



Come Together 2008

... A unique dialogue between people with intellectual disabilities,
their support networks and Manitoba policing agencies

Conference Proceedings

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FINAL REPORT

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Executive Summary

On February 13, 2008, Community Living Manitoba hosted a day long, interactive conference entitled '*Come Together 2008*'. It brought together over 60 police from across the province, over 120 representatives from government and service providing agencies (justice-related and human service related), as well as self-advocates with intellectual disabilities, family members and others. More than 200 people participated in the event.

The conference was divided into nine parts: 1) opening and welcome; 2) personal narratives of six people who have very different involvements with people with intellectual disabilities on issues of violence and abuse; 3) context information on issues of violence and abuse against people with intellectual disabilities; 4) three concurrent sessions before lunch; 5) two concurrent sessions after lunch; 6) a plenary session that summarized key themes explored during the day; 7) an 'open mike' forum for general feedback and to capture issues that had not been included in the summary; 8) a round table exercise in which participants brainstormed and prioritized 'what comes next?' to further the safety of people with intellectual disabilities; and 9) a 'recipe card' session in which participants indicated the most striking impressions left on them by the conference.

Recurring concerns that surfaced at the conference were the vulnerability of people with intellectual disabilities, yet the need to treat them as adults, balancing the 'presumption of capacity' and self-determination against the impulse to protect and perhaps over-protect. Other themes were the importance of teamwork, the particular challenges that police and service providers encounter in small, rural communities, the need to accommodate cultural diversity in policing and human services and frustrations with the judicial system. Underlying many of the conversations was concern about the lack of informal supports – relationships with friends and neighbours – that characterizes the lives of many people with intellectual disabilities. These informal supports can be important aids when harm occurs, but perhaps just importantly, can be powerful antidotes to those who would exploit and harm this vulnerable segment of the population.

Key directions for change and improvement are amenable to long-term and shorter-term efforts. Over the longer term, it will be crucial for all stakeholders to continue redressing the power imbalances in which people with intellectual disabilities often find themselves, working to embed people in informal relationships with trustworthy people in the community, and taking on a criminal justice system whose doors seem effectively closed to many and whose scales of justice seem seriously out of kilter.

Shorter-term actions congruent with longer-term objectives and efforts are largely educational in nature and would focus on 'best practices'. These include the following:

Relationships and Informal Safeguards

Provide concrete examples of strategies that have been successful in helping to embed people with a significant level of intellectual disability in informal relationships with trustworthy people in the community.

Power, Control and Choices for Individuals

Examine models for creating authority to intervene where vulnerable people clearly need protection or a response to harm, but that also: a) avoid use of stigmatizing labels; b) presume individuals' capacity to make decisions; and c) provide interventions that are respectful and accommodating of people's self-determination and choices.

Explore strategies used in complex decision-making scenarios in which informed consent / self-determination has been fostered in a range of decisions made by people with a significant level of intellectual disability.

Criminal Justice Process and Formal Safeguards

Provide training to personal support workers on the *Vulnerable Persons Act*. In the training, draw attention to the nature of the problem(s) the *Act* seeks to address, the guiding principles and obligations/responsibilities that flow from the *Act*.

Examine approaches/models in the adult services sector for successfully tracking and/or 'flagging' names of convicted *and* alleged/suspected abusers of vulnerable persons.

Explore concrete, detailed examples of *how* people with significant cognitive and communication disability have been successfully prepared for court.

Document and do content analysis in a workshop/symposium setting on court proceedings and jurisprudence where there have been convictions in cases in which victim/witnesses have a significant level of cognitive disability and communication difficulty.

Explore concrete examples of how non-leading, empathetic communication has been used in the successful prosecution of complex cases involving victims/witnesses with a significant level of intellectual disability. Do this through a case study workshop forum, involving attorneys, police, victim service workers and human service providers.

Examine examples of where non-technical, plain language approaches have been used in other jurisdictions to successfully prosecute cases of violence/abuse against people with intellectual disabilities.

Develop specific awareness-raising 'kits' (e.g., information resources and suggested learning exercises) for police and corrections officers, including those working in youth corrections. Cover issues such as Autism, Asperger Syndrome, FAS/FASD, Down

syndrome and various other intellectual/developmental disabilities. Provide high-level tips/strategies on effective investigations with such populations. Refer learners to more detailed resources for more in-depth analysis and solutions.

Explore detailed examples – including the ups and downs, strengths and limitations – of multi-stakeholder partnerships (e.g., protocols for collaboration amongst police, victim service personnel, residential service providers, employment service providers, secondary and post-secondary education services, family members) for preventing / responding to issues of violence and abuse against persons with intellectual disabilities.

Examine examples from other jurisdictions of how people with complex needs receive necessary supports and services, including police protection, without having to undergo a stigmatizing ‘labelling’ process.

Explore examples of how other jurisdictions are using alternatives to incarceration to deal with offenders with intellectual disabilities, but without minimizing the seriousness of their behaviours or the harms they may have caused to others.

I. Introduction and Overview

I am struck by the incredible interest, as evidenced by the number of participants, and the hunger for information, knowledge and skills.

On February 13, 2008, Community Living Manitoba hosted a day long, interactive conference entitled '*Come Together 2008*'. It brought together over 200 people to explore issues of personal safety and the police response for people with intellectual disabilities in Manitoba. In attendance were over 60 police from across the province, over 120 representatives from government and service providing agencies (both justice-related and human service related), as well as self-advocates with intellectual disabilities, family members and others. Marsha Dozar, owner-operator of M.D. Consulting, was the Conference

Coordinator. Cameron Crawford, Director of Research and Knowledge Management at the Canadian Association for Community Living, was the Lead Facilitator and wrote the present report. The report provides a summary of key points and directions for action that emerged from discussions at the conference.

Overview of Conference Streams

The conference was divided into nine parts: 1) opening and welcome; 2) personal narratives of six people who have very different involvements with people with intellectual disabilities on issues of violence and abuse; 3) context information on issues of violence and abuse against people with intellectual disabilities; 4) three concurrent sessions before lunch; 5) two concurrent sessions after lunch; 6) a plenary session that summarized key themes explored during the day; 7) an 'open mike' forum for general feedback and to capture issues that had not been included in the summary; 8) a round table exercise in which participants brainstormed and prioritized 'what comes next?' to further the safety of people with intellectual disabilities; and 9) a 'recipe card' session in which participants indicated the most striking impressions left on them by the conference. Selected impressions are featured in text boxes throughout this report.

Following the opening welcome and introductions, the lights were dimmed and a spotlight focused on a chair on which sat a woman self-advocate, who briefly narrated how she had been victimized by aggravated sexual assault and discussed her efforts to stem violence and abuse against people with intellectual disabilities. This process was repeated for five other people at five other chairs. The other people were a female police officer from the Winnipeg Police Service, a service provider, a representative of the RCMP and a mother whose child with an intellectual disability was murdered. The sixth chair was empty. It was for an offender with an intellectual disability, who felt uncomfortable speaking in person and left a taped message to conference participants.

After these brief narratives, an overview presentation provided context that drew attention to the high rates of victimization of persons with intellectual disabilities, challenges they face in the criminal justice system and key findings of recent research on violence and abuse against Manitoban women with intellectual disabilities. The latter included the kinds of harms women are experiencing and gaps and 'blind spots' in

present laws, policies and program arrangements that leave such harms undetected and without effective response. The presentation also suggested some ground rules for the remainder of the conference that acknowledged the significant challenges that all stakeholders are facing in the area of violence and abuse against people with intellectual disabilities. The presentation drew attention to the good faith efforts that all are making to deal with these issues and provided words of encouragement for all to contribute and learn from one another while at the conference. The context presentation is available at Community Living Manitoba's website (<http://www.aclmb.ca/>).

The three concurrent sessions before lunch explored: 1) the roles of police officer, service provider, victim service worker and family service worker and what each needs from and can expect of one another; 2) ethical issues that arise when responding to complaints and investigations involving people with intellectual disabilities and 3) complicated cases that involve 'grey areas' (i.e., ambiguities, confusion) when dealing with people with intellectual disabilities.

The two concurrent sessions after lunch explored: 1) experiences and situations in service contexts where behavioural and other crises could have been avoided; and 2) up-to-date advances in carrying out investigations with people with intellectual disabilities.

The remainder of this report provides a summary of key themes that were explored from the concurrent sessions through to the end of the conference.

Process for Documenting Conference Themes

In the breakout sessions, summary session, 'open mike' forum, and reporting back on 'what comes next?' recorders with laptop computers captured the main points of the discussions. Cameron Crawford drew from those notes and from his own in writing up the present report.

II. Crosscutting Issues

Issues frequently identified in the concurrent sessions were as follows:

The Vulnerability of Persons with Intellectual Disabilities

Often, people with intellectual disabilities have difficulty understanding the seriousness of situations in which they may find themselves as victims or as alleged offenders. They often aim to please and thus easily led by those who would take advantage of them. They also can be easily led when reporting abuses, whether to family members, service providers or police officers.

Communication Issues

My hope is that the communication barrier between individuals with disabilities and the legal system will continue to [improve] so that some day justice can be a reality for victims and closure can be happier for them. People need for their experiences to “matter”.

People with intellectual disabilities often have communication difficulties, which further compound the difficulties that stakeholders have in trying to hear, understand and address their experiences of violence and abuse. Some basic rules of effective communication remain operative nonetheless. These include the importance of building rapport and trust and creating a climate of openness and receptivity so people with intellectual disabilities feel safe and secure talking about the harms that may have happened to them. Many people with intellectual disabilities carry feelings of alienation and anger as a result of being controlled and disrespected in life; it is essential for stakeholders to build trust with such individuals if they are to be open about the harms that have happened to them.

At the same time, it is crucial that responders make it very clear what can and cannot be left ‘off the record’. Police and human service workers are obliged, under the *Vulnerable Persons Act*,¹ to report abuses against people with intellectual disabilities. It is crucial that a person wanting to disclose an incident against him or herself understand that the service provider or police officer who is receiving that disclosure may have to tell social workers at the Department of Family Services and Housing.

Acknowledged as a difficult challenge for conference participants was maintaining open lines of communication with a complainant, while at the same time perhaps having to advise the complainant that others may have to be told if s/he were to disclose abuse, and that it therefore may not be in her/his best interests to disclose the incident.

¹ The full name of the Act is *The Vulnerable Persons Living with a Mental Disability Act*.

Treating Adults with Intellectual Disabilities as Adults

People beyond the age of majority are adults – including people with intellectual disabilities. At one time, some considered it socially acceptable to treat people with intellectual disabilities in much the same way as children: the tendency was to ‘talk down to’ them, over-protect them and even expect that they would dutifully and unquestioningly comply with the wishes of those who hold power. Recent changes in thinking about adults with intellectual disabilities, however, have stressed that they, like others, are to be treated as adults. That philosophical orientation has permeated the values and philosophies of many service organizations and is reflected in the *Vulnerable Persons Act*.

In practical terms this means that there must be a ‘presumption of capacity’ for people with intellectual disabilities to make decisions, which translates to respecting their self-determination and choices. At the same time there remains the challenge of ensuring that the consent of people with intellectual disabilities in their own decision-making and choices is truly informed. This challenge can be very difficult to address in relation to people with communication difficulties and limited capacity to understand future consequences. As well, there is the basic human instinct of wanting to want to shield another from a predictable harm when the person susceptible to it may not fully appreciate its closeness or potential severity. There are challenges, then, to finding the right balance between respecting and facilitating the autonomy of people with intellectual disabilities, upholding the dignity of risk, while safeguarding people from potentially serious harms.

Working Towards Teamwork

It was recognized that interventions to stem harms against people with intellectual disabilities are most effective when stakeholders – police, victim service workers, service providers, family and friends of people with intellectual disabilities – are coordinating their efforts and working as a team. However, it was also acknowledged that each has unique roles and responsibilities, different backgrounds and perspectives, and that not all are ‘on the same page’ with respect to understanding of one another’s roles, responsibilities and scope for action. Intentional efforts are required to enable greater collaboration and mutual understanding of one another’s roles and what each realistically can and cannot do.

Everyone seems to want to work together for the same purpose! It’s how we do it... *That’s* the question.

At the same time it has to be recognized that people with intellectual disabilities are not an ‘open book’. While collaboration and teamwork are preferable, the confidentiality of information about persons with intellectual disabilities must also be safeguarded. It is challenging to find the right balance between, on the one hand, enabling a free flow of information sufficient to facilitate intelligent teamwork and, on the other, stemming the flow of information that would compromise confidentiality and individuals’ privacy rights.

Rural Issues

Police in thinly populated rural communities face particular challenges. They are often expected to ‘wear the hat’ of counsellor, social worker, neighbour *and* police officer. Such layers of expectations are not consistent with their training or mandate and are not realistic.

Moreover, in rural communities, people tend to know one another and one another’s comings and goings. It can be very difficult in such communities to ensure the privacy of people with intellectual disabilities who come into contact with the law as victims or offenders, and the confidentiality of information.

Cultural Issues

In some ethno-cultural communities, physical discipline is more widely accepted than it is more generally in society. For police and social workers, there are difficult challenges that have to be balanced. On the one hand, they have to ensure the safety and security of persons with intellectual disabilities in accordance with the law and professional codes of conduct. On the other, they have to be respectful of cultural norms and of the people who live by those norms, even when the norms may not be entirely consistent with the law and professional codes of conduct.

Challenges in the Judicial System

Conference participants raised challenges in the judicial system as recurring themes. People with intellectual disabilities are amongst the most vulnerable citizens in society and highly susceptible to various forms of abuse and exploitation. Yet, for all practical intents and purposes, the judicial system can be closed to them. In criminal proceedings, factors that make it difficult for complainants with intellectual disabilities to have their cases tried and for convictions to be rendered are the rules of evidence, the adversarial nature of the court process, the lack of ‘plain language’, the ease with which people with intellectual disabilities can be intimidated and even traumatized in court, the presumption of the defendant’s innocence and the necessity of proving guilt beyond a reasonable doubt. The credibility of victim/witness with intellectual disabilities, the value of their testimony and their emotional well-being may be so assailed in the judicial process that responding police officers and Crown Attorneys often divert such cases away from that system.

The Importance of Community and Relationships

People with intellectual disabilities would be safer and better included within their communities if embedded in trusting, caring relationships with others, there. In the context of such relationships, people with intellectual disabilities can learn to more fully understand the appropriateness and inappropriateness of their own behaviours and those of others. Trustworthy people can use their influence to dissuade inappropriate behaviours and their potentially dangerous impacts in the lives of people with intellectual

disabilities. The importance of efforts to foster such networks of support around individuals with intellectual disabilities recurred as a priority theme at the conference.

III. Key Lessons: Session Summaries

The following are summaries of concurrent sessions, with a focus on some of the key issues explored and ‘lessons learned’.

Session 1: Who’s Job is it Anyway?

Often there is confusion about roles when service providers, police and others become involved with people with intellectual disabilities. In this session, panellists responded to short vignettes by defining their specific roles as a police officer, service provider, victim service worker, family service worker, etc. The core questions of this session were ‘what can you expect of me, what can I expect from you and what do we need from each other?’

Better communication and links between law enforcement, agencies, medical system will result in better service to the people being served.

So...

- Develop a team for each region?
- Connect with local detachments?

Participants focused on scenarios involving three people with intellectual disabilities: Bob, David and Cheryl.

Bob

Bob dresses inappropriately for the weather. He has seizures that cause him great difficulty. He now lives in a group home. He has become involved in street crime and stealing. He robbed a grocery store with a knife to buy jacket.

David

David has schizophrenia and an intellectual disability stemming from Foetal Alcohol Spectrum Disorder (FASD). He has a criminal record. He speaks well but needs a lot of help with money and to make sure that he takes his medication on time. He usually does well but, when he

gets upset, he stops taking his medication and seeing support staff. He hitchhikes, gets confused and can be vulnerable, aggressive and dangerous. David has not been seen for three days. The temperature is minus 40 degrees. He does not want any contact with support staff ever again.

Cheryl

Thirty year-old Cheryl has an intellectual disability. She has various support staff 24 hours a day. She is frequently misunderstood because of her disability. Her family tells her she will be taken away if she is ‘bad’. Cheryl disclosed a sexually abusive relationship to one of her staff. A short police investigation was conducted, in which Cheryl nodded to answer. The officers decided not to proceed with case. The man who allegedly committed the offence against Cheryl was not charged.

Lessons Learned:

While the people and scenarios are quite different, some general themes and principles emerged in the discussion.

Concerning Police

Police who become involved in such situations must follow the law. They must also make sure that the individuals at the focus of attention understand their rights. Helping people understand their rights can be difficult for police, especially where the vulnerable person's disability affects their ability to communicate verbally.

If the person at the focus of police attention is a vulnerable person, it is the police officer's duty to facilitate access to legal council. Police may also try to involve the individual's family. Ultimately, however, it has to be anticipated and accepted that the individual may refuse council.

If individuals are under personal care orders and have Substitute Decision Makers or are under the care of the Public Trustee, it is important that these persons in authority be contacted in order to discuss what action to take. Police should notify the Public Trustee before speaking with a person formally deemed 'vulnerable'.

If a vulnerable person is missing, data about the person can be entered into a national database that can be accessed by police across Canada and the United States. If the person seems to be in distress and in need of obvious assistance in another jurisdiction, he/she may be taken into custody and returned home. Where police have been provided prior information about the person who is returning to Manitoba (e.g., mental health issues; reliance on social assistance), this can make it quicker for police to assess and plan action with regard to that person. However, if the individual does not seem to be in jeopardy of hurting self or others in another jurisdiction, he/she will probably be let go, there.

A vulnerable person who has been abused may – mistakenly – feel that the police have become involved to 'get mad' and take them away. Because they have not been taught otherwise, they may not know that police are actually present to assist them. Police need to allay such concerns and be clear about their role.

Proper training of police is important in order for them to be able to interpret the vulnerable person's needs and what s/he is trying to say. There are many officers who are inexperienced with respect to vulnerable persons so do not know what steps to take and precautions to observe.

A police interview should be set up to help the vulnerable person who has been abused to feel more comfortable; there is no need for the officer to be in uniform for that interview. The first interview can ultimately jeopardize the investigation if correct steps and proper planning are not followed.

In smaller communities, police are often 'in the know', i.e., know a lot about situations involving people with intellectual disabilities and have many contacts for helping to resolve issues that arise.

Police have responsibility for keeping the community safe – even from vulnerable persons if it is known that they are potentially dangerous.

Concerning Others

Interdepartmental collaboration is required where more than one department has responsibility for an individual. For example, the Department of Health may have responsibility for a person with schizophrenia. Family Services and Housing may also be involved because the person is deemed vulnerable owing to FASD.

Coordinated case management is essential in such circumstances.

Some individuals fall between the cracks of the system.

One thing I have taken from today's conference is that, while we have made strides towards supporting people with disabilities collaboratively, we still have a long way to go.

Social workers should look at the matters of fact concerning incidents that come to their attention. For example, if the individual unexpectedly comes into possession of a jacket, where did the person get it? Was there really a robbery? If there was no robbery, where did the person get the money to buy the jacket? If the person did not buy the jacket, how else did he/she obtain it?

It is helpful if police have a bit of background on the vulnerable person at the focus of their attention. Even five minutes speaking with the social worker(s) of a person with a disability can be very helpful to investigators.

Where possible without breaching the individual's privacy and the confidentiality of sensitive information, service agencies should share information amongst themselves about people with intellectual disabilities who have come into contact with the law. Legislation permits Community Service Workers to share information with police.

Support staff persons need to be watchful for safety issues. A person who is offending may face reprisal from peers involved in criminal activity once police are asked to become involved. A person may be vulnerable to abuse if in a relationship where there is a power imbalance.

People who are involved in crime may try to 'set up' a vulnerable person to take the blame. The vulnerable person may not understand the seriousness of what they have become involved in and how they have been manipulated. Support staff need to be watchful for such possibilities.

In the event that a vulnerable person runs away, support workers should contact Community Service Workers.

General Issues Concerning All Involved

In order for police to find and take custody of a person who has run away, the individual must be classified as ‘mentally unstable’, a ‘danger to the community’, be designated with some other label or be under the *Mental Health Act* or *Vulnerable Persons Act*. This kind of designation is necessary in order for authorities to take charge.

While it is important to help vulnerable people be safe, they are adults. A balance needs to be struck between preventing harm and allowing people to make their own decisions, good or bad.

Where a vulnerable person is the alleged victim of abuse, it is important for responders to determine the nature of the relationship with the alleged offender. It would be important to help keep the complainant and other vulnerable persons away from the alleged offender.

More counselling for self advocates with sexual abuse... all kinds of abuse...[counselling] that understands self-advocates.

There are serious challenges to overcome in fully ‘hearing’ victims’ allegations of abuse. For instance, a victim with limited verbal communication skills may feel helpless and that she is being silenced because others are not making sufficient efforts to understand what she is trying to say. Maybe she could write out the details of the incident, but she may lack the literacy skills required to provide a written statement. Perhaps she could narrate the incident on videotape. However, such evidence may not be admissible in a court of law.

Individuals who have come into contact with the law may need a lot of support. Many feel insecure and worried. Everyone has responsibility to be empathetic, here.

Session 2: Ethical Issues

Many ethical issues arise when responding to complaints and conducting investigations involving people with intellectual disabilities. In this session, panellists explored several key issues. These issues included informed consent, the ups and downs of labelling people, choice, harm reduction, manipulating for the ‘greater good’, ‘off the record’, conflicting codes of ethics, etc.

Lessons Learned:

Concerning Police

Stories of harms against persons with intellectual disabilities are continual in police work. An example of financial abuse was shared where an exploiter had a person with an intellectual disability write cheques to cover more than the legitimate expenses of the exploiter, e.g., event tickets for more than two people. The *Vulnerable Persons Act* does offer some protection against such abuses and can greatly assist staff who struggle with and want to report these types of issues.

The session on Ethics caused me to really think about ‘presumption of capacity’ and how this weighs against the need to offer protection to ‘vulnerable’ citizens. This is a huge challenge when offering assistance in the criminal justice system!

There are many layers of ethical considerations and ethical ‘grey areas’ in supporting people to life in the community. For example, in supporting individuals’ decision-making, some risks are involved and police cannot be involved at every turn.

Core values in all police mission statements are based on trust, integrity, respect and good faith. This requires open and honest communication. However, this does *not* mean that issues concerning vulnerable persons can be dealt with ‘off the record’. Support staff are encouraged to talk with the Vulnerable Persons Coordinator to explore the situations they are dealing with. However, such issues cannot be left ‘off the record’.

It was pointed out that it sometimes does not take a lot to understand what is wrong when abuse occurs. If the ‘golden rule’ were the basis of how police and other professionals deal with people with intellectual disabilities who have been abused, people would be asking themselves, “How would I like to be treated in this situation?”

Concerning Others

Ethics are important for the work of care providers. Other systems may not understand the ethical orientations of care providers and may even be adversarial. However, if the focus is kept on the people supported, this can be ethically grounding for care providers.

Cultural issues are faced and have to be addressed. For example, an immigrant family may use physical discipline, which may not be entirely congruent with law, public policy

and professional codes of conduct. However, the underlying value and place for common understanding between professionals and such parents is the love the parents have for their children. The parents do not have to be in favour of the law. However, it can be explained clearly that the law must be respected nonetheless. The motivation to keep their children with the family and the family intact provides motivation for such parents to adhere to the law.

The ‘presumption of capacity’ of people with intellectual disabilities has led to some major changes. For one thing, it requires informed consent of people with intellectual disabilities. Families, health providers and police want individuals to stop engaging in harmful behaviours, such as taking illicit drugs, excessive drinking, etc. Stopping such behaviours is most challenging when the presumption of capacity is in play. For example, at one time a service agency would have meted out ‘consequences’ in efforts to stop unwanted behaviours. Now the same agency welcomes the individual back, helps them get cabs, feeds them and helps meet other needs. The underlying principle is that it is better to have people feeling comfortable, safe and that they have a home rather than their feeling unsafe and alienated, i.e., having to choose between living on the streets or in a place that they do not like and where they are forced to do what others want them to do. There are limits, however. The ‘trick’ is to work with harm reduction strategies flexibly and intelligently while accommodating people’s self-determination based on informed consent.

Ethically speaking, it is important to keep people with intellectual disabilities clearly informed about what secrets can and cannot be kept. This issue has a direct bearing on the limits to the supports that can be provided to them. The person may need to share an incident of abuse; however that cannot be done with a service provider without the provider having to divulge the information.

Concerning difficult behaviours of people with intellectual disabilities that may not be in their own best interests, it is important to remain available to them and to find ways of being neutral and non-judgemental. It is also important to be available and to work together with people who change their minds and decide to share incidents of harm against themselves.

General Issues Concerning All Involved

Regardless of whether people are working as police, as social workers or in service-providing organizations, ultimately their missions are similar and everyone faces frustrations with the courts, limited resources, people’s knowledge and abilities, etc.

Questions From the Floor

The following are some questions from the floor that were addressed in this session.

Concerning Police

Question: As a police officer, how would you deal with a victim who came to you saying they are being sexually assaulted and wanting to charge the offender or go to court, but where others are saying they don't believe the victim's story?

I've learned that police will be there if I need them.

Answer: Special units are victim-based in their investigations. Police will listen to the complaint, believe and investigate. The victim has the right to choose what the next step will be; police will not force the case to go forward in most situations. In a case where the person has a Substitute Decision Maker (SDM), the SDM has authority to choose next steps.

Police do have the authority to believe and accept the information provided by the individual coming forward. This can help others involved with the individual to believe the credibility of his/her allegation.

Question: What is police protocol for getting consent for a search if the person is not able to give consent or lacks understanding?

Answer: The Winnipeg Police Service has written policy so that, if someone is deemed vulnerable with limited ability to understand the criminal justice process, the officer is obligated to help him/her understand or obtain assistance to make that happen.

If service-providing agencies call upon police to exercise a disciplinary role, this can put everyone into an awkward situation. For example, an individual may view porn; the service agency may be opposed to this and want police to intervene. If the individual watches child porn, this would be unlawful. However, if a police officer were to search the person's computer, this could involve a violation of privacy. On the other hand, adult-based porn is not illegal and police have no role to play in curbing its use. About all police could do would be to instruct the agency to talk things over with the person they support.

Question: Life in northern Manitoba can make Winnipeg look more exciting. People who buy tickets to travel, or hitchhike from the north to Winnipeg, are at risk. Can support staff report to the Winnipeg Police Service (WPS) about the risk of victimization of individual?

Answer: Support staff can call the Vulnerable Persons Coordinator at the WPS, who keeps a running list of names so that, if a difficulty comes to light, follow-up can be done. Agencies connect with other agencies to assist one another in that way, too, which is another option for support staff to consider.

Concerning Others

Question: How can front line staff better support individuals when there is police involvement? For example, safeguards were put in place for someone who ultimately ended up being investigated for alleged sexual assault. Police got involved and staff felt unsupported and intimidated. It was a small community, so word about the incident ‘got around’. How can agencies provide better education for their front line staff?

Answer: This is a challenging issue. Training is offered for support staff concerning issues such as the empowerment of people with disabilities, assisting people with physical mobility issues, personal care and so on. Staff do not wish to interfere with the police investigations but do not get training on how to assist police officers in doing their job. While every situation is unique, it is important that staff be trained to tell police the facts relating to incidents, not merely staff’s assumptions or foregone conclusions.

Support staff should not take what police do in their jobs personally. Administration should be encouraged to develop relationships with the police. If there is understanding at that level, staff will feel more supported.

General Issues Concerning All Involved

While agencies experience struggles and challenges working with police, working collaboratively with agencies can be difficult for the police too. How do you help the client so that the help provided is in the best interest of the person, whether offender or victim? Police and service providers have to separate their roles as ‘agency persons’ or ‘police’ and get back to basics of the golden rule. The focus needs to be placed on people’s safety and how people should be treated as fellow humans.

... treat others how you want to be treated.

Sexual assaults are very complicated. Still, staff are encouraged to come forward with the information they may have. Police officers do not always have to disclose the name of a person who provides such information if the person feels they cannot report through ‘official’ agency channels.

Ensuing safety and protection are goals of police, so police officers sometimes ask why others would let people with intellectual disabilities be at risk. Yet ordinary risks are involved in living in the community and there is dignity in taking ordinary risks. There needs to be ongoing discussion and sharing between agencies, families and police to build bridges, address fears, reach for common hopes and build greater understanding.

Families understandably get frustrated and look for solutions when violence occurs. No parent wants to call the police on their child if he/she becomes involved in something violent, but do resort to calling the police none the less. Families were encouraged to ‘stay with it’ and maintain some common ground with the family member who has become involved with police. They were encouraged to keep talking and to adopt non-

judgmental, neutral approaches as they work through these difficult challenges with their family members.

Session 3: It's Not Black and White

In this session, experienced justice professionals (police, probations, victim services workers) presented complicated cases that involved the ever present 'grey areas' when dealing with people with intellectual disabilities. Service providers, families and others learned how to support, rather than hinder, the process of investigation.

Issues Discussed:

Seems that, no matter how much we have tried to help a person with disabilities and told them it is okay to tell when a wrong has been done to them and we will support them through the courts, then to watch the Crown [Attorney] not bother to communicate with the person and the person who did the wrong to just walk away and as we as service providers try to pick up the pieces of young women's broken souls.

Key challenges explored in this session that need to be addressed with respect to the judicial process for persons with intellectual disabilities are as follows:

Over time people tend to forget. Some individuals with intellectual disabilities want to please interviewers. So individuals sometimes mix the truth with what they think might have happened or what they think others want to hear.

It can be difficult to understand the speech of people with communication difficulties.

Individuals testifying in court will have their credibility attacked and are likely to feel intimidated. It can be difficult to properly prepare people with intellectual disabilities for court.

Complainants sometimes make false allegations, so the possibility of false allegation has to be prevented. Where the defence attorney claims that a false allegation has been lodged, this issue has to be addressed, even if the defence is using this as a diversionary tactic.

The judge has to be certain beyond a reasonable doubt about the guilt of the defendant in order to find guilt and impose sentencing. The judge is not always convinced, so defendants are often acquitted, which can be very discouraging for plaintiffs with intellectual disabilities and their lawyers.

Professionals are often not 'on the same page', and lack training and knowledge on working with people with intellectual disabilities. As a result, systems can be very traumatic for people with intellectual disabilities. On top of that are cultural issues that also need to be addressed, e.g., for Aboriginal persons and Muslims with intellectual disabilities.

The present 'system' requires that a 'label' be attached to the person with an intellectual disability in order to secure appropriate resources. Without the label, especially if advocates are not involved, it is unlikely that public dollars will flow for supports to people with intellectual disabilities. Getting a formal diagnosis of the plaintiff's disability

can help in the judicial process, but sometimes resources are lacking to engage professionals, such as psychiatrists, who can assign such diagnoses. Moreover, people with intellectual disabilities typically do not want the stigma of the label, even if it could help them at court.

Resources are particularly limited in rural communities to support the prosecution of cases.

Agencies tend to be quite ‘territorial’ and hold back information. Professionals sometimes use the *Privacy Act* to hide matters that may have adverse consequences for themselves and their employers.

The Child and Family Services division (CFS) of the Department of Family Services and Housing is the first to interview vulnerable people who have been abused, but CFS files are rarely used in court. Charges are more typically laid on the basis of information the police receive.

The issue of tracking abusers was discussed. A Child Abuse Registry may have some utility, but it was pointed out that the name of an abuser who is not charged would not be registered. Such individuals are simply ‘lost in the system’. It was suggested that agencies could perhaps keep an accessible record of victimizers.

Various other issues were discussed as well, including: how the interview and investigation processes are conducted; use of videotapes in court; and that abusers are frequently someone known to persons with intellectual disabilities, not strangers.

Lessons Learned:

Potential solutions to some of the challenges that were explored in the session were:

- Ensuring persons with intellectual disabilities are involved in informal relationships with trusted others;
- For the judicial system to work with the informal networks of people with intellectual disabilities;
- For all stakeholders to remain objective;
- Provision of ongoing training in the police service on issues related to Foetal Alcohol Spectrum Disorder;
- Ensuring that there is a variety of people in the judicial and human service systems with a variety of skill sets;

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- Ensuring that services meet the needs of Aboriginal persons and other visible minorities with intellectual disabilities;
 - The need for more widespread use of plain language in the judicial system; and
 - Children and vulnerable individuals having someone seated beside them in court if they have trouble communicating. Any proceeding can use this process.

Session 4: It Didn't Have to Come to This!

Service providers are getting better at recognizing when situations are moving towards crisis or criminal behaviour in both staff and people with intellectual disabilities. In this session, service providers, family members and other participants shared experiences and situations where crises could have been avoided and discussed ways in which police officers can be part of a preventative plan.

The discussion revolved around four scenarios involving Jane, Chris, Bill and Kim. All of these incidents involved real people. However, the names of Jane, Bill and Kim are fictitious.

Jane

Jane is in her 50's and reluctantly moved from Interlake to Winnipeg. A support staff person came over to her apartment, started bossing her around, tried to control her and insisted that she leave the apartment. Jane did not want to be living in Winnipeg in the first place, did not feel safe, there, so did not want to leave her apartment and had repeatedly requested to move back to Interlake. A Community Service Worker claimed to have done a community assessment concerning this request. However, that process had stalled because Jane's relatives indicated they did not want to see her there. Jane felt this was unfair; it upset her very much. Feeling upset and 'bossed around', Jane swung at the staff person.

Her action against the staff person was the direct result of feeling that she had lost control of her life. On top of the other distresses Jane was experiencing, the staff person was forcing her to do things she did not want to do, heightening the distress.

The agency Director felt that there needed to be a 'natural consequence' for Jane's behaviour, but without understanding the antecedents that led to the behaviour in the first place. Jane was charged with assault and placed on probation.

Eventually, with the assistance of a more supportive CSW with whom Jane had gone to school, she was able to move back to Interlake.

Chris

Chris was stabbed to death on June 6, 2005. He had a diagnosis of Foetal Alcohol Syndrome and reactive detachment disorder, i.e., difficulty forming lasting relationships. He 'presented' very well, although after talking with him it would become clear to most people that he had a disability.

His parents attempted to get help for his erratic behaviour around 2000, when he was 12 years of age, but were told that services had to be arranged through Children and Family Services. After months of waiting, Chris was eventually placed in a treatment home. A Manitoba adolescent treatment centre had turned Chris down many times because he did not fit into any of their programs. His parents attempted individual services, a mobile

crisis unit and other options. However, unless Chris was attached to a childcare agency, supports would not touch him. His parents knew that safety issues were real yet agency and government staff did not comprehend or listen. Warning signs and red flags were present, but because he did not present as someone at risk, these warning signs were ignored.

He was moved into an independent living situation with reduced support hours. When he was nearly 18 years of age, his parents' fears became real. On the date he was murdered he had been left alone in his apartment; staff had gone home for the night. His parents had urged that he be provided 24 hour supervision.

I appreciated the honesty and frustration from the guest speaker who lost her son. I will remember what she discussed when deciding with my clients in law enforcement.

The key failure was that the staff came to their own conclusions about Chris without listening enough to the parents and other family members.

Bill

Bill, a 22 yr old with Down syndrome, walked into a gas station in Dauphin armed with a screwdriver demanding money, threatening the attendant with death if the attendant refused to comply. Within 40 minutes of the incident, Bill was arrested, taken to the police station and

locked in a cell. He presented himself as if he understood what the officers were telling him; police drew the impression that he wanted to experience what jail was like. He was charged with armed robbery and has been released on his own cognisance with specific conditions.

Police had prior knowledge of Bill. Nine months before this occurrence, Bill had walked into the RCMP detachment armed with a weed puller and used it in a threatening way. The incident was handled in a non-judicial manner. Bill had a mental health worker who determined that the best course of action was that an assessment be conducted and that Bill not be left unsupervised. TV has influenced him heavily.

Before the most recent incident, Bill lived part time with his family and worked with an agency in town. He had been delivering weekly flyers.

Kim

Kim and another young woman moved from the Manitoba Developmental Service (MDC) to a community agency. Going from MDC to the community could have resulted in Mary feeling overwhelmed. Kim's freedom of choice concerning food consumption and staff asking her to stop eating so much resulted in Kim raging. Police were called when Kim started smashing dishes.

Neighbours were concerned. Wanting to know what was happening, they asked questions about reoccurrence. Police also asked lots of questions, including what the agency's expectations were. Police suggested sedation, trips to the hospital and other ideas. When police left, Kim went into her room and raged some more.

The next time Kim raged, an ambulance was called. The hospital took her in. No one stayed with her, which put others at risk too. The outcome was that she was moved back to MDC.

Lessons Learned:

Concerning Others

People working in the human service field have enormous power, which can result in positive and negative outcomes, depending on how supports are structured. There is a need for people working in the field to have a solid, values-based orientation towards people, and learn how to plan and arrange supports for outcomes desired by the people served.

People with intellectual disabilities need to be offered ways to give to and connect with the community beyond human service agencies; a network consisting only of paid people can put people at risk. Developing networks of supportive people who care about people with intellectual disabilities must be a central strategy in efforts to assist people to live full lives.

It is critical that those working in human services truly listen to and support the wishes of the people served.

There are still no dollars to support people who do not qualify for services ('IQ-ism'). Towards the end of his life, Chris was trying to turn things around. Since Chris' death, some positive changes have occurred: the agency is more careful about how to transition people into the community; police and judges have demonstrated greater understanding of FAS and individuals' uniqueness. Parents/families need to keep talking with supports/systems and participate in developing support plans.

With respect to people moving from institutions, sometimes agencies are not given all the details they need in order to support people effectively to live in the community. More planning and time to really get to know individuals are required for people moving from the MDC. The process requires more time than is presently allowed.

It is helpful when MDC staff come along when people leaving the Centre visit the communities to which they are destined.

A key question that still needs to be answered for people making the transition from the MDC to the community is, "Who can stakeholders rely on to help make the transition process better when difficulties arise?"

People working at the Manitoba Youth Centre (a large correctional facility) need to know more about the conditions that people with FASD and other intellectual disabilities live with. They need training, better information and understanding of what and who they are

dealing with.

In Chris' case, the failure of professionals to listen to parents had a tragic impact, as did the failure of agencies to share information amongst themselves. Listening more attentively involves: getting to know people well and meeting others who know them well; looking for ways beyond the spoken word that people use to share their likes and dislikes; being willing to take the time to be attentive; and watching out for subtle changes – things that are a little different – that might be signs that something could be wrong.

When individuals do not have an obviously disabling condition and their behaviour is such that they are not identified as being at risk, it may not matter much if their parents are strong advocates; the individuals and parents are likely to have difficulty securing the supports needed. Gaining supports for someone with a disability after age 21 is a *real* challenge.

People with what may be invisible conditions, such as FASD, are at risk of developing behaviours that result in even further risks, such as depression and its consequences.

It goes without saying that professional competency and knowledge are required, as is skill in applying competency and knowledge so these are exercised well.

People need to be mindful of the values, beliefs and attitudes that they bring into the moment/situation. They would do well to be a little self-critical about their attitudes regarding the investment it will take from them to get the valued/ethical outcome they seek.

Natural consequences occur within the community. However, a 'parallel world' has been created around people with intellectual disabilities. This parallel world has robbed professionals and community members of understanding how to deal with difficult and challenging people. Only now are professionals and communities getting around to dealing with such issues. The consequence of creating this dual world is that, now, past approaches and actions have to be faced.

Concerning Police

Under the uniform is a human being.

General Issues Concerning All Involved

It is possible for stakeholders to work well as a team. For example, concerning Bill, within ten minutes of the incident at the gas station, police made calls to his parents, the CSW and his mental health worker. Before Bill was interviewed, a team approach was applied. Although the incident was an unfortunate event, everyone worked well together and hopefully will be able to identify good supports for the future.

Session 5: Investigation Tools and Techniques

In this session, participants heard about up-to-date advances in carrying out investigations with people with intellectual disabilities, with a focus on what works and what doesn't.

The session's presentation addressed the following topics: clarifying who is meant by the terms 'people with intellectual disabilities' and 'people with mental illness'; concerns and cautions that should guide the interviewer; the team concept and roles and responsibilities of team members; dangerous assumptions; and the basics of effective communication. Use of polygraphs was also discussed.

Lessons Learned:

Concerning Police

By taking to the police. They are our friends. I was abuse from my father. He had sex with me when I was only 18 years old. But nothing was done with him. He didn't know what he was doing. I told my mom. She said that I was not to write. He should know better. So I think he learn his lessons.

Key concerns outlined in the presentation were that the investigator must be accurately understood by his/her subject and that the subject must understand the potential seriousness of the issue being investigated; the investigator must accurately understand what the subject is communicating; and the investigator must be attentive to whether his/her conduct is promoting or inhibiting effective communication.

Dangerous assumptions are: deciding that a disadvantaged person cannot be held criminally responsible for their actions; doubting a victim/witness' account of an incident due to their disability; and making any assumption concerning the victim/witness' comprehension or understanding.

General Issues Concerning All Involved

The presentation provided considerable detail on: the "how to's" of establishing good rapport; the importance of conducting a background interview with the subject; bodily and other communication cues; good listening skills; 'proxemics', i.e., body positioning; how to frame open-ended, non-leading questions; validating that the interviewer is being understood and accurately understanding his/her subject; and preserving the interview.

The bottom line messages were that:

- The key to effective communication is empathy combined with patience;
- All persons appreciate being treated with respect and dignity; and
- The more that the basics of effective communication are practiced, the better communicators people become.

The full presentation is available Community Living Manitoba's website (<http://www.aclmb.ca/>).

IV. Closing Plenary

A Review of the Day

In latter part of the afternoon, participants gathered for a plenary session. The facilitator (Cameron Crawford) provided a summary of his observations of the concurrent sessions and of his review of session notes. The main themes touched upon in that summary are provided in the Crosscutting Issues section (Section II) of this report.

Open Mike Session

Cameron then asked whether participants took issue with any of those observations and for participants to comment generally about the conference so far. Comments were as follows.

- One individual indicated that he was looking for clarity about different roles and responsibilities, did not get that from the conference and found this frustrating.
- Another remarked that the various areas of professional expertise and involvement with people with intellectual disabilities are based different perspectives and that the day provided insight into how professionals' approaches vary.
- Another remarked that all participants are dealing with human beings; their main concern is people. All bring their own core values to the table. The participant queried whether participants could get much clearer about one another's approaches than by getting together as they had during the conference. The participant said, "If we agree to disagree, then we are at least still talking."
- One participant expressed general appreciation for the fact that so many different views were brought to the table during the conference, although it was also pointed out by another that that stakeholders do not always approach people with intellectual disabilities in an ethical way from a clear, personal value base.
- A self-advocate related his feelings of being let down by Family Services and Housing and by police after being robbed. He remarked that having to remain in a place where he does not feel safe is a common problem for people like himself.

[I have] a greater awareness and appreciation of both the differences and commonalities of various agencies. This was an uplifting, supportive format which can have far-reaching benefits if pursued.

What Comes Next?

Participants were asked to identify two or three of the most important things that they think need to happen in order to build on the day and further the safety and security of people with intellectual disabilities.

Rapporteurs from most tables indicated that participants wanted more training, including opportunities like the conference to meet, explore issues, learn from one another and find out more about one another's perspectives and approaches. One rapporteur said that the conference was "a real eye opener".

Other priorities that participants identified are as follows:

Concerning Police and the Judicial System

- Make the legal system more just. Presently, it seems more like a system of rules and laws than a system of justice.
- Invite the Minister of Justice, defence attorneys and Crown Attorneys to attend events such as the conference. (One of the conference organizers pointed out that, in the interests of facilitating a free flow of ideas at the conference, a deliberate decision had been taken *not* to invite these important stakeholders until those who attended had an initial chance to get to know one another and share ideas.)
- Find more appropriate alternatives than the criminal justice system for dealing with victims and offenders with intellectual disabilities.
- Ensure that both offenders and victims with intellectual disabilities get the help they need; offenders typically start out as victims.
- Police follow-up on allegations of abuse should include caregivers as possible abusers; caregivers should be included in 'line ups'. It might be helpful if the people abused could have opportunities to confront the people who have harmed them.
- Address the barriers in the criminal justice system that face people with intellectual disabilities. Much of the system is federal. The approach to dealing with the barriers must transcend provincial/territorial boundaries. Meanwhile, the province is encouraged to keep looking at 'in-house' processes to ensure that mechanisms are in place to foster better understanding and communications, tighten up linkages between systems, develop common frameworks for analysis and action, etc.

Concerning Others

- Presently there is little to stop abusers from working with people with intellectual disabilities through a variety of agencies. Deal with the difficulties in securing convictions of abusers of vulnerable persons. Then, expand the Child Abuse Registry to include such abusers (and perhaps rename the Registry).
- Increase awareness about agencies' and staffs' roles and responsibilities. Teach the principles of the *Vulnerable Persons Act*. Ensure that those principles become better and more widely understood.

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- Vulnerable people need accountability from others and to be informed about what people are doing to deal with issues that directly affect them. There should be no secrets from them; it is their life.
 - It was pointed out that a lot of blame is directed at Community Service Workers (CSWs) under the *Vulnerable Persons Act*. The plea was made to stop the blaming. “We are doing our level best”, said one participant. The point was made that it would be helpful if CSW workloads could be lightened.

General Issues Concerning All Involved

- Confidentiality laws and policies are confusing; people are afraid to speak out because of them. Relax these and make it easier for people to speak up about the harms that are happening to people with intellectual disabilities.
- Promote healthy relationships between people with intellectual disabilities and other community members. Increase their circles of informal support. Help people work through their relationship difficulties.
- Remain solution focused. Said one participant, “We’re all here for a common purpose. Differences of perspectives can help” in the search for solutions.

Lasting Impressions

The last exercise of the conference had participants fill out ‘recipe cards’, stating the strongest impression(s) they will take away from the conference. Eighty-one cards were returned. Responses varied considerably. Generally, however, the impressions tended to fall into the following broad thematic areas.

Informal Social Supports

- ‘Natural caring systems’ are important and to be nurtured, i.e., family, friends, community.

Ethical Dilemmas and the Need for Safeguards

- The ‘presumption of capacity’ has to be balanced against the need to ‘protect’ vulnerable persons.
- Harms against people with intellectual disabilities should be prevented from occurring in the first place.
- People are frustrated that offenders too often go free without convictions.

Information, Awareness and Knowledge

- Based on information available to the Department of Family Services and Housing and the Department of Justice, analysis is needed on the number of incidents of violence/abuse against persons with intellectual disabilities that are reported vs. the number of cases that are taken to trial vs. the number of cases that end in convictions.
- Privacy laws are having adverse effects in hindering the flow of information between agencies and the personnel working in them.
- It is important to increase the awareness of agencies, people and their roles in addressing the safety and security of people with intellectual disabilities.
- Appreciation and empathy was expressed for the difficulties and frustrations that stakeholders are experiencing.
- Appreciation was expressed for specific things learned in concurrent sessions (e.g., communication skills, efforts that professionals are making; struggles of self-advocates and family members).
- It is important to be open-minded and open to change.
- There is a need for more training and awareness-raising.

Collaboration for Improvement

As long as we can get together to speak to each other about what makes our jobs most difficult we can hope for solutions or better service for our clients.

- There is an appetite for greater collaboration amongst stakeholders.
- Stakeholders should continue to build on the progress that is being made, striving for ongoing improvement.
- There is an appetite for more conferences like ‘Come Together 2008’.

V. Summary, Future Directions and Conclusion

Summary

Judging by the comments on the ‘recipe cards’ that people filled out at the end of the conference, and by the collegiality of participants throughout the day and as they brainstormed priorities for next steps, ‘*Come Together 2008*’ was a success. It laid a solid groundwork for further dialogues between people in policing agencies, self-advocates, family members and human service providers.

This was a great way to get started. We need more info on our roles and responsibilities, what isn't our responsibility re: reporting and inquiry about abuse. Training!

Would like to see more municipal (rural) police in attendance.

It was, however, only a beginning. Many of the conference participants were meeting one another for the first time. They had limited time to listen, ask questions and share ideas about the complex issues that were explored.

Recurring concerns were the vulnerability of people with intellectual disabilities, yet the need to treat them as adults, balancing the ‘presumption of capacity’ and self-determination against the impulse to protect and perhaps over-protect. Other themes were the importance of teamwork, the particular challenges that police and service providers encounter in small, rural communities, the need to accommodate cultural diversity in policing and human services and frustrations with the judicial system. Underlying many of the conversations was concern about the lack of informal supports – relationships with friends and neighbours – that characterizes the lives of many people with intellectual disabilities.

These informal supports can be important aids when harm occurs, but perhaps just importantly, can be powerful antidotes to those who would exploit and harm this vulnerable segment of the population.

Future Directions

Participants learned many ‘lessons’ and generated many ideas when brainstorming about next steps. Pulling back and reviewing all that happened and was said, a few priorities tend to push their way into the foreground. These are amenable to long-term and shorter-term efforts.

Longer-Term:

People with intellectual disabilities are amongst the most vulnerable citizens to exploitation, abuse and other harms. Concern about this issue led The Roehrer Institute to begin researching it in earnest in the 1980s, when there was virtually no Canadian research on the matter. In part the vulnerability of people with intellectual disabilities stems from power relations in which they often find themselves. Typically, others have more power, wealth, status and credibility in the community. When bad things happen to people with little power, wealth, status or credibility, it is simply easier for community

members convince themselves that surely there has been a mistake and that such things are only figments of the imagination.

Gradually the problem of power relations is being addressed. The ‘presumption of capacity’ requires that people take those with intellectual disabilities seriously as self-determining adults with their own futures to determine, lives to live and choices to make. A philosophical paradigm shift is occurring in many service agencies in the human service sector that requires staff to listen more attentively, make real efforts to hear and then act in accordance with what *people with intellectual disabilities* want, not staff and other third parties. While the shift is occurring, it will take many years before it fully permeates the philosophical underpinnings and professional behaviours of those working in the human services sector.

In part, the vulnerability of people with intellectual disabilities also stems from their relative social isolation – their lack of informal social supports in many cases. People are more vulnerable to a range of harms where they do not have trustworthy people looking in on their lives, or providing watchful checks and balances against unscrupulous others, or available to help out when bad things happen. Again, the problem has been longstanding. The Roeher Institute began Canadian research on the issue in the 1980s, with publications such as entitled *Making Friends: Developing Relationships between People with a Disability and Other Members of the Community* and *Leisure Connections*. Development of informal networks of support is a key concern of Community Living Ontario, a concern widely shared by other associations for community living as well. Yet, many people with intellectual disabilities continue to have informal social networks that are thin to non-existent. Again, it would appear that this challenge is one that will require ongoing strategies and multi-stakeholder efforts over the very long term.

Conference participants expressed frustration with a criminal justice system that has proven so unsuccessful at prosecuting cases of violence and abuse against people with intellectual disabilities, despite the system being populated with good and highly talented people. Again, this problem has been longstanding. It was flagged by The Roeher Institute in its 1988 publication entitled, *Vulnerable: Sexual Abuse and People with an Intellectual Handicap*. The concern informed development of Roeher’s *No More Victims* series of the early 1990’s. It was flagged again by Roeher’s major 1995 research report entitled, *Harm’s Way: The Many Faces of Violence and Abuse against Persons with Disabilities*. Dr. Dick Sobsey has regularly drawn attention to the problem. It was flagged at a large national conference in 2005 on policing and the personal safety of people with disabilities, convened by the Canadian Association of Independent Living Centres and Ottawa Police Service. Attention was again drawn to the issue in research completed for Community Living Manitoba in 2007, entitled *When Bad Things Happen: Violence and Abuse against Manitoban Women with Intellectual Disabilities*. That participants are frustrated – even angry – that the problem persists is understandable.

All the available evidence, however, tends to strongly suggest that problems inherent in the criminal justice system concerning these cases are not going to be ‘fixed’ overnight. Long-range strategies and efforts will be required both within and from beyond that

system to address the challenges that are preventing justice from becoming more widely available to all, and available at all to those amongst the most vulnerable in society.

Addressing the power imbalances in which people with intellectual disabilities often find themselves, working to embed them in informal relationships with trustworthy people in the community, and taking on a criminal justice system whose doors are effectively closed to many and whose scales of justice seem seriously out of kilter – these matters will take long-range strategies and efforts by multiple stakeholders concerned about the safety and security of people with intellectual disabilities.

Shorter-Term:

That said, some shorter-term actions are suggested that would be congruent with longer-term objectives and efforts. These are largely educational in nature, would focus on ‘best practices’ and are as follows:

Relationships and Informal Safeguards

Provide concrete examples of strategies that have been successful in helping to embed people with a significant level of intellectual disability in informal relationships with trustworthy people in the community.

Power, Control and Choices for Individuals

Examine models for creating authority to intervene where vulnerable people clearly need protection or a response to harm, but that also: a) avoid use of stigmatizing labels; b) presume individuals’ capacity to make decisions; and c) provide interventions that are respectful and accommodating of people’s self-determination and choices.

Explore strategies used in complex decision-making scenarios in which informed consent / self-determination has been fostered in a range of decisions made by people with a significant level of intellectual disability.

Criminal Justice Process and Formal Safeguards

Provide training to personal support workers on the *Vulnerable Persons Act*. In the training, draw attention to the nature of the problem(s) the *Act* seeks to address, the guiding principles and obligations/responsibilities that flow from the *Act*.

Examine approaches/models in the adult services sector for successfully tracking and/or ‘flagging’ names of convicted *and* alleged/suspected abusers of vulnerable persons.

Explore concrete, detailed examples of *how* people with a significant level of cognitive and communication disability have been successfully prepared for court.

Document and do content analysis in a workshop/symposium setting on court proceedings and jurisprudence where there have been convictions in cases in which victim/witnesses have a significant level of cognitive disability and communication difficulty.

Explore concrete examples of how non-leading, empathetic communication has been used in the successful prosecution of complex cases involving victims/witnesses with a significant level of intellectual disability. Do this through a case study workshop forum, involving attorneys, police, victim service workers and human service providers.

Examine examples of where non-technical, plain language approaches have been used in other jurisdictions to successfully prosecute cases of violence/abuse against people with intellectual disabilities.

Develop specific awareness-raising ‘kits’ (e.g., information resources and suggested learning exercises) for police and corrections officers, including those working in youth corrections. Cover issues such as Autism, Asperger Syndrome, FAS/FASD, Down syndrome and various other intellectual/ developmental disabilities. Provide high-level tips/strategies on effective investigations with such populations. Refer learners to more detailed resources for more in-depth analysis and solutions.

Ongoing discussions are necessary and allow for the dialogue to continue and hopefully bring about necessary change at all levels.

Explore detailed examples – including the ups and downs, strengths and limitations – of multi-stakeholder partnerships (e.g., protocols for collaboration amongst police, victim service personnel, residential service providers, employment service providers, secondary and post-secondary education services, family members) for preventing / responding to issues of violence and abuse against persons with intellectual disabilities.

Examine examples from other jurisdictions of how people with complex needs receive necessary supports and services, including police protection, without having to undergo a stigmatizing ‘labelling’ process.

Explore examples of how other jurisdictions are using alternatives to incarceration to deal with offenders with intellectual disabilities, but without minimizing the seriousness of their behaviours or the harms they may have caused to others.

Conclusion

... A new beginning and hope for vulnerable persons.

‘*Come Together 2008*’ brought together over 60 police from across Manitoba, over 120 representatives from government and from justice and human service providing organizations, as well as self-advocates with intellectual disabilities, family members and others. In all, over 200 people participated. During the course of the day, participants struck up new acquaintances, shared much and learned many new things. Said one participant, the conference was “a good start to forming new connections and

collaborations.” Another considered the day’s discussion a “model for info-exchange and strategies in terms of other groups who are vulnerable (others with disabilities, seniors, ethnic minorities) and who could benefit from similar networking and training.”

Key directions for long-term and shorter-term goal setting, strategizing and actions will no doubt have to deal with expanding and strengthening the informal relationships of people with intellectual disabilities, addressing issues of personal power, control and individual choices, while moving the criminal justice process and formal safeguards along so these accord greater recognition, safety and justice to people with intellectual disabilities. It is to be hoped that, in the closing words of one conference participant, ‘*Come Together 2008*’ laid in place “building blocks for future conferences like this” and building blocks for freer, safer and more just futures for people with intellectual disabilities and their families.