

RJ AND SEXUAL ASSAULT: AN EXPLORATION OF THE POTENTIAL HARMS AND BENEFITS

- 1) INTRODUCE SELF
 - a. VOLUNTEER WITH VALLEY RESTORATIVE JUSTICE FROM 2002
 - b. MORE RECENTLY FULL-TIME CASEWORKER
 - c. MA THESIS ON THE USE OF RJ FOR SEXUAL OFFENCES

- 2) INTRODUCE MA THESIS RESEARCH
 - a. THEORETICAL
 - b. LITTLE EMPIRICAL EVIDENCE
 - c. NO GENERALIZATIONS SIMPLY FOOD-FOR-THOUGHT

- 3) SEXUAL ASSAULT AS A SOCIAL PROBLEM
 - a. STATUS OF WOMEN CANADA (2000) – HALF OF ALL WOMEN 16 AND OVER WILL BE SUBJECTED TO AT LEAST ONE PHYSICAL OR SEXUAL ACT OF VIOLENCE
 - b. VAST MAJORITY OF VICTIMS OF SEXUAL ASSAULT ARE WOMEN
 - c. MAJORITY OF PERPETRATORS OF SEXUAL ASSAULT ARE MEN
 - d. LOW REPORTING RATES, LOW LAYING OF CHARGE RATES, LOW CONVICTION RATES, HIGH ACQUITTAL RATES

- 4) REVIEW OF LITERATURE ON RJ AND SEXUAL ASSAULT
 - a. CRITICISMS VERSUS POTENTIAL BENEFITS (LISTED ON FLIP SIDE)
 - b. KATHLEEN DALY (2006) SEXUAL ASSAULT ARCHIVAL STUDY – TO DATE THE ONLY EMPIRICAL EVIDENCE – YOUTH/CONFERRING/SEXUAL OFFENDING
 - c. DALY’S “SIGNIFICANT CHANGE AGENDA” – 1) INCREASE ADMISSIONS (EARLY), 2) REDUCE FACT FINDING, 3) MINIMIZE HYPER-STIGMATIZATION OF SEX OFFENDING AND SEX OFFENDERS

- 5) EXAMPLES OF PROGRAMS USING RJ FOR SEXUAL OFFENCES
 - a. FRASER RIVER COMMUNITY JUSTICE INITIATIVES ASSOCIATION – LANGLEY, BC
 - b. ANTHONY’S STORY
 - c. COLLABORATIVE JUSTICE PROJECT, OTTAWA, ON
 - d. FAMILY GROUP DECISION MAKING, NEWFOUNDLAND/LABRADOR
 - e. Jülich STUDY
 - f. RESTORE – Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience, PIMA COUNTY, ARIZONA
 - g. PROJECT RESTORE, NEW ZEALAND
 - h. HOLLOW WATER FIRST NATION COMMUNITY HOLISTIC CIRCLE HEALING
 - i. SPARWOOD YOUTH ASSISTANCE PROGRAM, SPARWOOD, BC
 - j. CIRCLES OF SUPPORT & ACCOUNTABILITY, ONTARIO

- 6) CLOSING
 - a. lisamacdougall@bellaliant.com
 - b. IF YOU WOULD LIKE FURTHER INFORMATION PLEASE FEEL FREE TO CONTACT ME AT THE ABOVE EMAIL ADDRESS. I WOULD BE HAPPY TO SHARE MY REFERENCES.

POTENTIAL HARMS:

- SAFETY
- RE-VICTIMIZATION
- POWER IMBALANCE
- MANIPULATION
- PRESSURE ON VICTIMS TO PARTICIPATE (NOT VOLUNTARY)
- DEFINITION OF COMMUNITY/SOME COMMUNITIES UPHOLD PATRIARCHAL VIOLENCE
- DIVIDED LOYALTIES OF FAMILY MEMBERS (ESPECIALLY IN CASES OF DOMESTIC VIOLENCE)
- LITTLE IMPACT ON OFFENDER
- LITTLE MOTIVATION TO CHANGE
- RE-PRIVATIZING VIOLENCE AGAINST WOMEN
- NOT FORMAL ENOUGH
- FACILITATORS LACK SKILLS
- SOFT/CHEAP OPTION TO JUSTICE
- QUESTION OF RESTORE/REPAIR HARM
- DIVERSION
- THEORETICAL WEAKNESSES
- FIRST NATIONS

POTENTIAL BENEFITS

- VICTIM ALLOWED A VOICE
- NARRATIVE USED AS A HEALING TOOL
- VICTIM VALIDATED
- OFFENDER HELD RESPONSIBLE
- FLEXIBLE/COMMUNICATIVE PROCESS
- LESS FORMAL THEREFORE LESS THREATENING
- ALLOWS FOR RELATIONSHIP REPAIR, IF A DESIRED OUTCOME
- OFFERS A CONTINUUM OF CHOICE (DIVERSION TO CJS)
- BETTER ADAPTABLE TO DIVERSE POPULATIONS
- LESS FORMAL – OFFENDER MIGHT BE MORE WILLING TO ACCEPT RESPONSIBILITY AND TREATMENT
- MAY AVOID RE-VICTIMIZATION AND PUBLIC HUMILIATION
- EMPOWERING

(Braithwaite & Daly 1994; Hooper & Busch 1996; Hudson 1998; Goel 2000; Daly 2002; Hudson 2002; Stubbs 2002; Curtis-Fawley & Daly 2005; Hargovan 2005; McAlinden 2005; Cameron 2006; Daly 2006; Gaarder & Presser 2006; McAlinden 2006; Daly & Stubbs 2007)