



## “Meet me at the hill where we used to park”: Interpersonal processes associated with victim recantation

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### ABSTRACT

Our study used live telephone conversations between domestic violence perpetrators and victims to answer novel questions about how and why victims arrive at their decision to recant and/or refuse prosecution efforts. From October 2008 to June 2011, we conducted a qualitative study involving 25 heterosexual couples, where the male perpetrator was being held in a Detention Facility (in the U.S.) for felony-level domestic violence and made telephone calls to his female victim during the pre-prosecution period. We used 30–192 min of conversational data *for each couple* to examine: 1) interpersonal processes associated with the victim's intention to recant; and 2) the couple's construction of the recantation plan once the victim intended to recant. We used constructivist grounded theory to guide data analysis, which allowed for the construction of a novel recantation framework, while acknowledging the underlying coercive interpersonal dynamic. Our results showed that consistently across couples, a victim's recantation intention was foremost influenced by the perpetrator's appeals to the victim's sympathy through descriptions of his suffering from mental and physical problems, intolerable jail conditions, and life without her. The intention was solidified by the perpetrator's minimization of the abuse, and the couple invoking images of life without each other. Once the victim arrived at her decision to recant, the couple constructed the recantation plan by redefining the abuse event to protect the perpetrator, blaming the State for the couple's separation, and exchanging specific instructions on what should be said or done. Our findings advance scientific knowledge through identifying, in the context of ongoing interactions, strategies perpetrators used—sympathy appeals and minimization—to successfully persuade their victim and strategies the couple used to preserve their relationship. Practitioners must double their efforts to hold perpetrators accountable for their actions, and efforts made to link victims to trusted advocates who can help them defend against perpetrators' sophisticated techniques.

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### Introduction

In the United States, twenty-five percent of women across nationally representative samples experience domestic violence in their lifetime (Tjaden & Thoennes, 2000), with many enlisting the support of police to stop abuse (Brookoff, O'Brien, Cook, Thompson, & Williams, 1997; Durose et al., 2005; Houry et al., 2004). For cases that reach the court system, a high proportion of victims recant and/or refuse prosecution efforts (Berliner, 2003; Camacho

& Alarid, 2008; Dutton, Goodman, & Bennett, 1999; Goodman, Bennett, & Dutton, 1999; Hare, 2006; Rogers, 1998). While rigorous research studies describing the percentage of victims who recant are lacking, reports suggest that as many as 80 percent of victims recant (Meier, 2006).

Prosecutors and advocates have known for many years that witness tampering is a significant problem in domestic violence cases, and that victims recant and/or refuse prosecution due, in part, to perpetrators' threats of retaliation (Bennett, Goodman, & Dutton, 1999; Ellison, 2002; Hart, 1993; Meier, 2006). As recognized by the U.S. Supreme Court, “This particular type of crime is notoriously susceptible to intimidation or coercion of the victim to ensure she does not testify at trial” (*Davis v. Washington*, 126 S.Ct. 2266, 165 L.Ed.2d 224, 2006). Research using victim reports or case files indeed partially links victim recantation to threats and fear of

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retaliation (Cretney & Davis, 1997; Inspectorate, 1998; Meier, 2006; Zoellner et al., 2000).

Research has also correlated victim non-participation in the prosecution process with financial dependence on the perpetrator (Camacho & Alarid, 2008; Ellison, 2002; Hart, 1993), the victim's belief that the crime is not severe enough to warrant prosecution (Hare, 2006), the victim's problems with substance abuse (Goodman et al., 1999), and the victim's perceptions of poor criminal justice response (such as the use of mutual charge and dual arrest policies) and poor access to advocates and other social support systems (Bui, 2001; Cox, 2000; Ellison, 2002; Hart, 1993). It has also been well-documented that domestic violence victims suffer elevated rates of clinically-identified depression and anxiety (Bonomi et al., 2009; Hegarty, Gunn, Chondros, & Small, 2004) and other psychological vulnerability (Koepsell, Kernic, & Holt, 2006), which could compromise their efforts of following through with prosecution.

Still yet, other factors may motivate victims to recant and/or refuse other types of efforts intended to protect them. Roberts, Wolfer, and Mele (2008) found that victims were most likely to drop protection orders if concrete (e.g., divorce/separation) or promised change (e.g., the perpetrator said he would change) occurred, suggesting that victims' emotional attachments to their perpetrator may motivate their decisions. This is not at odds with a sizable body of literature linking emotional needs and attachments with continued involvement in abusive relationships (Allison, Bartholomew, Mayseless, & Dutton, 2008; Bartholomew & Allison, 2006; Bartle & Rosen, 1994). However, in spite of emotional attachments that serve to maintain victims' connection with their abuser over time, having access to tangible support such as victim assistance workers and the availability of videotaped testimonies (Dawson & Dinovitzer, 2001; Goodman et al., 1999), as well as the presence of children in the home (Goodman et al., 1999), have been shown to enhance victim participation in prosecution efforts against their perpetrator.

Despite important existing information on why victims recant and/or refuse prosecution efforts, prior research is somewhat limited because it focuses on data assembled retrospectively from case files and victim interviews. Little is known about how the victim's decision-making process unfolds in real time through interaction with their perpetrator—what seems to motivate victims in the moment to change their stance towards prosecution efforts? Such information is critically important to identify intervention points to prevent future violence and injury to victims and their children (Bonomi et al., 2009, 2006; Coker et al., 2002; Kernic, Wolf, & Holt, 2000; Kernic et al., 2002, 2003; McFarlane, Groff, O'Brien, & Watson, 2003; McFarlane, Groff, O'Brien, & Watson, 2005). The present study used a novel methodological approach of accessing and analyzing audio-taped telephone conversations between domestic violence perpetrators and their victim, taped during the pre-prosecution period, to determine processes associated with victim recantation. Our study is the first, to date, to use telephone conversations between domestic violence perpetrators and victims, unfolding in real time, to answer novel questions about how and why victims arrive at their decision to recant and/or refuse prosecution efforts.

## Methods

Study procedures were approved by The Ohio State University's Institutional Review Board. Subjects included 25 heterosexual couples, in which the male perpetrator was being held at a Detention Facility in Washington State for a *felony-level* domestic violence offense (e.g., assault, violation of a no contact order, unlawful imprisonment) and made telephone calls from the Facility to his victim. In 2005, the Facility began routinely audio-recording

telephone conversations of detainees to increase jail safety. All parties are aware they are being recorded through an automated message at the beginning of each call. The legality of audio-taping telephone calls made from Washington State detention facilities was upheld in a Washington State Supreme Court decision (*State v. Modica*: 164 Wash.2d. 186 P. 3d 1062, Wash. July 10, 2008, NO. 79767-6). The prosecution division has authority to release the audio-tapes for research purposes; tapes from 25 couples involved in *felony-level* domestic violence were provided to the study team for analysis. As the study involved secondary, public-record data, subjects were not required to provide informed consent.

The sample size was determined to achieve data saturation, where no new themes were identified (Charmaz, 2000). Qualitative research is designed to generate in-depth themes rather than to achieve generalizability (Giacomini & Cook, 2000). We used 30–192 min of conversational data for each couple, taped during the pre-prosecution period, to explore two research questions:

- 1) Interpersonal processes associated with the victim's intention to recant, including what the couple was discussing before and after it became clear that the victim would recant her story; and
- 2) How the couple constructed the recantation plan once it was clear that the victim intended to recant.

Data analysis occurred from October 2008 through June 2011 in an iterative and robust fashion, with extensive tests of credibility, a hallmark of rigorous qualitative research (Giacomini & Cook, 2000). We used constructivist grounded theory to guide data analysis, which allowed for the construction of a novel recantation framework (Charmaz, 2000), while simultaneously acknowledging the underlying coercive interpersonal dynamic (Dutton et al., 1999) whereby perpetrators manipulated conversations to influence victim recantation. The analytic steps were as follows:

- From October 2008 to December 2008, the study team (AB, RG, CL, and HK) met weekly to listen to the audio-recordings and compile notes about the conversations.
- From January 2009 to July 2009, five trained research assistants transcribed the audio-recordings of *ten couples*, where it was clear the victim intended to recant. The study team continued meeting weekly to review transcripts against the audio-tapes and to discuss emerging themes;
- From July 2009 to October 2009, AB and RG used the transcripts to write in-depth narrative summaries for the ten couples that addressed our two research questions, namely, themes related to what couples were discussing before and after it became clear the victim intended to recant and how couples then constructed the recantation plan. The summaries were reviewed iteratively with the study team and revised. Unlike many qualitative studies that involve structured interviews to solicit themes, we were working with couples' raw, unstructured narratives; we therefore wrote narrative summaries (Comfort, Grinstead, McCartney, Bourgois, & Knight, 2005) of what couples were discussing instead of breaking the data into "code-able parts" to ensure continuity and integrity of the couples' narratives. Through November 2010, the preliminary findings were presented at six professional meetings and discussed with the prosecutor (DM) to test credibility of the study team's interpretations.
- From this process, a theoretical framework was constructed and tested from September 2010 to June 2011. This involved extensive re-engagement with the data from the *original ten couples*, by re-reading transcripts and re-organizing earlier themes. AB and RG then reviewed the audio-tapes of *an additional 15 couples* to confirm theoretical saturation. The victim's intent to recant occurred in *seven of the 15 additional couples*

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