

RESTORATIVE JUSTICE AND FAMILY VIOLENCE:

A COMMUNITY-BASED EFFORT TO MOVE FROM THEORY TO PRACTICE

Presenters/ Facilitators:

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Graham Reddoch, Executive Director, John Howard Society of Manitoba since 1987. The Society formally adopted restorative justice principles in 1989, and has developed a number of innovative restorative justice initiatives, including *Families Without Violence (FWV)*. Established in 1993, *FWV* is intended for couples who want the violence to end, but not necessarily their relationships. *FWV* continues to successfully assist families in better understanding violence, and in developing non-violent approaches for dealing with conflicts when they arise.

Summary

This presentation is a joint endeavour by of the University of Manitoba and The John Howard Society of Manitoba. Work is being undertaken in Winnipeg to assess the potential for expanding a restorative approach to dealing with family violence. This session will describe the results of focus groups with survivors, offenders, and family violence practitioners in Winnipeg. The practitioner focus groups included representatives from the University of Manitoba, Departments of Social Work and Sociology; Province of Manitoba - Community and Adult Corrections; Winnipeg City Police and other community organizations who deal with family violence. The focus groups were convened to consider the use of the *Family Group Decision Making* model developed by Dr. Gale Burford and Dr. Joan Pennell. Session participants will be asked to grapple with some of the issues raised in considering the application of restorative justice principles in dealing with family violence.

Background

The John Howard Society of Manitoba was established as a social service agency to respond to the needs of inmates, ex-offenders and their families, and has been incorporated as a non-profit organization since 1957. In 1989, the Board of Directors of the Society reviewed the agency's focus and direction and recognized that justice is best served through measures that resolve conflicts, repair harm and restore peaceful relations in society. Our community justice agency seeks to address the relational aspects of crime by being sensitive to the needs and concerns of victims, offenders and the community.

Ten years ago the John Howard Society of Manitoba began an initiative, known as *Families Without Violence*, for those families who wanted the violence to end, but not necessarily their relationships. The *Families without Violence* program continues to successfully assist families in better understanding violence and in developing non-violent approaches for dealing with conflicts when they arise. For the last few years, the John Howard Society of Manitoba has wanted to further assist in reducing family violence in Manitoba by expanding the network of supports around victims and offenders. We have been most impressed by an approach developed by Dr. Joan Pennel and Dr. Gale Burford for the work they have done in Newfoundland. It is called *Family Group Decision Making* and has been portrayed in two videos produced by Health Canada, one entitled "*Widening the Circle: The Family Group Decision Making Experience*", and the other is "*Saputjinik: Healing Each Other, An Inuit family deals with domestic violence*".

In *Family Group Decision Making*, those most directly affected by the violence are brought together with professionals to develop sustainable, long-term plans. Victim supports are identified and a safety plan is created. Offender supports are encouraged to assist in developing a realistic plan to prevent relapses. While professionals are available to educate the family about the dynamics of domestic violence and to connect them with appropriate community resources, it is the family who owns the plan. They are in a better position to closely monitor the plan and they can raise concerns when the victim's safety plan appears in jeopardy or when the offender is slipping from his commitments. More often than not, this early intervention can prevent the kind of escalation that leads to the offender perpetrating another violent act on

the family. The added advantage of this model is that the plans deal with the maltreatment of any family member, whether a child, young person or adult. Edelson (1999) avers that "children who witness violence between adults in their homes are only the most recent victims to become visible. These children have been called the "silent" "forgotten," and "unintended" victims of adult-to-adult domestic violence".¹ The issues for children who witness family violence are not addressed within the mainstream court system which in the worst cases can revictimize and jeopardize the safety of both parents and children who have suffered from abuse.

There is a great deal of controversy as to whether family violence issues belong within a restorative justice paradigm. Heather Strang and John Braithwaite (2002) have edited a collection of articles which brings together the proponents and the critics of the use of restorative justice and family violence.² Issues such as power balance and the concern of coercion on the victim and the possibility of sacrificing the advances that the battered women's movement has made in forcing the State to see family violence as a serious threat to society are carefully laid out by the critics. Juxtaposed to the concerns, the proponents of restorative justice provide detail on how there can be a rebalancing of power and mechanisms to ensure victim safety. One of the articles lays out a strategy devised by Joan Pennel and Gale Burford called *Family Group Decision Making* which was implemented in Newfoundland and Labrador in the mid-1990's.

Health Canada³ has documented the results of the *Family Group Decision Making* programs. Quoting from this website, research has found that while the plans are often not carried out or completed in their entirety, nonetheless participants are usually positive about the results (Burford & Pennell, 1997; Marsh & Crow, 1997). The four main outcomes from this process are: partnerships within and around the family group are strengthened, the cultural appropriateness of services is enhanced, the safety and well-

¹Edleson, Jeffrey L. **Children's Witnessing of Adult Domestic Violence**. Journal of Interpersonal Violence, Aug99, Vol. 14 Issue 8

²Strang, Heather and John Braithwaite (eds.) *Restorative Justice and Family Violence*, Cambridge University Press, 2002.

³http://www.hc-sc.gc.ca/hppb/familyviolence/html/decision_making/english/section_5.htm#What%20are%20the%20results

being of family members are heightened, and the placement of children and young people is stabilized. They have also found that after the conference, the family group can work together better because its members: heard clear information about what actually happened, openly discussed painful issues, and planned ways to solve problems together and with the professionals. The professionals can work together better because they all have an agreed-upon plan to follow and can work in unison with the family. The model works well in different countries and in urban, rural, Aboriginal and other non-mainstream cultures because the conference is organized around the family, and the plans draw upon the strengths of the families.

The Newfoundland and Labrador study (Burford & Pennell, 1997) indicates that reports of child and adult abuse and child neglect decrease in the year after the conference. These findings come from reports of child welfare, police and family group members. A British study (Marsh & Crow, 1997) documents that the social workers thought that the conference plans protected children better or left them as well protected. The Newfoundland and Labrador findings (Burford & Pennell, 1997) suggest that in the one-to-two-year period after the conference: children and teens advance in some key developmental areas, including their sense of identity, family and social relationships, and emotional and behavioural development; and adults and teens acquire better social supports. The British study (Marsh & Crow, 1997) reports that in a six-month or one-year period after the conference, placements of children were generally stable. Workers thought that in many instances the conferences contributed to the stability of the placements because of the decisions reached and the enhanced family involvement and support.

In terms of cost, in general, families are careful in making their requests. In the Newfoundland and Labrador project (Pennell & Burford, 1995), the referring authorities stated that the plans were carried out without any new or additional budgetary allocations being required on their part. The British study (Marsh & Crowe, 1997) indicates that the process is cost-neutral or may slightly reduce costs. Costs were lower in some cases because the children's placements were more stable and less time was needed for court and case conferencing.

Our Process

We are indebted to the work done by Pennel and Burford (1997) and Marsh and Crowe (1997) and we have launched out from that using the videos from Health Canada and the brochures that accompany them. We were interested in getting feedback from a wide audience as to whether this method would be suitable to address the issue of family violence in Manitoba. We wanted to take into account how practitioners, victims and offenders perceived this process. Accordingly, we have convened a series of focus groups to view the videos and discuss this approach. The groups have included the Winnipeg Police Service Domestic Violence Unit, Manitoba Corrections Domestic Violence Unit, other family violence practitioners, and University of Manitoba Sociology and Social Work professors concerned with family violence. We also did a separate focus group with the *Families Without Violence* group participants. Here we showed the video to the entire group and then provided separate feedback sessions for victims and offenders. We are also planning to do focus groups with staff and inmates at Headingley Correctional Centre. Another group that we would like feedback from is victims who have been through the regular court system. As well, based on the format of this restorative justice conference, we wanted to get further input from the participants here.

Results of the Focus Groups

1. Practitioners and Academics

Two focus groups were held to gather information from family violence practitioners in Winnipeg. They were presented with a video of the *Family Group Decision Making* process and were asked to respond to a number of questions and the responses are provided under each question.

Strengths - What are the benefits of applying this approach in cases of family violence?

Fosters Responsibility and Accountability

- *Offender is held accountable for their behaviour using healthy shaming.*
- *It encourages people to take responsibility.*
- *At present, families are facing long remands where the offender is not taking responsibility and the family feels in limbo. This approach allows for the families to get on with their lives.*

Collaboration

- *Professionals speak of a lengthy history of violence and this approach collectively puts it on the table for everyone.*
- *It allows collateral agencies to work together sharing resources and information*

- *It takes it beyond an individual level using social supports and resources in the community.*
- *The community supports while family works together.*
- *It provides opportunities to work together to keep the family safe - there is less isolation.*
- *There is some merit to case conferencing.*

Family Inclusion and Support

- *A woman may make a decision to leave the relationship and find support within her family.*
- *It involves the extended family.*
- *It opens the way for family intervention*
- *Provides an opportunity for family members who have “been there” to share experiences and model behaviour.. It provides “empathy systems”.*
- *Family becomes the conscience.*
- *I think it is good that women and children have input and that there is some attempt to communicate intolerance of violence against women.*
- *The forum is flexible - it fits the family.*

Holistic Approach

- *We have been treating men and women in a vacuum. This provides for systemic holistic intervention.*

Confrontation

- *It provides a safe way to confront the offender.*
- *Healthy shame can be a motivator.*
- *It is no longer a secret; the silence has been broken. With the silence broken, much of the power of the abuser to control family members in an unhealthy way is lost.*

Intervention

- *This type of intervention is longer lasting and can be very positive.*
- *At present, when offenders breach their probation orders, there are no consequences. This creates more fear for families.*

Safety

- *Can be an opportunity to create and monitor safety plans in concert with others.*

Weaknesses - What are the limitations/drawbacks/danger signs in this approach?

Process issues

- *The lethality of relationship was not discussed.*
- *It assumes that there is a willingness and capacity to be forthcoming which may not be there.*
- *There are some issues that need to be addressed one-on- one.*
- *Some clients do not have extended families*
- *Women may not want to be the “conscience” - they have been doing it for so long.*
- *Everyone is going to monitor everyone - but who is ultimately responsible?*
- *How strong are our communities today?*
- *There was a focus on the addiction as opposed to the violence -shifting the blame to a drinking problem*
- *There needs to be guidelines.*
- *I am concerned about involving offenders with major addiction issues and limited support networks.*
- *Concern about family members who remain in denial or rationalize the problem.*
- *How do you provide a 30 minute overview of domestic violence to family members?*

Resource issues

- *There are systemic problems, therefore how far can family go? What about root causes? -will there be healthy members of extended family -what is the time frame ?*
- *It is an ideal intervention but the real world doesn't work that way - I see it as simplistic.*
- *We are spread thin now and this would require incredible resources.*
- *If there is a facilitator(s) who is lacking in information, choices, resources, - What are the danger signs? How is that dealt with?*

Other Concerns

- *I do not want to see this happen in Winnipeg. There are lots of different approaches and new things already happening and it is important to see what will happen with those. I have to question the ethics of striving to save relationships that are potentially deadly. I felt very concerned that no one (in the video) ever challenged that the woman is not responsible for the behaviour.*

Opportunities - How could this process address our current situation in Winnipeg?

Who

- *For families who want to stay together, communication can continue in a safe environment.*
- *The ideal client would be one who self-identifies or that at least the family is self-identifying.*
- *Would work well with first time offenders.*
- *Terrific to pull in extended family.*

When

- *May be places it could be used for predisposition open communication.*
- *The best time to do intervention is as soon as it happens. Although putting together conference could be time consuming but so is time at the remand centre.*
- *Early - first step intervention.*

What

- *Offer it as a service.*
- *Opportunity to expand continuum of services - but not for everyone.*
- *Greater support for the family/victims irrespective of the offender's participation.*

Why

- *It may be an opportunity for the family to come together without the offender (safety conferences)*
- *many charges are not dealt with for a year - this could provide communication earlier especially for lower level violence - early intervention and provides an opportunity to make a decision to end the marriage*

How

- *follow-up with the offender (and victim).. If one opts out. -involve them in the solutions*
- *validate and work with offender (and victim) before conference -culturally appropriate*

Threats - What would threaten/block/prevent the effective implementation of this approach?

- *Safety concerns;*
- *Power and control issues*
- *Escalating the violence*
- *Will he buy into it if he is not there (offender)*
- *Accountability happens in stages; takes time -abusers manipulation*
- *If victim is not there-abuser can say what he wants without needing to validate "facts"*
- *Staff changes- hard to feel like you are always starting over -*
- *does not fit for everyone -not for re-victimization*
- *Shame can be dangerous to use if he is not ready to address it. The introduction of shame/guilt should be addressed before the conference.*
- *Confrontation does not necessarily mean offender will take responsibility*
- *Offender may take part in the conference for the wrong reasons ie. diversion*

- *How would we envision how it would work so everyone or anyone doesn't hang out a shingle*

Questions

- What is the follow-up process?
- Does the use of shame and guilt increase threat to family ?
- Do we have time and money

Concerns

- *There are so many on probation for family violence - difficult to know where to start*
- *Domestic violence issues are in depth - much emotion - there is a lot going on with education - understanding it all and then trying to put together a plan.*

Recommendations

- *Need someone (facilitator) to address/challenge negative statements*
- *Ensure goal of process is not to keep the family together but to keep people safe and it needs to be stated at the beginning of the process*
- *Must ensure that professionals are aware of the dynamics*

Women's Group

Could you see yourself participating in a Conference?

Two of the five women said yes. The others said no for various reasons:

1. not close to their extended family,
2. one woman indicated that she has support in Winnipeg but her partner does not,
3. her family may say leave him,
4. language issues,
5. uncomfortable talking in large groups, and
6. a distrust of "social workers" and government officials.

Upon further discussion about changes to the style of a Family Group Conference (smaller circles, friends rather than family, non-government facilitators) two of the women who initially said "no" changed their mind.

Who would you invite as supports for you and why?

The supports they identified included long time friends, social workers, JHS staff, and family.

They indicated the following reasons: someone you can trust, someone you know well and knows what is going on, someone with wisdom, life experience, and someone you respect. They all said that they would rely on these supports or else they would not have considered them as supports for conference. They would not want anyone in the group that would not respect confidentiality and would gossip about the conference to others.

Are there risks to the relationship.

Three respondents identified risks.

- *What if the family says bad things about him/her.*
- *He may get mad at the extended family,*
- *He may feel embarrassed and ashamed.*

Two of the five did not see any risks.

What are your fears of taking part in a conference?

- *Confidentiality is an issue.*
- *My reputation in the community .*
- *I fear gossip.*
- *What if he didn't take it seriously and nothing changed (sometimes involving the police makes it "serious").*
- *Fear of talking in a large group.*
- *Fear of failure when you tell you supports what you want to see happen you have to follow through and that may be hard. (The same woman that gave this example also identified this as a benefit - that you will have others supporting you and your partner to change).*

No one felt that their physical safety would be at risk.

What are the benefits to taking part in a conference?

- *Further knowledge of resources available,*
- *Support in creating change,*
- *No isolation,*
- *Help resolving problems and ending the violence,*
- *Having a plan in place instead of just hoping things will get better,*
- *He gets help,*
- *Provides hope that the relationship may continue.*
- *That you will have others supporting you and your partner to change*

All said that their children should be involved because they are part of the family.

Do you see any difficulties with your family knowing your intimate details?

A number of women indicated that it may be embarrassing but most said they already know anyway.

- *The family will be there to support you and show that they care so there should not be any shame.*
- *You need the appropriate "safe" people.*

What kind of things would you include in a safety plan?

The respondents felt that some things in the plan may include: living arrangements, time frames, goals, boundaries, household labour division, responsibilities, peacefulness, time outs.

Other Comments

- *Sounds like a good idea, not something for everyone but definitely for some.*
- *It is good that it removes the isolation.*
- *I "felt" for the man and children in the video because this would be difficult to do.*
- *The video seemed too "perfect" not all families/social workers/police are that understanding.*
- *All it takes is one person in the FGC to start talking and then the plan can be made (referring to the grandmother in the video who started things going)*

The women thought that it would be good to have a FGC even if the man did not attend to gather their own support.

- *If he didn't attend it may show that he is not ready to make any changes.*

Most felt that they would not include any cultural activities.

One women thought that adding prayer would be helpful.

Mens' Group

1. *Does family group decision making seem like something that would be helpful for you?*

- *It seems like a good idea.*
- *Showing the conference (how it was done) was helpful.*

- *May be unrealistic though, to have that many people. Getting that many people in the same room. Is this a typical family? Who has that many supports. May also be unbelievable in how everyone opened up right away.*
- *It worked good for their family. Probably work good for anger management people.*
- *An entire day seemed too long. It seems unlikely a family could sit together for an entire day...should be shorter.*
- *That family deserve kudos for coming together like that.*

3. *Would it work if it was split up, over two days say?*

- *Yeah, split it up over ten weeks, 3hrs a day.*

Several men agreed with this.

4. *Let us go back to your first impressions.....:*

- *What about the costs? Who pays for it? Lunch, social worker, cops. Is there a cost to the family?*
- *Co-ordinator should stick around even during the family meeting. For safety reasons too.*
- *It took the mother to break the ice. No one was talking up to that point. Plus, it seems unrealistic for a case worker to devote that kind of time and energy to one person what with their case loads.*
- *It was a good movie. You can learn a lot from it. Frank's father-in-law got very angry , but the supports helped, but not everyone has that kind of support. Often people abandon you, not support. Frank was lucky to be given that support.*

5. *If you were Frank with those troubles, what do you think that would be like ?*

- *The family would be uncomfortable with say the drugs. It would make you feel weak.*
- *Brother warned him time and time again, but then one day he faced everyone at once and it took a lot of courage for him to do that. But, yeah, you' d feel weak, but it would be positive in that you'd get to accept some responsibility .*
- *Why did it go so far before the intervention occurred? Frank wasn't a bad guy often, just infrequently when he drank. That probably contributed to why it went so far before getting help.*
- *The wife shouldn't have let it get so far.*
- *They shouldn't have waited so long to start the process.*

6. *What about privacy... are there benefits to sitting in that uncomfortable chair?*

- *Frank was obviously quite embarrassed, but courageous to sit there too.*
- *If they ganged up on you, then they'd start to withdraw and not open up to a stranger .*
- *Frank was provoked. When Frank was in jail they were getting help, they were happy, together. Frank was in a bad place, so maybe he agreed to the intervention just to get out of there. He didn't really talk during the meeting, just sat there, ashamed. His brother talked for him. "I woulda talked". Many family members may not want to attend. What if the family is resentful ?*
- *Feeling uncomfortable may lead to feelings of guilt and repentance. Could have the same benefit that AA has.*
- *'Frank do this' and 'Frank take that', there was too much emphasis on Frank during the meeting. What about the family?*

7. *Would you have appreciated that support and what about support outside of office hours, when people aren't available?*

- *My friends and family are in jail. They're the only ones you can trust. We don't have that support.*
- *No one would be on my side. I'd be ok, but if one side has lots of supports... who has that many supports?*
- *It would be like your sponsor for AA. The sponsor really helps you through rough times. That might work well.*
-

8. Do you think kids should be involved in this? Frank's kids were there, should they be? What age would be appropriate?

- *Need an age limit. What about if it was a dad that sexually abused? So, nature of offense and age of children both need to be considered. But it's important to involve them in solving the family's problems.*
- *Having the kids there helps because it has a bigger impact.*
- *Kids can be more honest.*

9. Is the meeting beneficial?

- *Before, you weren't a man if you couldn't handle things on your own.*
- *This family was the same until the social worker intervened. Even when the police asked the wife about the abuse, she didn't want to talk about it. It took the daughter to start talking-*
- *Frank tried to make excuses, but the group challenged him on his justifications.*
- *The plan they came up with is no guarantee against it happening again in the future.*
- *The plan needs to deal with the 'what ifs'.*
- *I believe after this he won't take the same action again.*
- *Wasn't the plan missing "what would happen if he comes home drunk again"?*

10. Recall the cycle of violence we talked about, can this conference stop the cycle of violence?

- *No. The person still has to decide.*
- *Maybe it's helpful for the family.*

11. Could the conference help BUILD supports?

- *This group (Families Without Violence) has helped getting things off your chest.*
- *Solving the problem in a group was important, because when it was over he feels welcome again, like part of the family. So he can see they don't hate him, and accept him back. Group is great.*
- *Other side of it though is that people often don't want to open up.*

15. Would it be better for the participants in the group if they were prepared for the conference ?

- *It would be more realistic. To open up in a group like this takes time. Frank went into a shell, had he gone first to a group like this to talk about his actions it would have made things easier for him. [the "group like this" referred to was the **Family Without Violence** group they were attending]*
- *I would have felt pressured to just nod my head a lot.*
- *Some people open up a lot easier than others. For Aboriginal people, when you get the feather in your hand you just open up.*

16. Could this have turned out worse if his family wasn't such a positive influence?

- *You've got to be careful who you bring for a support.*
- *Moderator of the conference needs to be sensitive to the kinds of people involved. Frank needed more time to prepare himself, like the AFM group. It would have given him time to get stronger .*

17. If you had the supports and you were Frank, would you participate in something like this ?

Two of the 5 respondents said yes. Two said a conditional yes (one wanted time to prepare and the other said he would if he had to). One respondent said no that he did not think it would work.

There was further discussion on this question as follows:

- *He was getting banged on pretty good, but he had supports.*
- *He got information, everything up front before he participated, so he knew what he was getting into.*
- *When the social worker told him about it, it seemed like he had no choice, like she was forcing him.*
- *I agree, I think there were other things Frank could have dealt with first, before going into a conference like this.*
- *Everything depends on Frank. You could have twenty of these groups and it wouldn't matter if Frank didn't really want to change- It is like AA, and quitting cold turkey.*

Summary

>From the preliminary focus groups, we conclude that the majority of respondents believe that Family Group Decision Making would make a positive addition to services available for families struggling with violence.

While it is clear that FGDM is not seen as a panacea, neither is anything else that is currently in place. Our courts are clogged with family violence cases, with our provincial Justice Minister wondering whether or not we are simply lubricating a revolving door for family violence offenders. Sending family violence offenders to jail is not a panacea – often they continue to reoffend on release. Placing offenders on probation is not a panacea – probation case loads are large and almost unmanageable. Supports for victims of family violence remain limited, and FGDM may provide another tool for family members to address their relationships in a safe, healthy, and constructive manner.

We are intending to continue interviewing stakeholders in the Province of Manitoba.