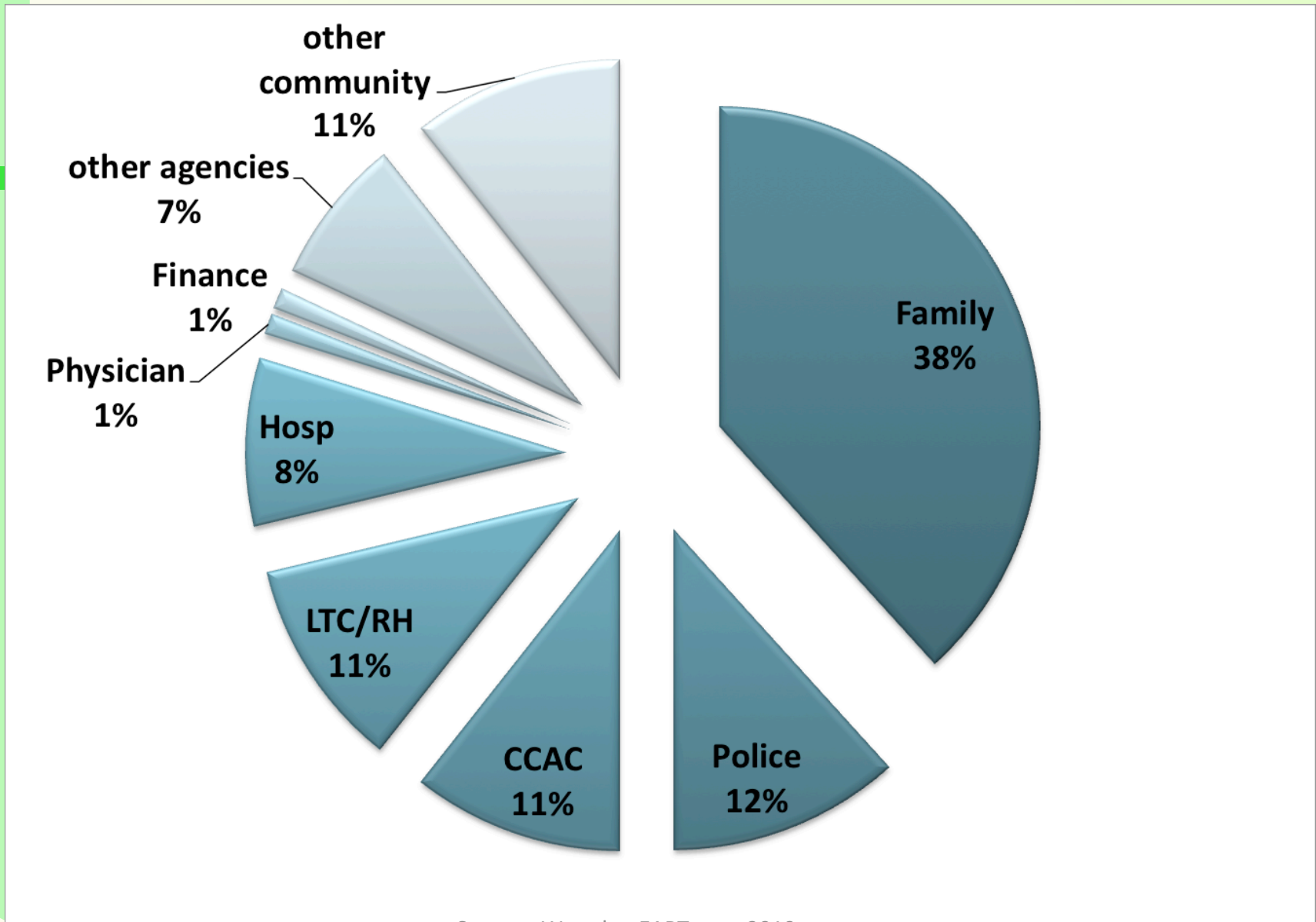
# Investigations



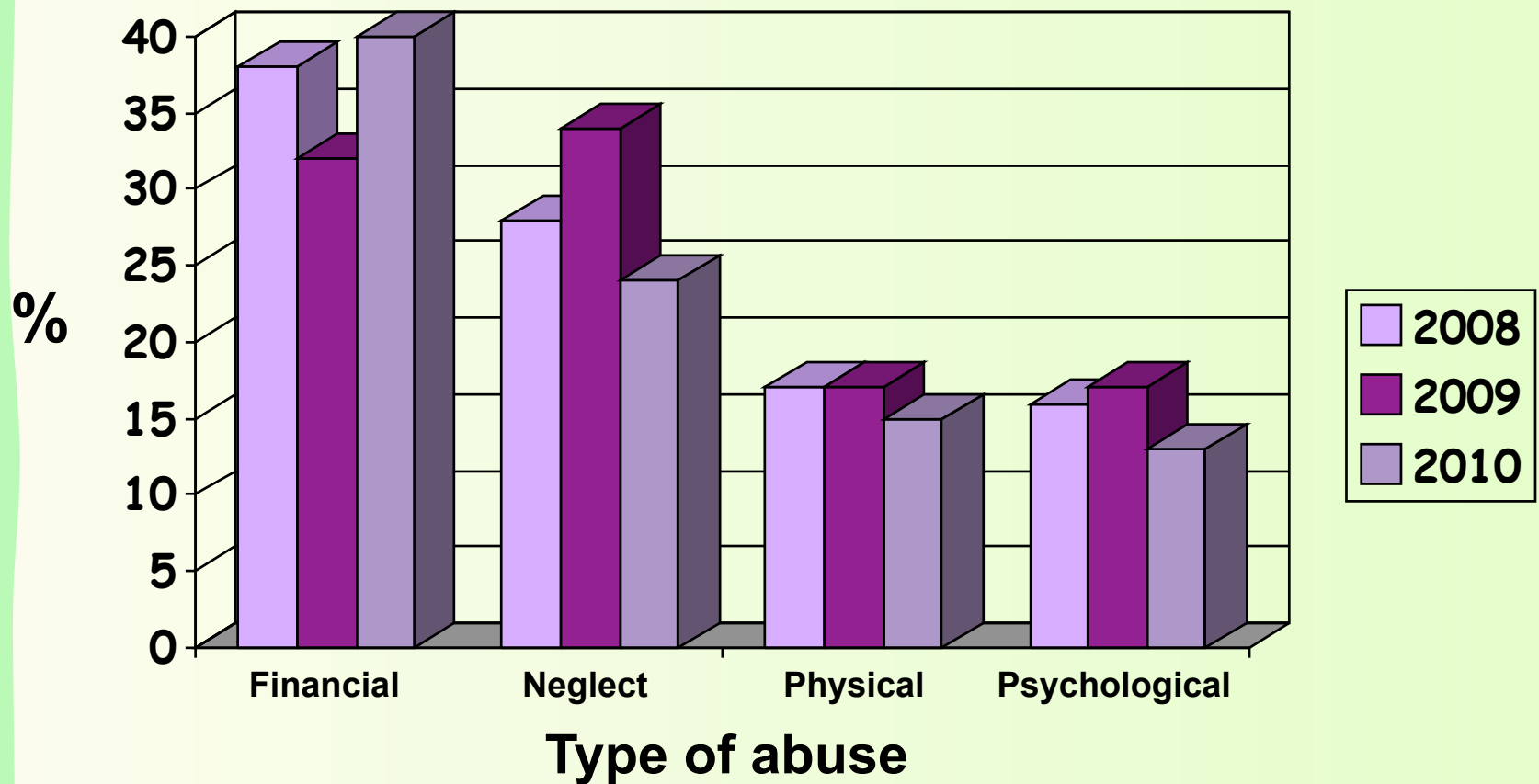
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Source: Waterloo FART stats 2010

# Call Source

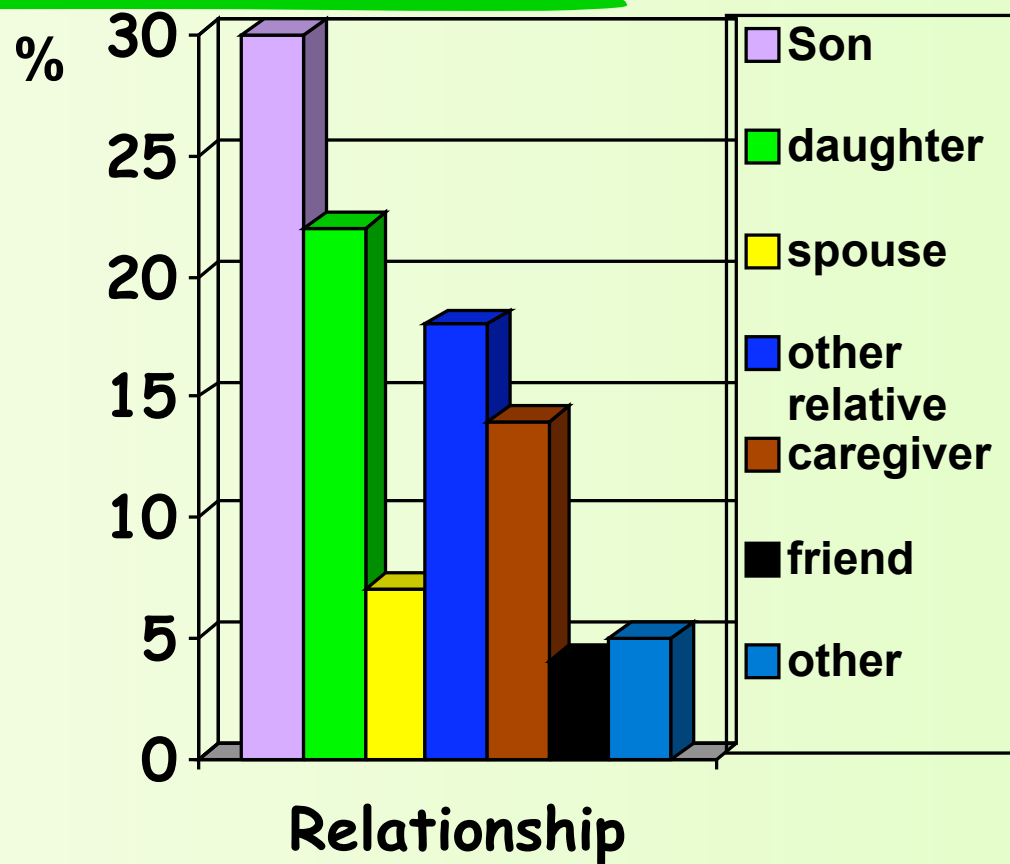


# Nature of Investigation



# EART - Who abuses?

- Adult child
- Spouse
- isolation
- **Dependent on the older person**
- History of mental illness
- Alcohol and substance abuse
- Shared living situation

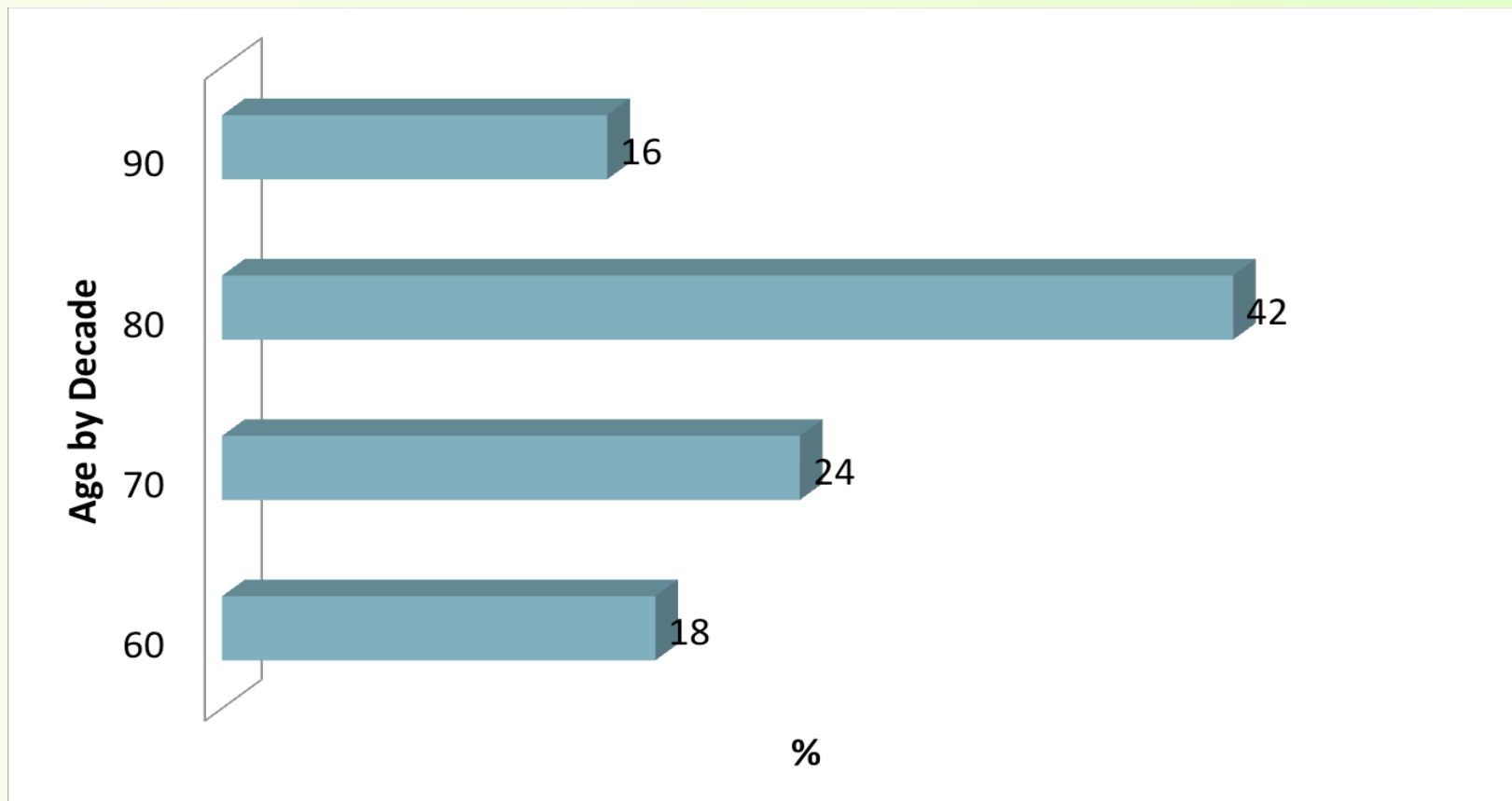





# Gender



# Age of Victims



# Healing Process Like a Dance....



Simultaneous activities related to:

- Past (Truth)
- Present (Justice and Mercy)
- Future (Hope and Peace)

Lederach, J. *The Journey Toward Reconciliation*

# EART Evaluation

- Program exemplifies the development of sound public policy
- Extensive redesign of original project
- Successful in increasing referrals and ensuring community partners work well together
- Impact of program on older adults should be assessed by further research

R. Linden, *Evaluation of the Restorative Justice Approaches To Elder Abuse Project*, pg 49

# Application of Model



**"While the experiments, practices ...from many communities... are instructive, none can or should be copied...rather be an inspiration and a place to begin"**

*H. Zehr,, Little Book of Restorative Justice*

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