

Justice Intermediary Starter Kit

MODULE 8

EMOTIONAL RESILIENCE AND MANAGING BOUNDARIES

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What are the emotional demands on a Justice Intermediary (JI)?

Regularly working with people with disabilities, and hearing about the challenges and discrimination they may face in their daily lives – such as difficulties getting their care needs met, financial hardship and unemployment, can be hard for the JI to deal with.

Hearing the details of a criminal case such as a rape or a murder, both from the point of view of the accused and of the complainant, or hearing about the parenting difficulties that have led to a child being harmed can be especially distressing.

Challenging the status quo of the legal system, which has many traditions, can also be hard. The JI is often asking for accommodations which are new approaches for the police or the court and they may be seen as a threat to the established system.

The JI mostly works alone, rarely with a colleague. It can be a lonely task. Lawyers, judges and police often have their own office/room to go back to during court adjournments, while the JI may be left waiting in the corridors.

The details of a case are usually confidential and it is not possible to go home and share experiences with family and friends. Often friends don't want to hear the terrible and often tragic facts of life that they are mostly shielded from.

As a new profession, the JI is often having to explain themselves, justify their position and right to be present, even if the law supports them. It takes many years for the legal system to absorb change.

Can the work traumatize the JI?

Everyone will respond to these experiences in a variety of ways. Some JIs may become more cynical or fearful, and others may become more appreciative of what they have.

A JI's response may be negative, neutral, or positive; can change over time; and vary from case to case, particularly with prolonged exposure.



Vicarious traumatization is a negative reaction to trauma exposure and includes a range of psychosocial symptoms.

A neutral reaction may reflect ways that a JI's resilience, experiences, support, and coping strategies manage the traumatic material.

Vicarious resilience is a newer concept reflecting the positive effects of the work. For instance, JIs may draw inspiration from resilience shown by a person with disabilities, which strengthens their own mental fortitude. Just as victims can be transformed in positive ways by their trauma, so can those who work with them.

Compassion satisfaction reflects the sense of meaning that is gained from working in this type of work. Such positive outcomes can motivate and, in turn, protect against the negative effects of trauma exposure.

Clearly this is a complex area, but one that should not be ignored.

The experience of two Justice Intermediaries

'A tough experience'

'Feeling worthwhile'

This work can be very demanding on the emotional resilience of the JI. Every person will respond differently.



What is emotional resilience?

There are many definitions of Emotional Resilience.

Suggested here are three main characteristics:

- 1.** An acceptance of reality and the ability to see perspective.
- 2.** A deep belief that life is meaningful, often with strong values and purpose.
- 3.** An ability to improvise and find a way round difficulties, out of the difficulties or stay in the moment.

How is emotional resilience relevant to JIs?

Acceptance of reality and perspective

Working in the justice system, the JI has to accept the reality of the environment, traditions and long-standing processes that they will challenge.

The work of the JI is not just about the individual person with disability, it has to be seen from the perspective of a step-by-step approach to changing the system for the better.

It will not change overnight, and the JI will need to be able to let go of the less successful experiences and focus on the overall gains in changing the system. This is not the same as being simply optimistic.

A strong sense of values and purpose

To take on the challenges of developing a fairer access to justice for people with disabilities, the JI must have a strong sense of purpose and overall set of values around human rights, equality and fairness.

An ability to improvise and find a way

To achieve effective accommodations and gain the authorization of the court, the JI will need to be inventive, adaptable and flexible in approach, within the relatively rigid legal system.

Developing a network of professional support is essential.

Supporting JIs' emotional resilience

When setting up a new JI scheme, it will be important to address these aspects of the JI role by ensuring:

- Support from colleagues and supervision
- Procedures and recognition from the legal system are in place
- Managing time and workloads
- Keeping within boundaries of personal competency
- Recognising boundaries of the role.

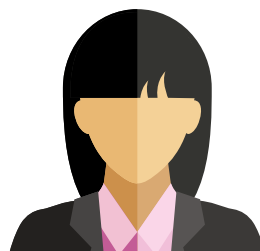
Supporting the emotional resilience of JIs is important, and this module provides some ideas.

There are references and further reading in **Module 11 Resources**.

Boundaries of the role

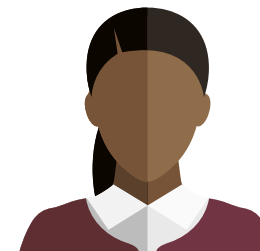
The remit of the JI will be specific to each country/state. There is more information about some JI schemes in **Module 9 Around the World**.

Some boundaries are with other roles already present in the local legal system and beyond, for example advocates, appropriate adults, care staff, psychiatric nurses, etc. Other roles in the justice system: There can be some confusion and multiplicity of roles for people providing assistance and support to the person with disability.



Non-legal advocate

A person who recognises the human rights issues around the needs of the person with disability and asserts on their behalf. Maybe more partial in approach.



Appropriate adult

A person appointed by the police to take responsibility for the person with disability's rights and welfare. May not understand the specific communication needs of the individual.



Interpreter

Where the person with disability does not speak (or not sufficiently fluently speak) the language of the justice system, the interpreter will translate, but also in some situations, may seek to explain what is happening in addition to the direct translation.

Examples of difficult situations for the JI

Each situation is unique and there may not always be a correct or simple answer.



David told the JI and the lawyer that he did not want to give evidence in court, even when the lawyer explained the negative inference that might be made to the jury. Should the JI encourage David to give evidence, and if so, how?

The JI has a responsibility to ensure David has understood the implications of this decision, taking the lead from the lawyer’s explanation. The JI can also explain the accommodations that have been recommended and authorized. However it is not the responsibility of the JI to encourage.



Olive has been asked to attend court as a witness but she is refusing to go. Should the JI be involved in encouraging her to attend, and in what way?

The JI has a responsibility to explain the accommodations in place to reduce anxiety and any predicted difficulties. However the JI does not have a role in encouraging either way.



Georgio does not understand the meaning of ‘consent’. During testimony, the lawyer keeps asking him whether the complainant consented to sex. Should the JI intervene during questioning? How?

The JI would be best to check before testimony started what Georgio’s understanding was of the word ‘consent’ and in conference with his counsel, to help him understand the impact this has on his case. Then the JI could inform counsel in advance that the word ‘consent’ needs simplifying. In the event that this has not been discussed, the JI would need to simplify as soon as the question is asked, and before Georgio answers.



During a break in giving evidence, Isobella tells the JI that she took an overdose of her medication just before she entered court. Should the JI tell the court? How should the JI do this?

The JI has a duty of care toward Isobella. The JI should explain to Isobella that she needs to tell her lawyer, or maybe a security officer if that is the quickest method. Even if Isobella does not agree, the JI may feel it is important to disclose and call an ambulance.



Cim is accused of abusing his girlfriend. He told the JI that he had been abused as a child but did not tell his lawyer about it. Should the JI tell the lawyer? Should the JI encourage Cim to tell the lawyer?

It is the JI's role to maximize communication. The JI probably should encourage Cim to tell his lawyer, although it is not the JI's responsibility to directly inform the lawyer.



Khalid has no funds to pay for a lawyer, so he intends to represent himself. However, as he has a communication disability, he would like the assistance of a JI.

This will depend on the procedural rules developed by the local scheme. There is a concern that the JI may find it difficult to remain impartial and will easily become involved in giving quasi-legal advice, for which the JI could then be sued. It seems unfair for Imran to be both without legal and communication advice, but this may be a risky professional situation for the JI.



Abe smokes cigarettes to reduce his anxiety. He is highly vulnerable and usually has someone to accompany him when he leaves his home. During a break in the police interview about experiencing abuse, he told the JI he had no cigarettes and wanted to walk out and see if a passer-by would give him a cigarette. He did not have money to buy cigarettes. The JI smokes. Should the JI give Abe a cigarette?

The offer of a cigarette to help with his anxiety might be seen as an accommodation that reduces the risk of him going out alone. Perhaps this is best discussed with the police officer.

In summary

- The working life of a JI can impose significant emotional demands
- Each JI will respond to the experience in an individual way
- Emotional resilience is relevant to the JI
- The JI scheme should incorporate support for JIs in this aspect of their work
- Recognising the boundaries of their role will help JIs manage these emotional responses.

Reflection Tool: Module 8

This is an opportunity for the user to reflect on the content of the module and also assist us with continued improvements and updates.

Please [Click here](#) to contribute your reflections.

Are the people recruited to this work likely to have had any training in emotional resilience?

Would emotional resilience and recognising boundaries be part of the selection process?

Continued over the page...

What formal or informal support networks might be useful to the JIs?

How could you ensure that clear boundaries are set for the JI role?

How could support systems be integrated into the JI scheme?