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/CONFERENCING/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 CJ)
• 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)