THE LINK BETWEEN CHILD ABUSE, DOMESTIC VIOLENCE, AND ANIMAL ABUSE: STRENGTHENING THE CASE FOR PROSECUTION

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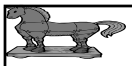
MYTHS AND FACTS

- **Domestic violence is a "family matter"**
- **Domestic violence is usually an isolated incident**
- **Only poor, uneducated, or minority groups are victims of domestic violence**
- **Abusers are mentally ill**



MYTHS AND FACTS

- **Alcohol and drugs cause abusive behavior**
- **Stress causes domestic violence**
- **Battered victims deserve to get beaten because they provoke the violence**
- **Abusers will cease their violence upon marriage**
- **Domestic violence is an anger problem**

TOPICS TO COVER

- History
- Statistics
- Mandatory reporting laws
- Dynamics of domestic violence
- Animal abuse
- Interviewing & Investigation
- Community coordination

Historical Perspective

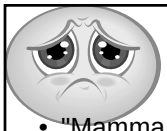
- 1865 - Society to Prevent Cruelty to Animals
- 1874 - Society to Prevent Cruelty to Children
- 1930s - Social Security Act
- 1944 - Prince v. Massachusetts (US S.CT. confirms states authority to intervene)
- 1962 - Dr. C. Henry Kempe authors The Battered Child Syndrome – child abuse an independent diagnosis
- 1967 - Mandated Reporting Laws (physical abuse/neglect) all 50 states
- 1970s - MR Laws expand to include sexual abuse

MARY ELLEN

- Father died in civil war
- Unable to care for her, mother turned her over to the State of New York at age 3
- At age 6, placed with a couple who claimed to be related
- Landlady expresses concerns for child to Etta Wheeler, a Methodist case worker

MARY ELLEN

- ***I saw a pale, thin child, barefooted, in a thin, scanty dress, so tattered that I could see she wore but one garment besides. It was December and the weather was bitterly cold. She was a tiny mite, the size of five years, though as afterward appeared, she was then nine. Across the table lay a brutal whip of twisted leather strands and the child's meager arms and legs bore many marks of its use. But the saddest part of her story was written on her face, in its look of suppression and misery, the face of a child unloved, of a child that had seen only the fearsome side of life."***



MARY ELLEN

- "Mamma has been in the habit of whipping and beating me
almost every day. She used to whip me with a twisted whip, a
raw hide. I have no recollection of ever having been kissed and
have never been kissed by Mamma."

MARY ELLEN

- Following the court case, went to live with Etta Wheeler's sister
- Married at age 24 and had 2 daughters who grew up to be teachers
- Died at age 92

STATISTICS

- In 30% to 60% of homes where there is women battering there is also child abuse
- Battered women are twice as likely to physically abuse their children as non-battered women

STATISTICS

- Children who live in violent homes are at higher risk for witnessing violence
- Children who live in violent homes are at higher risk for being neglected

KENTUCKY

- 32,422 calls reporting domestic violence
- 22,269 cases investigated
- 3,916 victims admitted to shelters
- 2,087 victims denied admittance to shelters
- 29,799 Emergency Protective Orders issued
- 15,444 Domestic Violence Orders issued
- -As reported by the National Coalition Against Domestic Violence

IS RESPONSE TO DV ADEQUATE?

1. Respond within 5 minutes:

36% (stranger) 28% (intimate)

2. Police file a report:

77% (stranger) 69% (intimate)

3. Police search for evidence:

29% (stranger) 7% (intimate)

4. Police seize evidence:

9% (stranger) 2% (intimate)

Although @ 75% of all family violence occurs in or near victims residence. BJS 2005

MANDATORY REPORTING

- KRS 620.030
  - Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Kentucky state police; the cabinet or its designated representative; the commonwealth's attorney or the county attorney; by telephone or otherwise.

MANDATORY REPORTING

- Physician/Nurse
- Teacher/School Personnel
- Social Worker
- Coroner/Medical Examiner
- Child Care Personnel
- Chiropractor
- Dentist
- Optometrist
- EMT/Paramedic
- Mental Health Professional
- Peace Officer
- Medical Resident/Intern
- Allied Health Professional

WHAT IS DOMESTIC VIOLENCE

- A frantic call to 911 sends the police to a local home, responding to a report of domestic violence. They have been called to his house before; a couple married for seven years fights often, and the wife typically ends up in the emergency room but she vigorously opposes charges against her husband .

WHAT IS DOMESTIC VIOLENCE

- She has a secret fear that if she does, he will kill her or hurt her children.

WHAT IS DOMESTIC VIOLENCE

- Their five year old daughter made the call, frantic because Daddy was hitting Mommy with a chair and her baby brother was in the room.

WHAT IS DOMESTIC VIOLENCE

- Police arrive at the scene to find Mom with visible injuries, Dad in the back yard smoking a cigarette, and the five year old in the corner of the living room, hovering over her baby brother's carriage to protect him.

DOMESTIC VIOLENCE

- Victims have individual responses to trauma that are often counterintuitive to public expectations.

DOMESTIC VIOLENCE IS

- Harassment
- Emotional/psychological abuse
- Threats
- Violation of protective order
- Assault/battery
- Sex offenses
- Stalking
- Burglary
- Theft/embezzlement
- Destruction of property
- Kidnapping/child abduction
- Child abuse
- Homicide

LEGAL DEFINITION

- **(1)** "**Domestic violence** and abuse" means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple
  - KRS 403.720

DYNAMICS OF DOMESTIC VIOLENCE

- Tension building
- Explosive incident
- Honeymoon period

WHY DOESN'T SHE JUST LEAVE?

- Hope
- Fear
- Shame
- Social/religious pressure
- Low self-esteem
- Isolation
- Financial dependence
- Personal values

FACTORS IMPACTING RISK

- Stepchild in the home
- Abuser with control issues
- Separation from the relationship
- Controlling behavior + separation = five-fold increase in homicide
- Abuser's unemployment = four-fold increase in homicide
- Abuser's access to firearms = five-fold increase in homicide

THE REALITY OF A DV ASSAULT

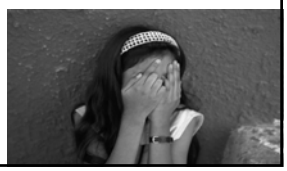
- 59% of female victims suffer an injury.
- 27% require medical attention.
- 18% are threatened by a weapon (knife is most common).
- In 2000, in homicides where the weapon was known, 50 percent (1,342 of 2,701) of female homicide victims were killed with a firearm. Of those female firearm homicides, 1,009 women (75 percent) were killed with a handgun).

WHO ARE THE VICTIMS?

- Predominately women, but also men
- Same sex couples
  - In a survey of 100 battered lesbians
  - 35% lived with either their own or their partners children
  - 30% of those children were also battered
- Teen dating violence

WHERE ARE THE CHILDREN?

- Hiding under a bed or in the closet
- Standing between the adults trying to quell the attack



STATISTICS REGARDING CHILDREN

- **87% of the children are aware of the DV.**
- **In 30-70% of the families with spouse abuse, there is child abuse.**
- **Severity of child abuse can parallel domestic violence.**

CHILDREN WHO WITNESS DV

- Children who witness domestic violence often manifest behavioral and emotional problems, poor academic performance and delinquency
- (Edleson, 1999)

How does DV impact kids?

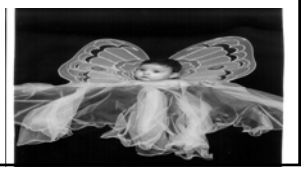
- Truancy
- School drop-outs
- Health problems
- Suicide attempts
- Emotional Distress
- Criminal behavior
- Drug and alcohol problems
- Early adult unemployment
- Intergenerational violence

How does DV impact kids?

- Depression
- Sleep disorders
- Anxiety
- Low self-esteem
- Shame
- Helplessness
- Young infants- significant disruptions in sleep, feeding, emotional bonding with long-term developmental affects.

How does DV impact kids?

- Guilt- a feeling of complicity
- Confusion
- Antisocial behavior
- Rage and helplessness
- PTSD
- More prone to be victims and abusers



SPECIAL MEDICAL CONCERNS FOR CHILDREN WHO WITNESS DV

- At risk for under immunization
- Less likely to have a normal physical exam
- Overall lower physical health index scores
- More likely to go home from school ill
- More likely to receive a speech pathology referral
- More likely to try drugs and alcohol at an earlier age

SPECIAL MEDICAL CONCERNS FOR CHILDREN WHO WITNESS DV

- Less likely to complete well baby visits on time
- Infants have more illness related physician visits
- Increased risk taking behavior

HOMICIDES OF YOUNG CHILDREN

- 71% by family member
- 68% by “personal weapons”
- 58% perpetrators = male
- BUT---females are perpetrators in these homicides more often than any other age victim…
- OJJDP 2001

CHILDREN RESPOND DIFFERENTLY

- Hero- take on the perpetrator, take on role of parent
- Withdraw
- Clown- use humor to deflect fear, anger
- Delinquent

WHO ABUSES THE KIDS?

- **50% of men who abuse their spouse, abuse their children.**
- **28% of battered women physically abuse their children.**

WHO ABUSES THE KIDS?

- Every additional act of violence by a husband against a wife increases the chance of child abuse by 4% to 12%.
- Odds are slightly higher that male children will be physically abused
- Batterers who were physically abused as teenagers are more likely to abuse their children
- Some studies suggest that African American families are at a slightly higher risk of DV & abuse

BATTERER USES CHILDREN

- Hitting or threatening a child while in his/her mother's arms,
- Taking the child hostage in order to force the mother's return to the home,
- Using a child as a physical weapon against the victim,
- Forcing the child to watch assaults against the mother or to participate in the abuse, and
- Using the child as a spy or interrogating him or her about the mother's activities.
- Ganley and Schechter (1996)

OTHER CHARACTERISTICS OF THE BATTERER

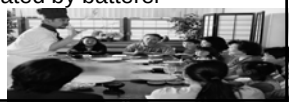
- Jealousy
- Controlling behavior
- Whirlwind courtship
- Unrealistic expectations
- Isolation
- Blames others for problems
- Hypersensitivity
- Cruelty to animals/children
- "Playful" use of force during sex
- Verbal abuse
- Rigid gender roles
- Dr. Jekyll/Mr. Hyde

OTHER CHARACTERISTICS OF BATTERERS

- History of battering
- Threats of violence
- Breaking or striking objects
- Use of force during argument

WHAT ARE THE PROBLEMS?

- Victims uncooperative, even hostile.
  - Recantation is common.
  - Victims reunite with perpetrator in many cases.
- We fail to understand the dynamics of domestic abuse
- We often fail to recognize who the best caretaker may be and how to protect them
- May allow the Criminal or Civil Justice System to be manipulated by batterer



WHAT ARE THE PROBLEMS?

- The most dangerous time is after the woman leaves.
- Other threats, pressure on victim unknown to LE or any officials
- The support systems are inadequate.

INVESTIGATION-ARRIVING ON THE SCENE

- Assess safety of all parties
- Identify and preserve crime scene
- Identify/canvass for witnesses
- Are there children home
  - Even if not home…do children live here

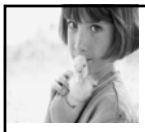
PLACING THE CHILD

- Consider whether one partner used reasonable acts of self-defense to protect themselves or the child
- Consider who is least likely to continue family violence after the couple is separated

ANIMAL ABUSE

"Those who delight in the suffering and destruction of inferior creatures will not be apt to be very compassionate or benign to those of their own species."

John Locke
1705



ANIMAL ABUSE

- 53 families - NJ division of Youth and Family Services
- In the majority of families where there was evidence of physical abuse there was also animal abuse.
- In approximately 2/3 of pet abusing homes the father was abusive toward pets
- In approximately 1/3 of pet abusing homes children were abusive toward pets
- Adults and children 10 times more likely to be bitten

DeViney et al (1983)

ANIMAL ABUSE

- Sexual abuse survivors reveal
  - Pets used to gain control
  - Pets used to ensure their silence

  Adams (1998)
- Domestic violence
  - Animal abuse used to gain control
  - Animal abuse used to gain silence.

Ascione (1998), Arkow (1996), Firmani (1997)

ANIMAL ABUSE

- 100 battered women / compared with a group of women in non-violent homes
- 50% of battered women reported their partner had hurt or killed pets
- 5% of non battered women reported partner had hurt or killed pets
- Almost 25% reported that they delayed leaving because of concern for animals.

Ascione (2000)

ANIMAL ABUSE

- Survey of 107 women in a domestic violence shelter
- 40% owned pets
- 20% reported pet abuse by the batterer
- 1/3 reported both pet abuse and child abuse by the batterer

INTERVIEWING THE VICTIM

- Show your concern for the victim. Use eye contact, words, body language, etc.
- Do not judge the victim. Acknowledge the victim's feelings.
- Listen to the whole story and take notes. Go back after to ask questions and clarify details.
- Be alert! The victim may take this opportunity to verbally or physically attack the suspect. Take steps to prevent this.
- The victim may be frustrated and angry at all police or the entire system. Don't take this personally.
- Do not patronize.

5 THINGS TO SAY TO THE VICTIM

- I am afraid for your safety
- I am afraid for the safety of your children
- It will only get worse
- I am here for you when you are able to leave
- You do not deserve to be abused

GET A MEDICAL RELEASE

- Billing records
- Present and past medical records.
- Weekend doctors.

INTERVIEWING

- Private interviews for all persons
- Age & developmentally appropriate questions
- History of injury or abuse/frequent fliers
- Ask about pets

S.A.F.E

- Stay out of the fight
- Ask for help
- Find an adult who will listen
- Everyone knows it is not your fault

QUESTIONS ABOUT ANIMALS

- How many pets are in your home
- How many pets have been in your home in the past 5 years
- Where are your pets now
- Has anyone ever harmed a pet in your home

DOCUMENTATION

- Photographs & measurements
- Exact words
- Victim behaviors
- Alternate contact info

DIAGRAM THE CRIME SCENE

- Layout/sketch of the floors/rooms
- Videotape/photograph of scene
- Videotape from perspective of victim

SEIZE ALL PHYSICAL EVIDENCE

- Torn or blood stained clothing
- Damaged property
- Alcohol/Drug paraphernalia
- Answering machine tapes, caller ID, notes and letters containing threats, etc.

INTERVIEWING THE SUSPECT

1. Be alert for attempts by the suspect to control or manipulate you or the interview
2. Document injuries to the suspect
3. Be alert for stories that are inconsistent with the physical evidence
4. Be alert for attempts by the suspect to control the victim (these may be subtle or blatant)

INTERVIEWING THE SUSPECT

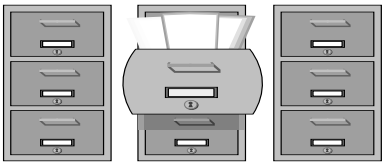
5. Keep the suspect in sight at all times and keep away from locations containing possible weapons
6. Document the suspect's demeanor, attitude, etc.
7. Use proper tactics when conducting interview
8. Have as much information prior to interviewing

INTERVIEWING THE SUSPECT

- Was the suspect intoxicated
  - On parole or probation
  - Caretaking the children?
- What is the relationship to the children
- What is the suspects attitudes/concerns for the children
- Note how children are reacting to suspect

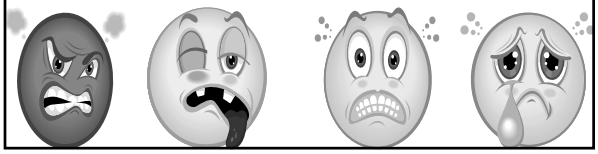
INVESTIGATE THE ENTIRE HISTORY OF VIOLENCE

- Prior bad acts evidence.
- Other chargeable crimes.



MAKE A DETAILED REPORT OF THE EMOTIONS AND BEHAVIORS OF THE VICTIM

- **Excited utterance.**
- **Present sense impression.**

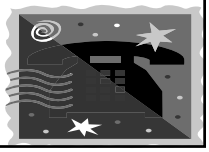


CRAWFORD, DAVIS, AND HAMMON-OH MY!

Davis & Hammon, 126 S.Ct. 2266

Limits admissibility of excited utterances to statements made during the exigency of the event. 911 tapes are OK.

– 911 operators are law enforcement under the meaning of Crawford



In Scalia's Words

- The 911 call "was not a weaker substitute for live testimony at trial. No witness goes into court to proclaim an emergency and seek help"

QUICK REVIEW

- Refer the victim to DV resources.
- Aid in victim getting restraining orders.
- Cross-screen for child abuse.
- Make a report to social services if children are in the home.

QUICK REVIEW

- Interview everyone with knowledge.
- Run a criminal history check.
- Is defendant on parole or probation.
- Was defendant intoxicated?
- Take defendant statements.

PRACTICAL IMPLICATIONS

- Break the Cycle of abuse!
  - As soon as possible
  - If you find one form of violence, look for other forms of violence
  - Offer counseling
    - Specialized counseling from professionals trained to deal with the issues of abuse

WHAT IS YOUR COMMUNITY DOING ABOUT DV?

- Make sure all MDT members are trained in DV
- Services needed
- Who is the best caretaker for the children
- Safety
- Case should be against the BATTERER (unless other circumstances exist)…
  - Failure to Protect issues
  - Does exposure to DV fit your child endangerment statute? Or other child abuse statute.
- Orders of Protection
  - ENFORCEMENT OF VIOLATIONS!!

COMMNUITY CO-ORDINATION

- Work in Multi-Disciplinary Teams
- DV, Child Abuse, and animal welfare professionals cooperate
- Use all available resources
- Any and all hearsay laws
- Serve on each others coalitions and task forces
- Enlist the clergy and the community to engage in prevention, reporting and protection

FINAL THOUGHTS

- *To leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition, to know even one life has breathed easier because you have lived. This is to have succeeded.*

--Ralph Waldo Emerson

YOU ARE CHANGING THE WORLD ONE CHILD AT A TIME

CONTACT US

- Technical Assistance
- National Conferences (Equal Justice, Child Fatalities, Childproof, Finding Words, SafetyNet, Unsafe Havens etc)
- Local conferences
- Publications (Manual, Update, etc)
- Expert witness file
- We work for you
- (703)549-4253
- www.ndaa-apri.org

SUGGESTED READING

- Alison Turkel & Christina Shaw, *Domestic Violence Basics for Child Abuse Professionals,* Update, Vol. 16, No. 1 (2003)
- Megan H. Bair-Merritt, Mercedes Blackstone & Chris Feudtner, *Physical Health Outcomes of Childhood Exposure to Intimate Partner Violence: A Systematic Review,* Pediatrics 2006

SUGGESTED READING

- Caroline A. Favor & Elizabeth B. Strand, *Domestic Violence and Animal Cruelty: Untangling the Web of Abuse,* Journal of Social Work Education, Vol. 39 No. 2 (2003)