

“Meet Me At The Hill Where We Used To Park:” Interpersonal Processes Associated With Victim Recantation

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Collaborators

- King County Prosecution Division / King County Correctional Facility

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Study Background

The “Problem”

- 25% of women experience domestic violence in their lifetime (*Tjaden & Thoennes, 2000: NIJ report*)
 - For cases reaching the court system, 80% involve recanting victims (*Meier, 2006*)
 - Victim participation not necessary, but their “buy in” strengthens prosecution
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Existing Literature: Victims Recant Because They:

- Fear retaliation, due to the perpetrator's threats
- Are financially & emotionally connected to the perpetrator
- Believe the crime is not severe enough
- Are concerned about their children
- Are “psychologically vulnerable”
- Have disillusionment with the prosecution process and/or poor access to advocates

(Bennett et al., 1999; Dawson & Dinovitzer, 2001; Ellison, 2002; Goodman et al., 1999; Meier, 2006; Roberts et al., 2008; Zoellner et al., 2000)

Limitations of Existing Information

- Derived from case files & victim statements, which give only part of the picture
 - Recording bias
 - Recall bias
- How do recantation processes unfold, *in real time*, when victims have contact with their detained perpetrator?

Study Objectives

- To describe interpersonal processes associated with a victim's intention to recant, using telephone conversations between the victim & perpetrator
 - To describe how couples constructed the recantation plan once it was clear that the victim intended to recant
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Methods

Subjects

- 17 heterosexual couples, comprising detained male perpetrators & their (recanting) female victim
- Audio-taped telephone conversations during the pre-prosecution jail period (Seattle/King County)
- Subjects knew they were being recorded through automated message
 - *State v. Modica*: 164 Wash.2d. 186 P. 3d 1062, Wash. July 10, 2008 (NO. 79767-6).



King County Correctional Facility

Subjects

- Males charged with felony-level violence
 - Assault
 - Strangulation
 - Kidnapping
- Racial/ethnic representation
 - 5 African American couples
 - 4 Caucasian couples
 - 8 couples with mixed or unknown racial background

Audio-tapes

- Couples had multiple conversations, each lasting up to 15 minutes
- Used first 2 audio-taped disks for each couple
- 30 to 192 minutes of conversational data per couple



Why These Data?

From a Research Standpoint:

- Conversations occur before prosecution and over the length of the jail stay, so they include detailed information about processes linked to recantation
- Involve both members of the couple, without the influence of an interviewer

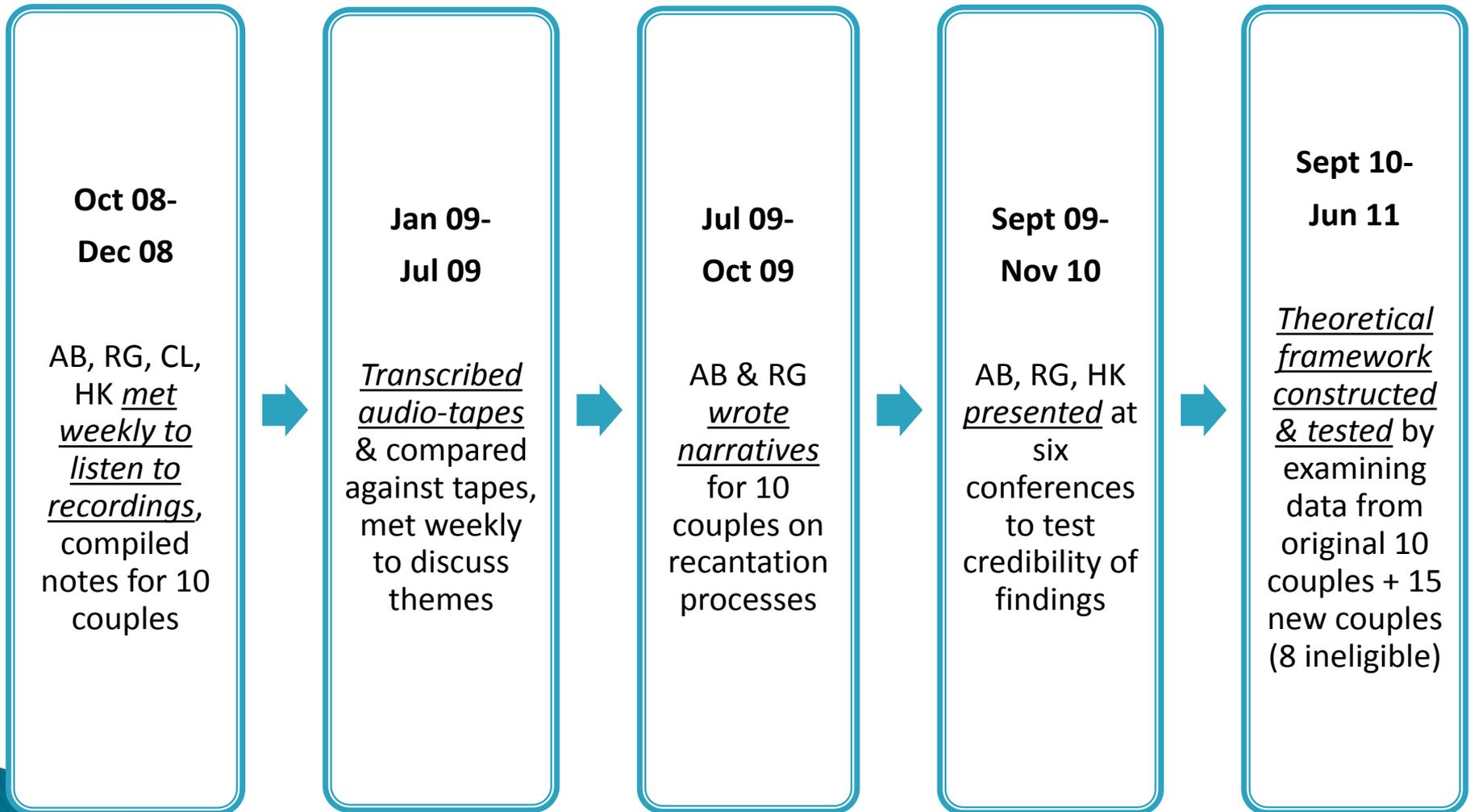
Why These Data?

The Practical Side

- Demonstrate witness tampering & no contact order violation
- Reveal information about the incident & priors to aggravate the sentence
- Allow jurors & judges to hear “what recantation is all about”
 - Recanting victims signify an especially dangerous offender



Analysis: Procedures

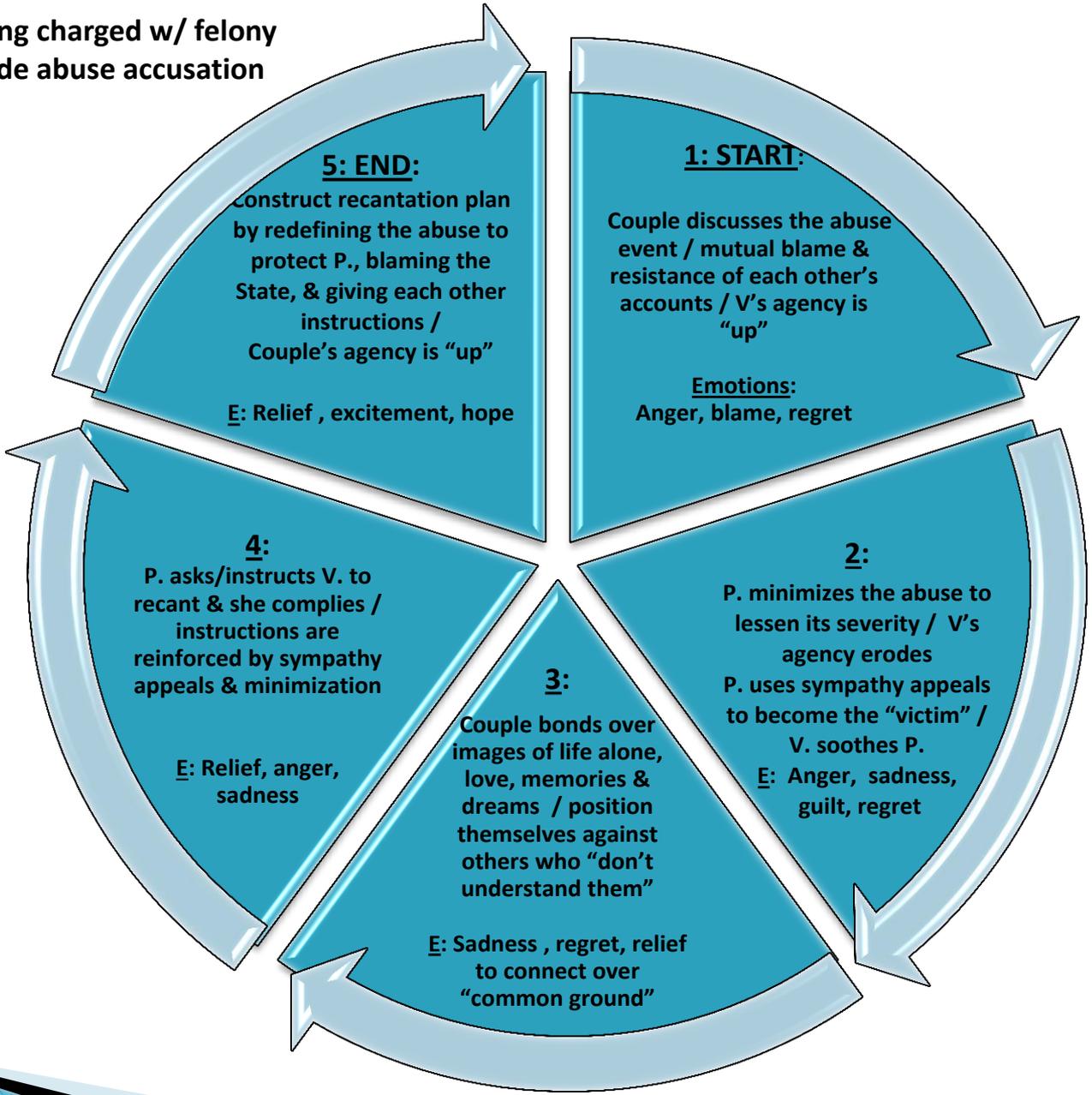


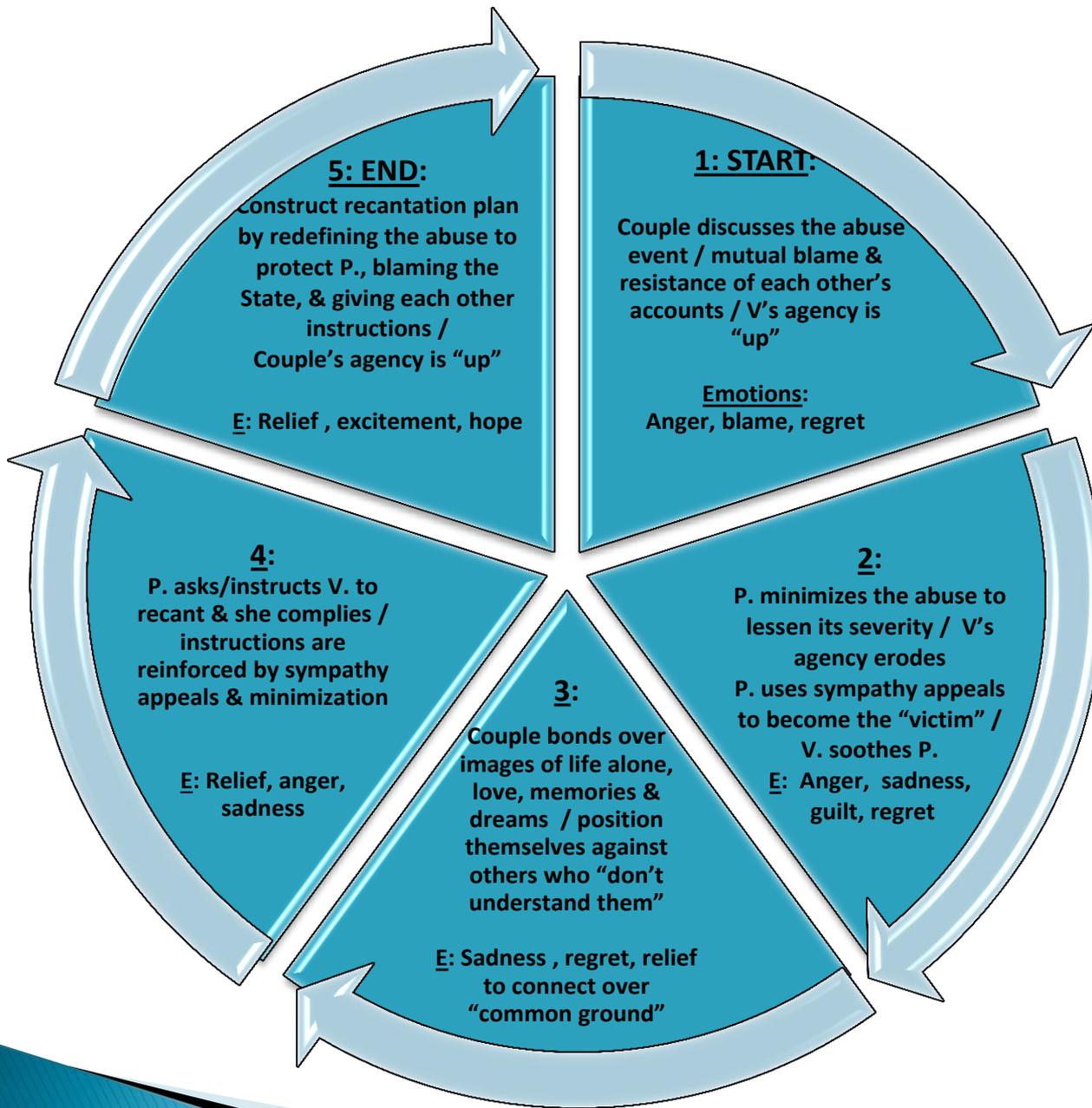
Validity Checks

- **Internally:**
 - Discussed iteratively as a group
 - Revisited notes, emails, etc.
 - Discussed with others from diverse disciplines
- **National/regional presentations (from 15+):**
 - Seattle U. Law School DV Symposium (09/09)
 - Association of Marriage & Family Therapy Conference (10/09)
 - Criminal Justice Research Center Seminar, OSU (10/09)
 - Futures Without Violence National Conference (10/09)
 - National Council on Family Relations (10/10)
 - American Public Health Association Meeting (11/10)

Results

P=Perpetrator being charged w/ felony
V=Victim who made abuse accusation





Stage 1:

Discuss abuse

Mutual blame

Resist each other's accounts

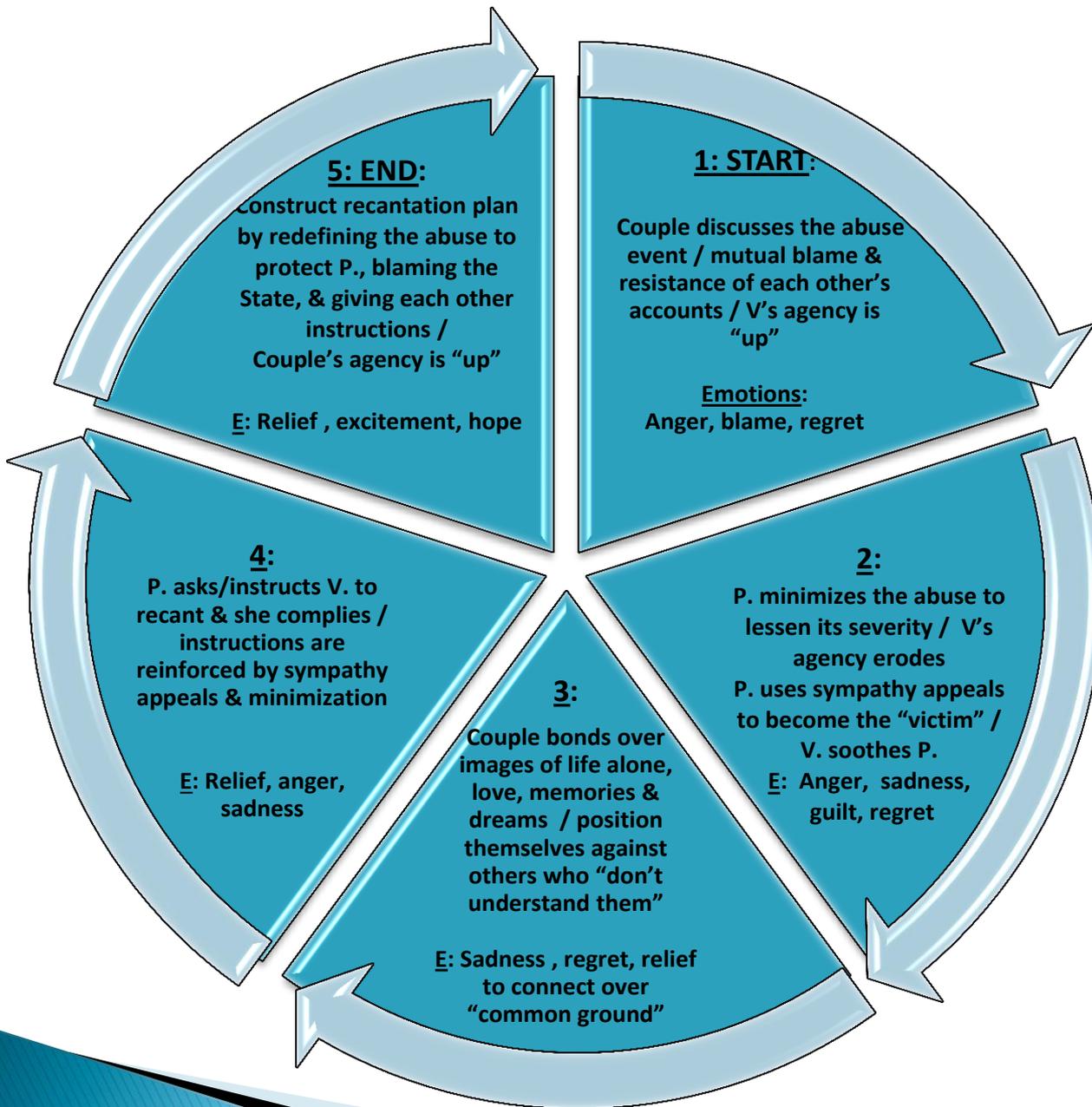
Victim's agency is "up"

Discussion of the Abuse Event: What Does it Sound Like?

V: You basically socked me in my stomach a few times, you strangled me to the point I could not breathe and fell to the floor. You spit in my face three times and held me down ... the lacerations on my neck and the broken finger and the fact that you socked me so damn hard that I could not breathe and I basically have pains in my chest and my ribs even today ... I have been totally abused.

P: Do you realize that before anything happens, I just try to go and you don't allow that? I came in peace. I didn't say anything. You were drinking.

Abuse Event Audio-clip



Stage 2:

P. minimizes the abuse to "lessen its severity" / V's agency erodes

P. uses sympathy appeals to become "the victim" / V. soothes P.

Sympathy Appeals: “Suffering” from Intolerable Jail Conditions, Mental Illness, Life without Victim

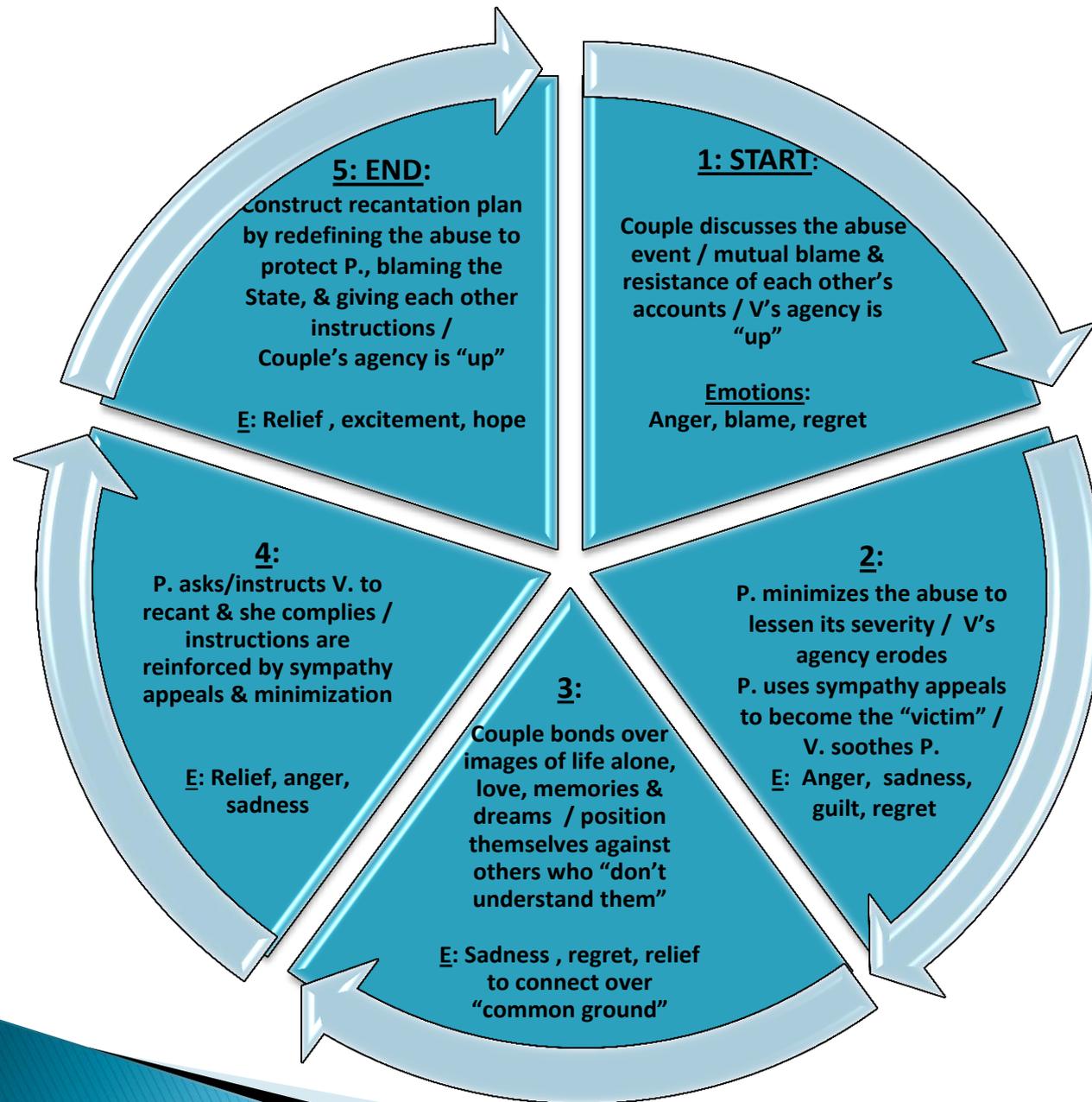
P: [Crying] You don't know how it feels. I just wanna' get out of here [repeats this numerous times]. I don't know if I can do another day here.

V: Why? What's so bad?

P: It's horrible. (The) people. I don't know if I should call you again or what.

V: Call me whenever you can ... whenever you feel like it.

Sympathy Appeal Audio-clip



Stage 3:

Couple invokes images of life alone

Bond over love, dreams & memories

Position themselves against others who "don't understand them"

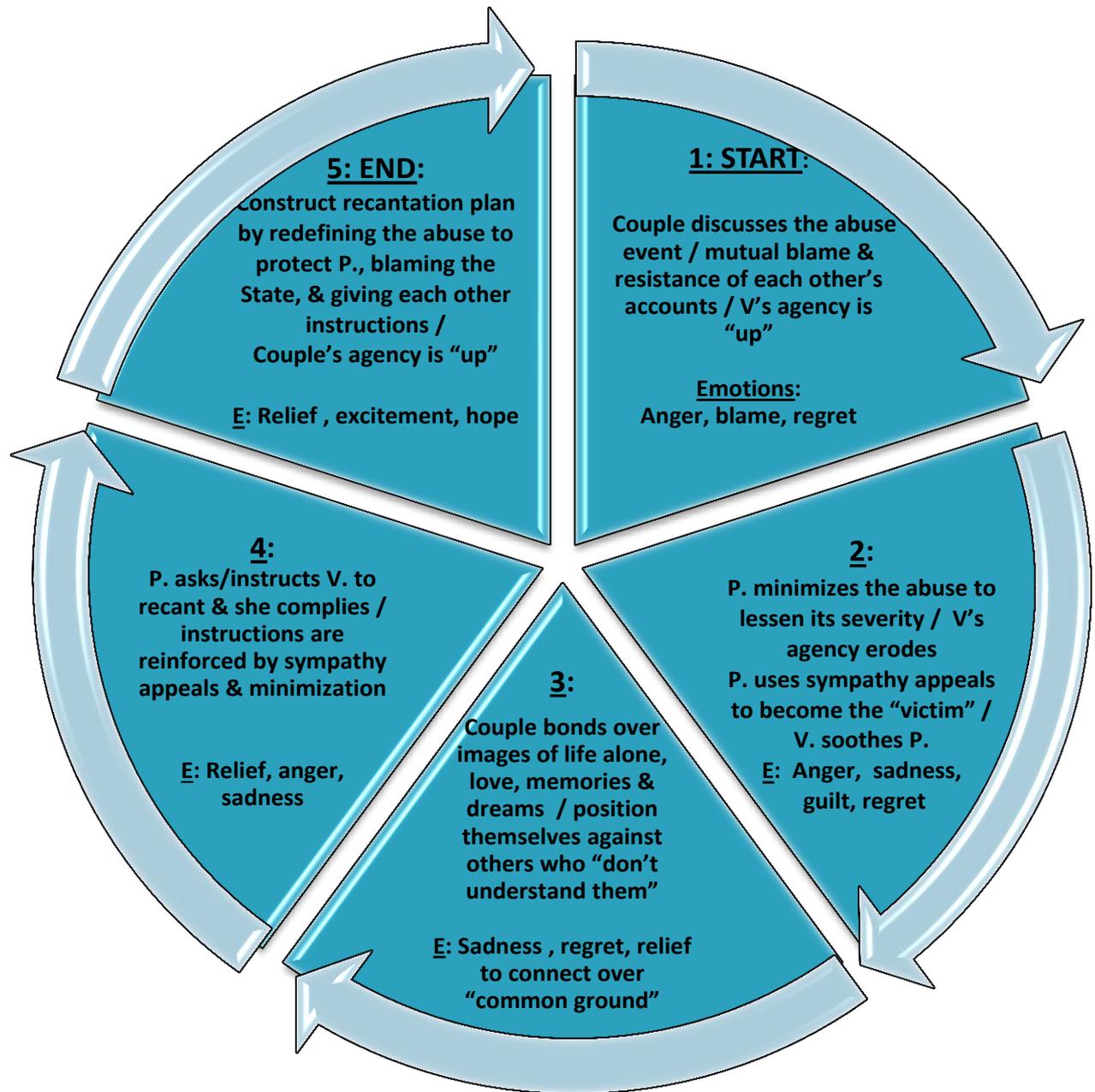
Bonding Over Buddha

P: [Soft, gentle tone] Listen to me, this is your husband talking to you [**image of connection to victim**] ... the Buddha said we both need to listen to each other, right? ... That's really important to me because I'm hurting right now [**sympathy appeal**] ... I'm hurting because we don't listen to each other [**mutual blame**] ... but if we start listening to each other ... from this point on, I'd like to ask that we start acting like husband and wife [**image of solid connection/bond**].

V: OK, yes, we need to listen to each other.

Bonding Over Dave Matthews





Stage 4:

P. asks V. to recant

V. complies

P's reinforces instructions with sympathy appeals & minimization

Ask Her to Recant

P: You ... gotta' say ... what you wrote on, in the police report is a lie, that you're just mad at me 'cause you thought I was cheatin' on you with your cousin. If you say that--

V: [Laughs] Okay.

P: If you say that, they'll automatically let me go.

V: Okay.

P: Alright?

V: Uh-huh.

P: You know I love you? ... Cause like, you know, but they might give you five or ten days, but that's better than me doing sixty to ninety days.

V: Me?!

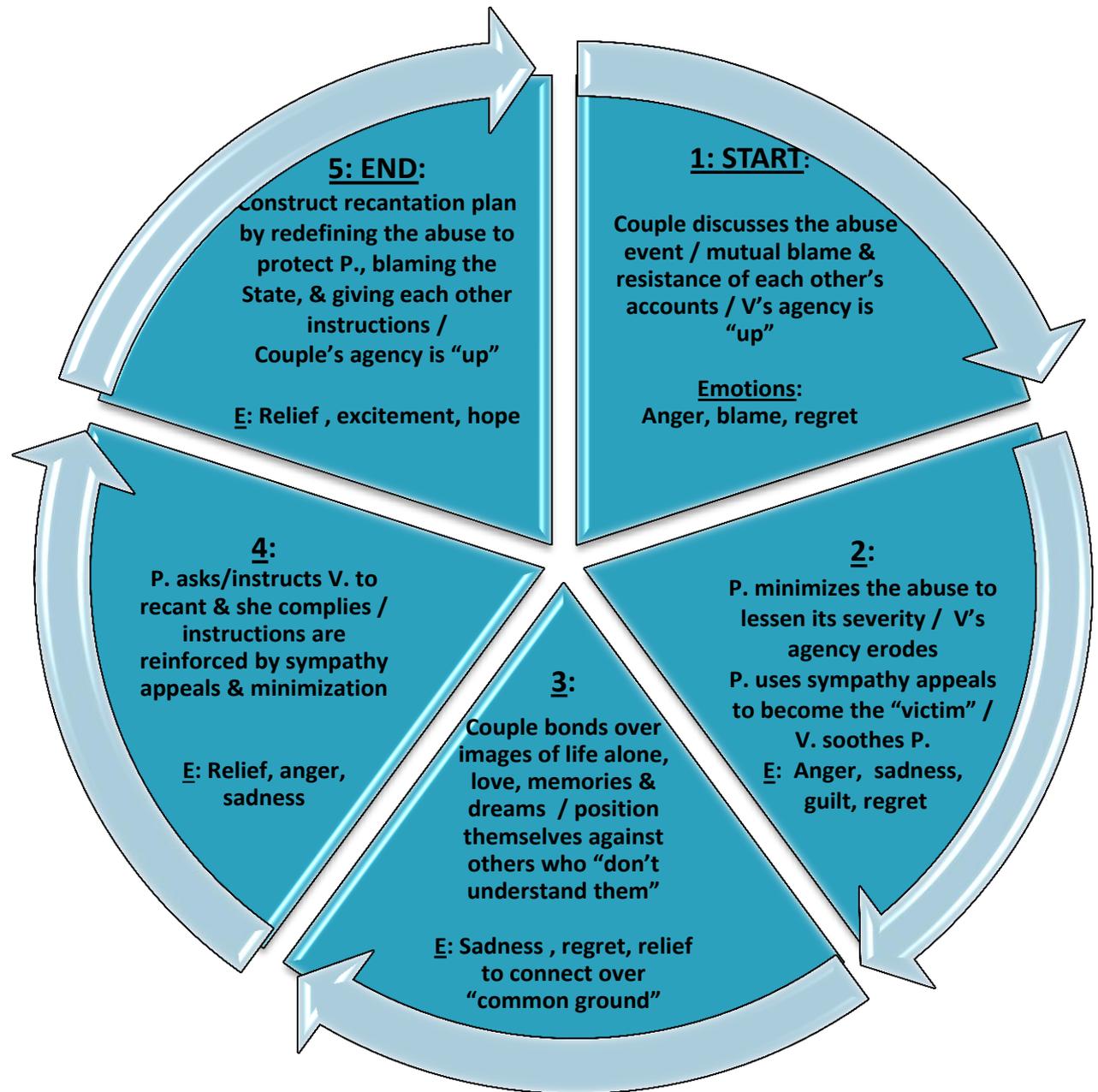
P: Yeah, but that's better than me doing sixty to ninety days ... babe, I just spent five days in the hole. You can't do five days for me?

Request to Recant Audio-clips

Stage 5:

Couple constructs the plan:

- 1) Re-define the abuse to protect P.**
- 2) Blame the State**
- 3) Give each other instructions**



Constructing the Plan: 1. Re-Define the Abuse

V: No one really knows what happened anyway, it was all kind of a blur. I don't know what happened.

P: I know, I don't know either, [deep sigh] it's not looking good.

V: Well, I don't know if you really committed a crime ... you just put your hand on the (steering) wheel and pulled me back on the road ... I almost got hit by the one car and you pulled me back ... nothing wrong with that really.



Constructing the Plan: 2. Blame the State

V: I told the judge we don't want it ... they're (the State) ruining people's lives. The domestic violence advocate called me ... she said the whole case is totally unfair ... I told her what happened and she said that no contact order is totally ... not fair because we didn't want it, we do not want it ... we want to be together ... we have children.

P: We'll blow her (the prosecutor) up (in court) tomorrow!



Constructing the Plan: 3. Give Instructions

V: Be like, up front, be like 'I was out of control drunk, I was in a blackout. I would not have, I would've never done something like that' ... you need to tell the judge that you do need (anger management) ... so he lets you the fuck out of there ...

Constructing the Plan Audio-clips



Summary

- Recantation influenced by:
 - Perpetrators' sympathy appeals ("the tipping point") & minimization
 - Couple bonding over images of life alone, love, dreams & memories
 - Constructing the recantation plan included:
 - Re-defining the abuse
 - Blaming the State
 - Giving each other instructions
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What About Factors Previously Shown to be Associated with Recantation?

- Financial concerns apparent but did not seem to motivate recantation
- Couples discussed children, but in only one couple did the couple's child serve as the "tipping point" for the victim recanting
- Disillusionment with the justice system (one couple)
 - *"You get a slap on your wrist, that's it, and you're out ..."*
- Threats (one couple)
 - *"If you go against me on this one, it's gonna' be the worst mistake you ever make in your whole life ..."*

Factors Previously Shown to be Associated with Recantation Cont'd

- Coercion played a critical role in influencing recantation
 - The “face” of coercion was “subtle:”
 - Sympathy appeals
 - Minimization
 - Perpetrator’s “interest” in maintaining the relationship
- Emotional connection to the perpetrator motivated victims to recant
- Victims had stronger resistance when they had social support (e.g., family members present) while talking to the perpetrator

Research and Practice Implications

- Recantation models must be re-framed to acknowledge:
 - The needs and desires of the victim despite others' perceptions that her behaviors/decisions are “unhealthy”
 - The interplay of emotions - powerful impact of sympathy appeals in manipulating victims' emotions; victims responded by helping to ease the perpetrator's anxiety

Research and Practice Implications

- Connect victims to trusted advocates who can help them defend against perpetrators' sophisticated emotional manipulations
 - Prosecutors should redouble efforts in recanting cases to hold perpetrators accountable for their actions
 - Train judges & jurors in the “process” behind victim recantation
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Questions, Comments, and Feedback?

Bonomi AE, Gangamma R, Locke CR, Katafiasz H, Martin D. “Meet me at the hill where we used to park:” Interpersonal processes associated with victim recantation. *Social Science and Medicine* 2011; 73:1054-1061.

