Children Exposed to Violence

A Developmental Trauma Informed Response for Prosecutors

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A Trauma Informed System is one in which all parties involved recognize and respond appropriately to the varying impacts of trauma stress on children, caregivers, families and those who have contact within the system. Programs and organizations within the system must infuse this knowledge and awareness within their own organizational cultures. It is vital that law enforcement, specifically a prosecutor’s office, be a catalyst for change in this area.

In far too many homes across the United States, children are living in an urban “war zone.” This war zone is the nightmare of neighborhood and family violence. Every year, women in this country experience 4.8 million sexual and physical assaults at the hands of an intimate partner, resulting in nearly two million injuries. The impact of family centered violence on the American criminal justice system is staggering. According to the National Violence against Women Survey, nearly 600,000 suspects are detained or arrested for domestic violence charges, and more than 434,000 are prosecuted.

There is a substantial body of research documenting that children who witness violence suffer in much the same way as children who are abused themselves. Among these adverse effects are increased risk of truancy, health problems, suicide attempts, emotional distress, criminal behavior, drug and alcohol problems, and intergenerational violence. Equally as troubling, even infants in violent households manifest disruptions in sleep, feeding, and emotional bonding. Further, a very recent study by psychologists at the University of Oregon determined that mere exposure to interparental arguments is associated with the way babies’ process emotional tone of voice. And, in 1998, the American Academy of Pediatrics issued a position statement declaring, “The abuse of women is a pediatric issue.”


3 Tjaden and Thoennes, supra note 1, at p. 54.


Children who are five and under are disproportionately represented in households in which there is intimate partner violence and a sizable number of these children are involved because they call for help, are identified as the cause of the dispute that led to violence, are caught in the cross fire, or are directly physically abused by the perpetrator.\(^7\)

In the Adverse Childhood Experiences (ACE) Study, conducted on a large sample of Kaiser Permanente members, intimate partner violence was found to be a health problem of enormous proportions. It is estimated that 20 percent to 30 percent of all women and 7.5 percent of men in the United States have been physically and/or sexually abused by an intimate partner at some point in their adult lives.\(^8\)

The estimates of numbers of children who are exposed to intimate partner violence vary from 3.3 million to ten million children per year, depending on the specific definitions of witnessing violence, the source of interview and the age of children included in the survey. Of 30,000 adults within the Kaiser Health Plan in California, 12.5 percent of respondents indicated childhood exposure to intimate partner violence and 10.8 percent indicated a history of child abuse, including physical, sexual and emotional abuse. Together these studies indicate that children who witness intimate partner violence are seen with both frequency and regularity in virtually all health settings and that young children are disproportionately represented in the population of children who live with intimate partner violence.\(^9\)

Hundreds of studies have explored the effects of intimate partner violence on children. These studies enumerate both short and long term effects of intimate partner violence on children. Young children and adolescents are more vulnerable to the abuse. Very young children cannot get out of harm’s way, and adolescents more frequently intervene to stop the violence, thereby putting themselves at greater risk for injury.\(^10\) Children who are exposed to intimate partner violence, particularly chronic episodes of violence, often show symptoms associated with post-traumatic stress disorder. One study found that exposure to intimate partner violence (without being directly victimized) was sufficiently traumatic to precipitate moderate to severe symptoms of post-traumatic stress in 85 percent of the children.\(^11\)


violence are more likely to exhibit behavioral and physical health problems including chronic somatic complaints, depression, anxiety and violence towards peers.\textsuperscript{12}

These children exposed to violence are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution and commit sexual assault crimes.\textsuperscript{13} Children who are exposed to intimate partner violence have increased difficulties with learning and school functioning. Symptoms of trauma including sleep difficulties, hyper-vigilance, poor concentration and distractibility which interfere with a child’s ability to focus and to complete academic tasks in a school setting.

A 2009 report by the Department of Justice (DOJ) also determined that more than 60\% of the children surveyed had been exposed to some type of violence during the past year either directly or indirectly. This exposure to violence had major impacts, both short and long term for children in all domains of their lives—physical, developmental, psychological, educational, social and interpersonal.

The DOJ study found:

- 60 percent of American children were exposed to violence, crime, or abuse in their homes, schools, and communities.
- Almost 40 percent of American children were direct victims of two or more violent acts, and one in ten were victims of violence five or more times.
- Children are more likely to be exposed to violence and crime than adults.
- Almost one in ten American children saw one family member assault another family member, and more than 25 percent had been exposed to family violence during their life.
- Witnessing violence was a common occurrence for children, particularly as they grew older. Overall, more than one-quarter of children surveyed (25.3 percent) had witnessed violence in their homes, schools, and communities during the past year; and more than one-third (37.8 percent) had witnessed violence against another person during their lifetimes.
- A child’s exposure to one type of violence increases the likelihood that the child will be exposed to other types of violence and exposed multiple times.

There are tremendous negative consequences for children exposed to violence. Short-term impacts may include excessive worries, poor sleep, fearfulness, nightmares, increased aggression, and difficulty concentrating.\textsuperscript{14} They are more likely to abuse domestic violence.” American Journal of Orthopsychiatry, 67(4), 639-644.


\textsuperscript{14} National Child Traumatic Stress Network, 2014
drugs and alcohol; suffer from depression, anxiety, and post-traumatic disorders; fail or have difficulty in school; and become delinquent and engage in criminal behavior.\textsuperscript{15}

**The Criminal Justice Connection**

Law enforcement and prosecutors have frequent encounters with these children within the criminal justice system. Many of these children end up in the criminal justice system as direct victims or witnesses to violence and some as perpetrators. It is important that law enforcement and the criminal justice system recognize these children as survivors of trauma in order to intervene and reduce the potential negative impact (re-traumatization) of the system on them.\textsuperscript{16}

Efforts to pursue criminal cases against those who commit crimes of violence in front of children, especially intimate partner violence cases, can be compromised when children are witnesses to violence. Law enforcement agencies like the LAPD have increasingly learned to physically look for children when they respond to domestic violence calls, to list them as witnesses on their reporting forms when they are present and to notify the Department of Children and Family Services. However, there is still uncertainty and sometimes reluctance surrounding the decision to interview these children, fearing they may be difficult witnesses or be asked to testify in subsequent court proceedings. And, in cases of intimate partner violence, in their efforts to protect themselves and their children, many women will deny the abuse, recant after filing a complaint, or even testify for the defense.

Prosecutors, victim advocates, and allied professionals across the country are struggling with these issues. Despite their different perspectives, all these stakeholders are striving toward a common goal: protecting children from exposure to violence and the long term ramifications therein.

The United States Attorney General, Eric Holden, convened the Defending Childhood National Task Force to develop recommendations to address this national crisis of children exposed to violence. One of the strong recommendations was for the juvenile and criminal justice systems to become knowledgeable about the impact of violence exposure and trauma on children and youth. The call was for these systems to become trauma-informed service providers. This means that when the criminal justice system encounters these children, there will be a response that uses a trauma paradigm to determine the manner in which these children and their families are engaged and serviced.

\textsuperscript{15} Finkelhor et al, 2009.

\textsuperscript{16} Finkelhor et al, 2009.
Response by the Criminal Justice System

The criminal justice system is not currently designed to accommodate the special developmental needs of Children Exposed to Violence. Many police officers, attorneys, judges, and other criminal justice professionals find it difficult to work with children. Many children find the criminal justice system intimidating, particularly the courtroom experience. Under these circumstances, the child can be a poor witness, providing weak testimony and contributing less information than needed to make or win the case. Also, the lengthy process of navigating the formal and adversarial criminal and civil justice systems can affect the child's psychological development in significant and long-lasting ways. Listed below are a number of court-related factors that have been identified as stressful for child victims and witnesses:

- Multiple interviews and not using developmentally appropriate language.
- Delays and continuances.
- Testifying more than once.
- Lack of communication between professionals.
- Fear of public exposure.
- Lack of understanding of complex legal procedures.
- Face-to-face contact with the defendant.
- Practices that are insensitive to developmental needs.
- Harsh cross-examination.
- Lack of adequate support and victims services.
- Sequestration of witnesses who may be supportive to the child.
- Placement that exposes the child to intimidation, pressure, or continued abuse.
- Inadequate preparation for testifying.
- Lack of evidence other than the testimony of the child.

After contact with law enforcement, the prosecutors’ office plays a pivotal role in the criminal justice system with these children. The prosecutors conduct the interviews with child victims/witnesses, determine what charges will be filed, prepare them to testify in court, and safeguard the interests of all child victims in court. These roles of prosecutors place them in close contact with children exposed to violence (CEV) and their families on multiple occasions. If these prosecutors are not trained in how to interact with trauma survivors, they could inadvertently re-traumatize the CEV and their family members and possibly de-rail future prosecution of the crimes.

Child victims and witnesses face some difficult issues that may impact their ability to participate effectively in the criminal justice process. First, children are just that - children. The way they understand, communicate, and participate is determined by their developmental status. The adult professionals working with children must be able and willing to adjust their approach to the child's developmental level. Since most law enforcement officers and prosecutors are not child development specialists, it becomes critical to do two things - to involve other professionals who can provide advice and
assistance in dealing with children and to give police and prosecutors enough training to provide them a basic understanding of child development.¹⁷

Like adults, children find it upsetting to talk about traumatic events. As they talk about it, children may "re-live" the abuse and feel the associated emotions again. This is particularly true of younger children. Professionals should be sensitive to the potential impact of this "re-emergence" into the details of the crime. This "re-living" of the abuse may intensify the victim's trauma and generate behavior that poses additional barriers to successful investigation and prosecution.¹⁸

Children disclose abuse and facts regarding traumatic events over time. The more comfortable a child becomes with an adult, the more likely he or she is to provide additional information. This dynamic can present particular problems for police and prosecutors who may face challenges to the child's credibility because the child did not present complete information at the initial interview.¹⁹

A properly interviewed child victim/witness may actually work to improve a criminal prosecution and lead to a successful conviction of the perpetrator. Asking the right questions at the right time and behaving in a trauma informed way can lead to valuable evidence of corroboration that may not be available with traditional linear interviewing methods. Disclosure is a process and prosecutors need to have the practical know-how to allow for that process to aid the case.

It is clearly in the best interest of the child and criminal justice system to handle child victims and witnesses in the most effective and sensitive manner possible. A number of studies have found the following: reducing the number of interviews of children can minimize psychological harm to child victims,²⁰ testifying is not necessarily harmful to children if adequate preparation is conducted,²¹; and, having a trusted person help the child prepare for court and be with the child when he or she testified reduced the anxiety of the child.²²

One study found the conviction rate for child sexual abuse cases almost doubled (38 percent to 72 percent) after offices implemented child victim-witness advocacy programs. The proportion of offenders receiving prison sentences also almost doubled, from 25 percent to 48 percent. Over the same period, prison sentences increased from 9.24 years to 16.48 years.²³ Research consistently suggests that prepared and relaxed child victims and witnesses are more credible, enabling prosecutors to present stronger cases and win more convictions.

²⁰ Tedesco & Schnell, 1987
²¹ Goodman et al., 1992; Oates et al., 1995; Whitcomb, Goodman, Runyon, and Hoak, 1994
²³ Dible and Teske, 1993.
What Works with Children Exposed to Violence

It has been found that trauma-informed approaches that are rooted in child development are best practices when working with children exposed to violence. Some of the helpful strategies are:

- Apply "child fair" practices when working with children. Use language that is appropriate for the developmental level of the child. Meet children in a “child fair” environment for interviews—a room set aside for interviewing children with toys, calming colors, child size furniture, etc.
- Use personnel trained in the forensic interviewing of children to meet with the children as soon as possible after the event. Use standard interviewing protocols for child victims and witnesses.
- Involve victim advocates and clinicians in the early stages to help manage these cases and ensure that assistance is provided to child victims on a continuing basis. Develop partnerships with service providers that specialize in working with children exposed to violence.
- Prepare children for court in a manner that is developmentally appropriate and sensitive to the child’s mental health needs. In many cases, it may be necessary to have a clinician assess the psychological capability of the child to testify in court.
- Provide an age appropriate courtroom tour for each child prior to the first court date.
- Use a multidisciplinary, team approach when handling cases involving child victims and witnesses. Maintain good communication with representatives from other agencies involved with the child.
- Include the family/caregiver in the process of supporting the child as much as possible. Develop working alliances with the significant people in the child’s life.
- Cases involving child victims and witnesses require more time and resources than do most other types of cases. A national survey of prosecutors found that of all cases, child abuse required the most time and resources. To be effective, professionals handling these cases should have reasonable case loads and access to victim assistance professionals who also have special training for working with child victims.

GOALS AND OBJECTIVES

To achieve our goal of ensuring that all of our prosecutors and relevant staff receive training to understand the impact of exposure to violence and the impact of violence on child victims and witnesses, our office will develop and deliver an ongoing state-of-the-art, evidence-based and victim-centered training for all relevant City Attorney staff. This comprehensive training will be followed up with outreach to local law enforcement, including LAPD and LAUSD School Police, bench officers and relevant community organizations.
PROGRAM DESIGN AND IMPLEMENTATION

A detailed Children Exposed to Violence office protocol is being created and used as a guide in all training modules. This protocol will include filing guidelines, interview and trial tactics and disposition and sentencing guidelines. Further included will be the development of core background materials and a PowerPoint presentation that will detail the basic brain science associated with children exposed to violence and trauma and prosecutorial specific guides and materials for every prosecutor in the office. This material will be incorporated in the City Attorney training materials for use in new attorney training classes.

TRAINING MODULE

The two hour training is mandatory for all prosecutors and staff who deal with any type of case potentially involving children exposed to violence. This includes but is not limited to staff in the Family Violence Unit, Gang Unit, Gun Unit, traffic Court, Neighborhood Prosecutors, branch and special operations staff. A specific module will be created for Victim Witness Coordinators, Victim Advocates and hearing staff.

The initial training will be conducted by Senior Prosecutor Roger Canaff from the National District Attorney’s Association. Follow up training will be conducted by renowned experts in the field, including:

- Brenda Ingram, EdD, LCSW Director of Clinical Services for Peace over Violence;
- Harriett Kerr, Director of Community Education Programs, Santa Monica-UCLA Medical Center – Rape Crisis Center
- Michelle Deutchman, JD, Western States Counsel, Anti-Defamation League
- Rebecca Campbell, Ph.D., Professor of Psychology, Michigan State University
- Honorable Stacy Boulware Eurie, JD, Superior Court Judge, Sacramento
- Leslie Ross, Psy.D., Children’s Institute, Inc.

The Los Angeles City Attorney’s Office is a Trauma Informed System and will effect a systemic change in the way the criminal justice system responds to criminal cases where children are exposed to violence and trauma. We have become an office in which all parties involved recognize and respond appropriately to the varying impacts of trauma stress on children, caregivers, families and those who have contact within the system. We will continue to infuse this knowledge and awareness within our own organizational cultures and then lead the effort to change the system as a whole.