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Addressing Elder Abuse: The Waterloo Restorative Justice Approach to Elder Abuse Project

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Addressing Elder Abuse: The Waterloo Restorative Justice Approach to Elder Abuse Project

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The Community Care Access Centre (CCAC) of Waterloo Region, in partnership with a number of other social service agencies, designed and implemented a restorative justice model applicable to older adults who have been abused by an individual in a position of trust. The project was very successful in building partnerships, as many community agencies came together to deal with the problem of elder abuse. The program also raised the profile of elder abuse in the community. However, despite intensive efforts, referrals to the restorative justice program were quite low. Because of this, the program moved to a new organizational model, the Elder Abuse Response Team (EART), which has retained the guiding philosophy of restorative justice but has broadened the mandate. The team has evolved into a conflict management system that has multiple points of entry for cases and multiple options for dealing with elder abuse. The team has developed a broad range of community partners who can facilitate referrals to the EART and also can help to provide an individualized response to each case. The transition to the EART has been successful, and the number of referrals has increased significantly.

KEYWORDS comprehensive elder abuse program, conflict management, restorative justice

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INTRODUCTION

In 1998, members of the Waterloo Region Committee on Elder Abuse (WRCEA) invited agencies that provided services to older adults affected by elder abuse to meet to develop an elder abuse protocol that could be used by each of the agencies and to develop a community wide coordinated approach to elder abuse. These agencies helped to develop a group that secured funding to design, implement, and evaluate a restorative approach to elder abuse. The Community Care Access Centre of Waterloo (CCAC), which deals with long-term care, was the lead agency in this activity. Other partners included the Waterloo Regional Police Service, the Kitchener-Waterloo Multicultural Centre, White Owl (an association of urban Aboriginal people), the Network: Interaction for Conflict Resolution, and Community Justice Initiatives of Waterloo Region (CJI).

The partners recognized that barriers still remained to identifying victims of elder abuse and to intervening to alleviate their problems. They attributed some of this problem to the lack of a consistent approach to identifying abuse and to the perceived lack of alternatives for dealing with abuse. Both victims and service providers feared the consequences of reporting elder abuse. Seniors are often in a dependent relationship with a relative or caregiver. They may be ashamed that a relative has been abusing them and also may be afraid of suffering further harm from the abuser or of being put into a nursing home against their will. Some elderly persons may choose to remain in an abusive relationship rather than risk destroying the relationship with the offending family member or caregiver by using a punitive or enforcement approach, while others may suffer from mental impairment that does not allow them to deal with the situation. Professionals and community members may not respond appropriately because they are unsure of what constitutes elder abuse, because they do not know who to call for help, or because they may not consider an older person's story to be reliable.

Restorative Justice and Elder Abuse

Because of these issues, the group concluded that a restorative justice approach to the problem would be a better way of achieving their goals than a more enforcement-oriented approach. Restorative justice is very different from the adversarial and confrontational approach that characterizes the criminal justice system. Restorative justice is intended to restore social relationships rather than just to punish offenders (Church Council on Justice and Corrections, 1996). Advocates of restorative justice seek to return the focus of the justice system to repairing the harm that has been done to the victim and to the community. A key element of restorative justice is the involvement of the victim and other members of the community as active participants in the process. The intent of the process is to reconcile offenders with those they have harmed and to help communities reintegrate victims

and offenders. Victims, who play a very limited role in the normal court system, are very involved in the restorative justice process. They are able to tell their story and describe the impact that the offense has had upon their lives in an environment where they are supported and protected. The restorative justice process is intended to ensure that the perpetrator is aware of the consequences of his or her actions and has the chance to acknowledge what he or she has done and to have the opportunity to apologize and make a commitment to change. While restitution is often a part of the process, the main purpose is to transform the relationship between the offender and the victim into a healthy and equal one.

While restorative justice has its roots in traditional societies where the restoration of order was crucial to society's survival, these practices have been modified to meet the needs of contemporary Western societies. Among the most common restorative justice programs are victim–offender reconciliation programs, where mediators work with victims and offenders to arrive at a resolution to a situation, and took place in circles in which victims, offenders, their friends and families, professionals or community workers, and other community members meet with a facilitator to reach a consensus about why the harm occurred, what needs to be done to repair the harm, and what needs to be put into place to prevent it from happening again.

In many respects, restorative justice seems ideally suited for cases of elder abuse. These cases often involve on-going relationships that are extremely important to an elder abuse victim. If a dependent senior is in a situation where their primary caregiver is verbally or physically abusing them or is taking financial advantage of them, they may feel unable to take legal action against the abuser because of their fear of losing their access to care. The situation may be further compounded by the fact that the abused senior may still have strong ties with the person who is victimizing them, as the abusers are often family members. Potentially, restorative justice can provide a process that will enable the parties to rectify any wrong that has been done and to reconcile so that their relationship can be sustained.

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THE WATERLOO RESTORATIVE JUSTICE PROJECT

The Community Care Access Centre (CCAC) received funding from Ontario's Trillium Foundation for a pilot project to use a restorative justice approach to elder abuse. The project had the following goals:

- To increase the reporting of abuse
- To develop and to 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

The program began to accept referrals in September of 2000.

The program had two major components. The first was an initiative to provide community education about the restorative justice approach to elder abuse. This component was designed to encourage seniors to recognize that they are victims and to report any victimization they might be experiencing. It also was designed to educate those who worked with older persons, such as nurses, social workers, and police officers, to recognize signs of elder abuse and to report it to someone who was in a position to help. The campaign involved community presentations to audiences of seniors; extensive outreach to multicultural communities; workshops involving people who worked in social services, health care, and the justice system (particularly police); interagency meetings; presentations to the general public; interviews and articles in the media; a theater mime troupe that put on performances that involved role-playing and interaction between the actors and the audience; and presentations to university gerontology classes.

The second component was the use of restorative justice to deal with elder abuse. Organizers were unable to find any established models of restorative justice for elder abuse cases, so they looked broadly at best practices, conducted community consultations, and consulted with experts in the fields of restorative justice and elder abuse. The result of this consultation was the development of a restorative justice model that was incident-driven and based on a set of guiding principles. These principles were safety, confidentiality, dignity and respect, autonomy, access to information, and the least restrictive interventions. The organizers found that the most appropriate way of accomplishing their goals and adhering to their principles was to use the circle process. Circles involved all parties to the case and were designed to ensure that both the abused person and the person who had caused the harm had support.

There were many sources of referral to the program including the justice system, health care workers, families, community groups, faith groups, and ethno-cultural groups. Cases were screened by intake workers at Community Justice Initiatives (CJI), the organization responsible for running the circles, and could be referred to other agencies for action if the restorative justice process was not suitable. The criteria used for referral were as follows:

- Has the risk of imminent harm been addressed? If there is imminent danger, other agencies must deal with safety issues before moving to restorative justice.
- Is the conflict in the early stages? Early stage conflicts are most appropriate.
- Is this a civil dispute? Civil disputes are appropriate for referral, and restorative justice is an alternative to court-based processes for resolving civil disputes.

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- Has a charge been laid? Restorative justice can be used prior to a charge. If a charge has been laid, the prosecutor will determine if restorative justice is an appropriate intervention. Cases can be diverted to the restorative justice process. A report will go back to the prosecutor and if the process has been successful, charges may be dropped.
- Has the court process been completed? If the court process has been completed, restorative justice may help with healing (Groh, 2003, p. 34). Circles can even be used during or after incarceration.

Cases were assigned to trained volunteer facilitators who then conducted a precircle case development process in which information was gathered and preparations were made for the circle process. Because of the number of people who may be involved in the circle, this precircle phase could be very complex. Some cases were solved during the precircle phase as the facilitator discussed the issues with the parties to the case.

The circles were conducted by trained facilitators. Ideally only one meeting would be required, but some cases involved two or more meetings. The circle typically opened with a ceremony or prayer and the facilitator was careful to see that all parties were heard and respected. Everyone sat in chairs placed in a circle facing each other, without a table or other furniture between them. An object called a "talking piece" was passed from person to person around the circle. Each person had a chance to speak when they held the talking piece. Everyone was asked to listen without interruption until the person finished speaking and the talking piece was passed to the next person who then could speak. Once a resolution was agreed upon, a written agreement was ideally to be used at the end of the process. Following the circle, a postconference follow-up was held to ensure that the resolution achieved in the circle was actually implemented and that the needs of the older adult were being met. The following case illustrates the process:

> Betty, a 68-year-old female, is deaf and mute, wheelchair bound, and dependent for her physical care needs. She lives with Andrew, her 75-year-old brother, and his wife. Betty disclosed to a supervisor of the day program that she attended that her brother had hit her. The supervisor called the Elder Abuse Response Team (EART). After an investigation, Andrew was charged with assault. He was devastated. He had promised his sister and their family that he would care for Betty. However, as they both aged the task had become overwhelming. At the police officer's request the Crown Attorney designated to elder abuse cases agreed to divert the case to restorative justice. A referral was made to Community Justice Initiatives. The two circle facilitators assigned to the case met individually with Andrew, with Betty and her support person, and also with seven members of the family including Andrew's wife, siblings, and children. They also met with two staff members from Betty's day

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program. At the family's request, the first circle met without Betty present. In the circle of family members, Andrew explained what had happened and apologized to the family. Each family member took responsibility for not being involved in assisting Andrew. They reached a consensus about how to meet Betty's care needs in the future. Facilitators then met in a circle with Betty, Andrew, the family members, and one staff member of the agency. Andrew once again explained what had happened and apologized to Betty and to the family. Betty accepted his apology. The family members promised to become more involved with her care. The staff member of the agency was able to offer her agency's support and to give suggestions on how to further assist the family. All parties signed a written agreement regarding the resolutions. A report was sent to the Crown and charges against Andrew were dropped. A follow-up reported that the family had become much closer and that Betty was doing well. The family expressed gratitude for the circle process and the way in which the case had been resolved.

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THE EVALUATION

There have been very few evaluations of elder abuse initiatives. An expert panel convened by the National Research Council concluded that "no efforts have yet been made to develop, implement, and evaluate interventions based on scientifically grounded hypotheses about the causes of elder mistreatment, and no systematic research has been conducted to measure and evaluate the effects of existing interventions" (Bonnie & Wallace, 2003, p. 121). While this study does not utilize experimental or quasiexperimental methodology, it does represent an evaluation of the utility of restorative justice in dealing with elder abuse.

There were three components to the evaluation: a self-evaluation that was conducted for the funding agency and two subsequent evaluations carried out in 2004 (Stones, 2004) and 2005 (Linden, 2006).

Self-Evaluation

In a self-assessment in 2003 (Community Care Access Centre of Waterloo Region, 2003), project staff reported that the project had accomplished some, but not all, of its initial goals. Reasons for this were delays in getting started, underestimating the time and resources needed to complete the work, and delays in training police officers.

While the report recognized that much work still remained, the writers felt their initiative had been successful. At the time of the self-evaluation, the program had conducted 108 presentations to approximately 3,000 people and had completed 4 conferences/workshops/training programs involving 390 participants. The restorative justice component of the project had dealt

with 44 referrals: 24 cases had been assigned to a screener or facilitator, 10 cases had been completed, and 6 cases were in process. A total of 137 people had participated in the restorative justice process. The program trained a substantial number of volunteers including 45 potential circle facilitators, 20 members of the Waterloo Region Committee on Elder Abuse, 5 volunteer committee members, and 10 members of the project's Seniors Advisory Council. The program produced a screening instrument for doctors, a brochure that was translated into six languages, and an "English as a Second Language" training document. Finally, the project produced a training manual, *A Healing Approach to Elder Abuse* (Groh, 2003).

The self-assessment also reported that existing partnerships were strengthened. For example, the domestic violence coordinator for the Waterloo Regional Police Service began to screen for situations of elder mistreatment. The project coordinator was invited to help develop training material so that each police officer in the region was aware of elder abuse and of available resource options, including restorative justice. During the project, training was provided for officers who dealt with domestic violence cases (elder abuse training is now mandatory for all officers).

Quantitative Evaluation of the Project

In addition to the self-assessment, an external evaluation was conducted by Michael Stones (2004). Stones interviewed people who had attended presentations given by the project and also interviewed people who had been involved in circles. The results of this evaluation are briefly summarized here.

EVALUATION OF COMMUNITY EDUCATION ACTIVITIES

One of the major goals of the project was to develop a community education program that resulted in new learning and attitude change among participants. In his evaluation of community education activities, Stones (2004) surveyed 120 participants who had attended presentations made by project staff during 2002–2003. He used scales (Stones & Pittman, 1995) measuring the respondents' perceptions of the clarity and impact of the presentations and their attitudes toward elder abuse and neglect. The clarity and impact measures were based on 12 questions about the presentation. The questionnaire asked respondents to rate their responses to the information presented in terms of dimensions such as clarity, completeness, and offensiveness and were asked if they felt the information would be helpful to an older person and whether they would recommend the presentation to others. The measure of attitudes toward elder abuse consisted of 13 items such as pushing or shoving a senior, stealing from a senior, failing to provide proper nutrition

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for a senior, and not taking a senior places where a senior needs to go (such as a doctor's appointment). Stones compared the results with those obtained from normative samples of seniors and students from his previous research in three provinces and concluded that "the presentations conveyed information about restorative justice in a clear and concise manner and contributed to changes in attitudes about elder abuse" (p. 5). However, the magnitude of these changes was relatively modest.

EVALUATION OF CLIENT INTERVENTION OUTCOMES

The second goal of the project was "to provide intervention for clients that adheres to the principles of restorative justice and results in psychosocial benefit to the client and others" (Groh, 2003). In Stones's evaluation of the restorative justice component of the project, 7 people were interviewed who had participated in 10 different cases. The nature of their participation was not specified. Data were collected through in-person and telephone interviews. Half the cases involved financial issues. The victim was present for half the cases, and not all of the cases went to the circle process. In assessing the operation and impact of the restorative justice process, Stones used a measure adapted from an inventory of restorative justice outcomes developed by Linden and Clairmont (1998). This measure asked the respondents if they agreed, disagreed, or were uncertain if each of 24 possible outcomes had been achieved by the restorative justice process. Stones notes that the validity of his findings was limited by the small number of cases, by the fact that the data were collected some time after the cases had been dealt with, and by the fact that only one participant reported on each case so that the perceptions of the other parties had to be inferred by that participant. Thus the findings should be interpreted with caution.

The results of the interviews were quite mixed. Half or more of the respondents felt that the process had met the following goals in the case they were reporting on: the victim was satisfied (50% agreed, 13% disagreed, and the remainder were uncertain), the victim had major role (50% agreed and 50% disagreed), the victim's story got told (62% agreed and 13% disagreed), the victim was protected (80% agreed and 0% disagreed), the victim was supported (86% agreed and 0% disagreed), the victim was adequately informed (71% agreed and 29% disagreed), the victim felt fairly treated (80% agreed and 20% disagreed), the victim felt less fearful (50% agreed and 0% disagreed), the victim's safety was ensured (100% agreed), the process was efficient (100% agreed), the outcome was appropriate to the offense (75% agreed and 0% disagreed), the victim was aware of the harm done (75% agreed and 0% disagreed), change was encouraged in the perpetrator (100% agreed), and the needs of the perpetrator were addressed (100% agreed).

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However, less than half of the respondents felt that the process had met the following goals in the case they were reporting on: restitution occurred (25% agreed and 25% disagreed), the victim got answers (43% agreed and 57% disagreed), there was acknowledgement of the injustice to the victim (17% agreed and 83% disagreed), there was sufficient opportunity for discussion (20% agreed and 80% disagreed), the perpetrator felt remorse (17% agreed and 83% disagreed), the perpetrator was satisfied (29% agreed and 29% disagreed), mechanisms were put in place to monitor change (43% agreed and 57% disagreed), there was an improved relationship between the parties (20% agreed and 60% disagreed), and the meetings were effective (25% agreed and 50% disagreed).

Stones also conducted four interviews with stakeholders from the Community Care Access Centre and Community Justice Initiatives. The most important comments reported by Stones were as follows: the fact that the project needs core funding or sustainability will be problematic; the project must be proactive in reaching out to multicultural communities, if they are to be included; there is a problem with the fact that there is a separation between the agency promoting the referrals (CCAC) and the agency doing the interventions (CJI); and more must be done to get enough referrals to the project.

Stones's overall assessment of the project was quite positive:

> The findings show that the community education initiative effectively imparted information about restorative justice. The interventions that occurred were for the most part effective in providing satisfaction, safety, and protection for victims of elder abuse. The stakeholders were uniformly committed and enthusiastic about restorative justice, and positively contemplated a continuation and growth of the project. Based on these findings, the project appears to be a great success, with the restorative justice approach proving to be a significant form of intervention for cases of elder abuse. (2004, p. 7)

However, he also cautions that despite the strengths of the project, the lack of referrals is a serious problem: "A stark conclusion may be that without enough referrals, an innovative, effective, and worthy initiative may wither before it fully evolves" (2004, p. 7).

Final Evaluation

A final evaluation was conducted after the restorative justice program had been completed. In the time following the previous evaluations, intensive efforts were made to increase the number of referrals. However, the number of referrals did not increase. During the 18 months of this phase of the program, 11 cases were referred to the restorative justice project, seven were

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TABLE 1 Reasons for Referring Cases to Intake

Financial Abuse	24% (11)
Verbal Abuse	22% (10)
Multiple Abuse Issues	18% (8)
Physical Abuse	11% (5)
Where Senior Will Reside	9% (4)
Sale of Home	7% (3)
Lack of Communication	4% (2)
Power of Attorney Issues	4% (2)

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assessed as not appropriate for the circle process, four cases were assigned to a screener or facilitator, and three cases were completed. A total of 22 people were involved in the circle process.

There were a total of 63 inquiries for information about the project over its two phases, and 45 were referred to intake. The nature of these cases is shown in Table 1. Thirty-eight of these cases were assigned to a facilitator, 19 were assessed as not being appropriate for the circle process, and 14 were completed. The remaining five were still in process at the time of the evaluation.

Satisfactory resolutions were achieved in most, but not all, of the completed cases. Only nine of these cases involved circles or were resolved during the preparation of the circles. Several of the others were resolved by CJI through alternative means of facilitating an agreement, or the cases essentially resolved themselves.

Over half (10) of the cases not referred to the circle process were not pursued because the older person did not wish to proceed with the matter. In two of the cases, the alleged abuser was unwilling to participate. The nature of three of the cases was not clear and the remaining four were not pursued because the older person was incapable of proceeding, family members had only wanted information, the alleged abuser could not be contacted, and the family and the worker felt the situation had improved. The cumulative data indicate that the rate of inquiries did not increase over time, despite the extensive efforts made by program staff to generate more cases.

While a review of project documents, including minutes of committee meetings, showed that a concerted effort had been made to increase referrals, it was no more successful than the earlier phase in generating referrals to the restorative justice program. Thus, while the program was successful in many respects, it was apparent that even a well-planned and carefully implemented intervention would not attract a sufficient number of referrals to justify its costs. It was very difficult to get a significant number of cases to the circle stage. Many victims did not wish to become involved in circles,

and it was particularly difficult to get family members not directly involved in abuse situation to participate in circles.

KEY PERSON INTERVIEWS

These conclusions were reinforced by interviews that were conducted during the final evaluation. Seventeen interviews were conducted with people associated with the elder abuse initiative. All questions were open-ended. The interviewees included the project coordinator, the Director of the Community Care Access Centre, four current and former members of the Waterloo Regional Police Service who had been closely associated with the project, a Crown Attorney who has dealt with elder abuse cases, four people who had worked with Community Justice Initiatives as paid staff or volunteers, three members of the advisory council for the project, and three members of community groups that had been involved with the project. Most of these individuals had a long-term involvement with the project, and many had been involved from its inception.

WHAT ARE THE MAIN STRENGTHS OF THE PROGRAM?

Most respondents were very positive about the program. This was mainly because of its educational and collaborative components. One respondent said that "There was a huge shift in thinking because of the program. Community knowledge increased greatly [by community, the respondent means seniors themselves as well as care workers and others dealing with seniors] because they did education with many groups, including workers who go into the homes. Many steps were taken to get community interest and awareness." Another said that the education and awareness programs were so good that they have "raised the bar throughout the province" and said the building of links with community partners was also a major strength. All of the respondents agreed that the project had raised the profile of elder abuse for the police and social agencies that deal with this problem. In response to this question, one interviewee made an interesting comment: "A lot of people may know things just aren't right, but just sit on it because they do not know what to do. The project gave them a frame of reference."

Several of the respondents were very positive about the use of restorative justice in the program. Respondents also felt that a strength of the program was that it gave a voice to older people. Older persons played an important role in the planning and implementation of the program. Seniors also were involved through a mime troupe that gave numerous presentations dealing with elder abuse and through multicultural groups that partnered with the elder abuse program. They also felt that the program accomplished

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its goal of giving victims a voice. The outreach activities emphasized that seniors were still independent people who had rights that must be respected.

WHAT ARE THE MAIN WEAKNESSES OF THE PROGRAM?

All but one of the respondents reported weaknesses with the program, but there was a broad range of ideas about the nature of the main weaknesses. The largest number of the comments related to the lack of referrals and the small number of completed circles. Only about half of the respondents felt they knew enough about the lack of referrals to respond to a question concerning reasons for the problem. The most common response was that the issue was just too sensitive and too private for people to come forward.

There were more comments about the reasons why there were not more completed circles. One respondent commented that the circle process seemed to work very well in the role playing exercises, but was much more difficult to put into practice because of the complexity of many of the cases. Some of the cases involved seniors with serious mental deterioration, which made it difficult for them to understand what was happening to them. Some of the cases that did not proceed to circles involved relationships with caregivers—who are often family members—which meant that the senior may have been completely dependent upon the person suspected of abusing them. Some involved very ambiguous situations. An example is a case involving a couple who married late in life. One of the spouses had several adult children. When this spouse was institutionalized because of dementia, the children took property that had been in their family and which they said had been given to them by their parent. The other spouse (who was not the parent of the children) claimed the property. The children all lived far from Waterloo, so it was very difficult to try to organize a circle. As a general matter, relatives may have very different interests in a case and may be more concerned with their own benefits than with the treatment of the senior.

Two respondents mentioned that the mechanics of putting together a circle were very complex and time-consuming, and it was difficult to leave this responsibility in the hands of volunteers who had other demands on their time. Efforts to fund a paid coordinator in Community Justice Initiatives (CJI) to handle these cases were not successful, so the problem persisted throughout the life of the program. According to one respondent, this bottleneck "put a big damper on referrals." A related factor was that volunteers may not have the skills to take on the difficult task of facilitating a circle. The fact that a program as complex as the elder abuse initiative relied almost entirely on volunteers to deliver its most important services meant that a weak link was built into the program from the start because of funding limitations. CJI also did not have sufficient funds for expenses related with circles such as travel for family members who live out of the province

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and long-distance telephone expenses. The mandate to involve diverse ethnic communities was not successful despite a very intensive outreach effort by program staff. This was partly due to language barriers and other practical problems, but it also was attributed to cultural factors such as the reluctance of members of some cultural groups to talk about problems like elder abuse outside the family. Other reservations with the program included comments that restorative justice is not suited to cases of serious physical abuse; that the circle process takes a long time; that while it is a good program, it is not a panacea that can be applied to all cases; and that in theory it seems like a good approach, but it can be quite difficult to apply, so a less complex method such as mediation may be more effective.

Summary of Evaluation Results

All three components of the evaluation found that the program was very successful in raising the profile of elder abuse in the community. There were a large number of presentations and workshops and a very successful training program for professionals such as police officers. The quantitative evaluation by Michael Stones concluded that the presentations were clear and contributed to a change in attitudes about elder abuse.

The self-evaluation and the final evaluation found that the project was able to put together a very strong network of community partners with a good track record of working together and that it developed a core of dedicated staff in several agencies with a commitment to dealing with elder abuse. It was also successful in involving older persons and members of different cultural groups in the planning and implementation of the program.

The quantitative evaluation showed that when circles were used, they had a positive impact on the victims. Respondents reported that victims were satisfied, that they played a major role in the process and felt fairly treated. They also reported that the process addressed the needs of the perpetrator. These strengths were all very important in the development of the next phase of the elder abuse program.

While the program was successful in many ways, the research also found two major difficulties with the program. These were the lack of referrals and the difficulty in completing circles for the cases that got to that stage. Without referrals the program could not have a significant impact on resolving elder abuse cases and was not cost-effective. These two issues make it very unlikely that restorative justice programs can ever be a primary means of dealing with elder abuse despite the fact that they seem ideally suited for this type of offense.

The quantitative evaluation also suggested some weaknesses in the circle process. Stones's respondents reported that they did not feel that victims got answers and that there was not sufficient acknowledgement of the injustice done to the victims. The majority also reported that there was not an

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improved relationship between the parties and did not feel that the meetings were effective.

THE ELDER ABUSE RESPONSE TEAM

When the Trillium Foundation funding was running out, the program's supporters looked for ways of sustaining the program. The Waterloo Regional Police Service assigned a police officer to work on elder abuse, and the Community Care Access Centre (CCAC) funded the coordinator's position that had previously been funded by grants. When this was done in September, 2004, the project had two full-time staff members, one of whom worked in the health care system and the other within the justice system. The new team was called the Elder Abuse Response Team (EART). This structure gave the team a permanent place within the two sponsoring organizations, and the networks established earlier gave it a broad base for referrals. The EART mission is to prevent and respond to elder abuse by working in partnership with the community and by providing an opportunity for change and healing to people affected by elder abuse, thereby enhancing the safety and well-being of older adults. The team works collaboratively with other groups through the Inter-Agency Elder Abuse Working Group and members of the Family Violence Project of Waterloo Region.

The Inter-Agency Elder Abuse Working Group was part of the original project and had the task of developing an interagency elder abuse protocol that provided a broad framework for a collaborative response to elder abuse. Subsequently it provided a forum for information sharing and problem-solving related to suspected and confirmed elder abuse situations. The Working Group has a broad membership, including CCAC of Waterloo Region; CCAC contract service providers in the areas of homemaking, nursing, and therapy; home support workers; hospitals; long-term care facilities; and the Waterloo Regional Police Service. The group uses an ethical framework to review cases. All shared information is considered confidential, and no names are used for case studies discussed by the group. The forum is useful for information sharing and strategizing related to suspected and confirmed elder abuse situations and identifying best practice regarding handling difficult and complicated cases of elder abuse and reviewing the effectiveness of actions that have been taken. The multiagency approach allows agencies to work together to resolve problems rather than to work only within their own organizational boundaries. For example, a worker from a long-term care facility is able to use the Working Group to obtain information from the police about suspicious financial transactions made by an older person in their care. An example of how agencies work together as a system is that the Elder Abuse Response Team has a process of personally handing cases off to the next provider rather than just leaving a referral

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card and having the individual do it on their own, a practice that can be particularly problematic for some older persons.

The latest transformation in Waterloo's elder abuse initiative is that the EART has become part of the Waterloo Regional Police Service domestic violence unit. In January of 2006, the EART, along with the rest of the domestic violence unit, moved to the Catholic Family Counselling Services building and is working closely with the staff of that organization. The team is colocated with a variety of agencies, including Catholic Family Counselling Centre, Crown Attorney's Office, Victim Services Unit, Family and Children Services, Waterloo Regional Police Services Domestic Violence Investigations Unit, Domestic Violence Sexual Assault Treatment Centre, Victim Witness Assistance Program, and Women's Crisis Services of Waterloo Region. Each agency or service is independently operated but each is committed to improving client services through colocation. The EART's mandate includes providing consultation, education and training, community development, and direct intervention. Direct intervention includes providing investigative expertise, facilitating linkages to community resources, and case managing the situation until resolution or a linkage with a community agency is completed. If a charge has been laid, the Crown prosecutor assigned to deal with elder abuse determines if restorative justice is an appropriate way of dealing with the case.

The broader family violence initiative is modelled on successful projects in Perth, Australia and San Diego. Officers are not in uniform and work with colocated service partners in the areas of prevention and early intervention.

The Philosophy of the Elder Abuse Response Team

The Elder Abuse Response Team represented an evolutionary change from the restorative justice project and is based upon the lessons learned from that experience. Like the earlier project it provides a victim-centered approach that offers a coordinated community response to elder abuse. In the earlier project, a major emphasis was placed upon restorative justice and upon trying to resolve cases through a circle process. The EART has explicitly retained this mandate, but has broadened it to provide a holistic and client/victim-centred model of support and action to older adults who are in abusive situations. While the restorative justice model is still the program's guiding philosophy, many other options are also available, as one of the team's objectives is to enhance linkages for interagency and interdisciplinary responses to elder abuse. If cases are suitable for some form of restorative justice, the effort will be made to use this form of resolution, but most cases are resolved by other means. However, the holistic, client-centered model used by the EART provides an opportunity for the people affected by the abuse to address the conflict in a way that is fair and just for everyone.

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THE OPERATION OF THE ELDER ABUSE RESPONSE TEAM

The team offers a single source of intake through its intake line. This line is available 24/7 through staff and voice mail. The EART is available from 8:00 a.m. to 4:30 p.m. and is exploring the idea of partnering with the Catholic Family Counselling Centre for intake to meet increased service demands. Emergency calls go through the normal police dispatch system. All other calls are directed to the EART's phone line. The team provides consultation for callers who are requesting information about situations and wishing to remain anonymous. For situations of alleged abuse where the victim has been identified, intake is initiated and a police investigation begun. The team will provide services to an older person whether or not a crime has occurred.

Because the team is made up of both a police officer and a CCAC case manager, it has the capacity to use a dual-track intervention process in higher risk cases. CCAC case managers may consult with the team to seek advice or police intervention, and police officers who respond to calls involving older persons can contact the team for assistance or intervention. The mandate is very flexible and the team will meet with the older person anywhere that person feels comfortable and will allow them to bring anyone they like to the meeting with the team members. Through the team's community ties, a broad variety of agencies can be included in the resolution of a problem. The educational and outreach activities that were integral to the earlier project are continuing, as the team has an explicit goal of community development/mobilization in order to build the capacity to deal with elder abuse.

REFERRALS AND INTERVENTIONS

A major problem with the earlier project was the lack of referrals. This has not been an issue with the Elder Abuse Response Team, which has had a heavy workload. In 2005, there were 55 direct interventions by the EART and by 2007 this number had grown to 137. In 2007, 32% of the cases involved financial abuse, some of which also involved other types of abuse. Thirty-one percent involved physical abuse either alone or in combination with other types of abuse. The remaining cases involved neglect, self-neglect, and emotional abuse. In 2005, the majority of cases (67%) involved financial abuse, so the EART has subsequently been very successful in encouraging reports of other types of abuse.

Data on the manner in which the cases were resolved were not available for 2007, but in 2005 the most common disposition was "complete solved" (21 cases), followed by "warning" (15 cases), and "unfounded" (6 cases). "Complete solved" is a Canadian Uniform Crime Reports category that applies to any noncriminal occurrence where no further action is required.

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Examples of some of these cases included referred to counseling; victim deceased; son warned and increased CCAC services in the home; no grounds for charge, but care home staff warned; son initiated restorative justice process; family involved in power of attorney dispute refused restorative justice and older adult was placed in a long-term care facility. Only three of the cases were cleared by charge, which indicates that the criminal justice system was used only as a last resort. It is also noteworthy that only three of the cases were referred to the CJI for a resolution through the circle process. These figures indicate that the EART is not trying to apply any predetermined solution to elder abuse cases. Neither the courts nor circles are used for the vast majority of the cases. Instead, the EART and its community partners are applying the restorative justice philosophy on a case by case basis.

Finally, it is interesting to look at the source of referrals to the EART. There were 14 different sources of referral to the program in 2005, which shows the degree to which the EART is working with community partners. The sources of referral were family members (15), long-term care worker (9), Waterloo Regional Police (9), CCAC (5), victim (4), hospital (3), the Director of Care (2), social worker (2), settlement worker (1), friend (1), spouse (1), Ontario Provincial Police (1), community care (1), and day program (1). Besides this diversity, perhaps the most interesting thing about the referral sources is that only four of the cases (7%) involved referrals directly from the victim. This is very different from most other offenses where the victim plays a much more important role in reporting.

SUMMARY: A CONFLICT MANAGEMENT APPROACH TO ELDER ABUSE

The elder abuse program in Waterloo is now on a very sound footing. Referrals have increased dramatically, an intensive community and professional education program continues, and a very effective network has been established involving the EART and its community partners. An additional police officer has been assigned to the team and funding options are being explored to hire another case manager, a social worker, and a person to continue community education and training. The program has evolved from a restorative justice program to a much more comprehensive conflict management program. Restorative justice values still guide the practice, and the mandate from both sponsoring agencies is to divert as many cases as possible to a restorative justice process. This process may involve circles, but it also may involve a broad range of other options.

The current structure of the elder abuse program in Waterloo is consistent with current work that recognizes that the best way to deal with conflict is to establish comprehensive systems for conflict management. Much of the work in this area has focused on conflict management within organizations

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(Costantino & Merchant, 1996; Slaikeu & Hasson, 1998). Many large corporations and government departments have implemented policies that seek to minimize conflict and to resolve the conflicts that do occur as quickly and simply as possible. They have provided education for employees to teach them how to deal with conflict and to stop it from escalating. When conflict does occur, a broad range of conflict resolution methods are available, and the organizations try to find alternatives to the lengthy and costly formal processes that are typically used to resolve internal conflicts. Many organizations have also built these processes into their relationship with external groups such as customers, clients, and suppliers, which specify that measures such as mediation will be used to resolve disputes.

These practices and principles also can be applied more broadly, and the conflict management system design process seems well-suited to elder abuse. Elder abuse is one of the most complex of all crimes. The nature of elder abuse can include domestic violence, physical abuse, sexual abuse, emotional abuse, financial fraud, abandonment, and self-neglect (Brandl et al., 2007).[1] The perpetrators may be spouses, children, paid caregivers, or complete strangers.[2] The offenses can take place in the victim's home, in long-term care facilities, or in the case of financial fraud or emotional abuse it can be perpetrated from a distance. The victims are all older persons, but can come from a broad variety of race, class, and religious backgrounds. In addition, the victims may be healthy or they may have serious mental and/or physical deterioration. It is a crime that often goes unreported because of the relationship between the victim and offender or because of the victim's cognitive problems. Even when it does come to the attention of the authorities, it may be difficult to even determine if an offense has taken place because of the victim's unwillingness or inability to complain.

This complexity means that multidisciplinary teams are required to deal with elder abuse. Referrals can come from a variety of sources (medical, police, financial institutions, victims, relatives, neighbors, etc.), and a variety of different agencies are needed to help resolve the problems. The needs and wants of the older person must play an important role in the choice of services and interventions, but this will only work if there are sufficient supports available to ensure the person's health and safety. The nature of this support will be very different for different cases, and this flexibility can only be provided by a multidisciplinary team working in a coordinated fashion.

In Waterloo, there have always been different ways of responding to elder abuse. The police would handle complaints of physical and financial abuse, hospitals would treat abuse victims, and home care workers would try to help when they suspected that clients had been abused. However, the strength of the elder abuse project was to recognize that older adults would benefit if the community developed a *system* for dealing with elder abuse that involved a wide variety of agencies and organizations working together

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to coordinate their efforts. The modern dispute resolution systems discussed above have multiple points of entry for cases and multiple options for conflict resolution and also place a major emphasis on the role of education in preventing and managing conflict. In the Waterloo Region approximately 40 organizations are available for referral, for assistance in resolving conflicts, and for public education. These organizations cover a very broad range of services from the Alzheimer's Society to a private law office to Women's Crisis Services. The EART and its community partners have a mandate to build a broad community response to elder abuse and have put a significant effort into ensuring that the organizations in the matrix are communicating with each other and working together to provide a full range of responses. Each elder abuse case is unique, so responses must be tailored to individual situations. Several of the key actors noted in the interviews that it is often very difficult to reach vulnerable populations, and this may be more of a problem with seniors than with some other vulnerable groups. The more agencies there are to refer older persons to the program and the more alternatives there are to choose from to help resolve their issues, the higher the probability that an appropriate solution will be found. Thus, the diversity of the partners is very important.

A final point that should be made is that this program exemplifies the development of sound public policy. The original elder abuse project was highly focused on the use of healing circles to help restore the relationships that had been broken by elder abuse. This philosophy seemed viable and helped to attract a broad range of community partners. It also gave the program a national profile in Canada. However, while this project had many significant accomplishments, the circle component was not as successful as the organizers had hoped it would be. There were fewer referrals to the program than expected, and few of the circles were successfully completed. Rather than giving up or trying to continue making the original model work, program planners recognized that their goal was helping abused seniors, not running circles, and were flexible enough to make major changes. The agencies supporting the elder abuse initiative, particularly the CCAC and the Waterloo Regional Police Service, stepped forward with an increased commitment, and the program was extensively redesigned. The new program has been very successful in increasing referrals and in ensuring that community partners work well together. The issue of the impact of this program on older adults should be assessed by further research.

NOTES

1. While not all authorities classify self-neglect as a form of elder abuse, it is a problem that is often dealt with by those who treat elder abuse.

2. The Waterloo Elder Abuse Response Team does not deal with elder abuse committed by complete strangers.

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