Waterloo’s Restorative Justice Response To Elder Abuse

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Considerations

- 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

• 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

“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

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

GROUNDED 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

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Legal Response to this Complex Crime

Traditional Justice
Restorative Justice
Barriers to Legal System

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

• 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

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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

Funded though 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
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


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Project Goals

- 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

- Community Education
  - Seniors
  - Those who worked with older adults
  - Community members

- Restorative Justice Model to Address Elder Abuse
Applying Restorative Justice

- Literature review
- Community consultation
- Consultation with experts.

Consensus:
Choice of tool incident driven
Principles to Guide Practice.
Guiding Principles

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

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 Gallager et al, Victoria Elder Abuse Project, 1993)

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Restorative Justice Values

Guided:
• Development of project
• Practice
• How partners interacted
• How conflict was resolved
• Open dialogue
Evaluation

Self Evaluation

Quantitative

Final


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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


- Screening instrument for doctors
- Brochure translated into 6 languages
- “English as a Second Language” training document
- Drama Troupe
- Video
- Partnerships strengthened

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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

• **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

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The Elder Abuse Response Team

- 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

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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)
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

Source: Waterloo EART stats 2010

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Call Source

- Family: 38%
- Police: 12%
- CCAC: 11%
- LTC/RH: 11%
- Hosp: 8%
- Physician: 1%
- Finance: 1%
- Other agencies: 7%
- Other community: 11%

Source: Waterloo EART stats 2010
Nature of Investigation

Type of abuse

Source: Waterloo EART stats 2010
EART - Who abuses?

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

Source: Waterloo EART stats 2010
Gender

![Gender Chart]

Source: Waterloo EART stats 2010
Age of Victims

Source: Waterloo EART stats 2010

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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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