

Jail Calls: What Do Kids Have to Do with It?

Amy Bonomi¹  · David Martin²

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Abstract For many domestic violence victims, witness tampering continues throughout an abuser's detention while awaiting court appearance and sentencing, often via phone calls made from jail. A common question we are asked when leading an investigation and providing expert testimony is how abusers involve their children (directly or indirectly) during jail calls. In this commentary, we use three case examples to illustrate how abusers involve their children (directly or indirectly) to further manipulate and tamper with their victim. As the three case examples illustrate, domestic abusers tend to use similar strategies with children during the jail calls as they do with their primary victim (e.g., minimizing the abuse, calling up images of a broken family due to impending charges and sentencing), and tend to triangulate their children against the victim.

Keywords Domestic violence · Children · Phone calls · Jail · Witness tampering · Manipulation

Jail Calls: a Prime Avenue for Witness Tampering in Domestic Violence Cases

As recognized by the U.S. Supreme Court, witness tampering is a significant problem in domestic violence cases (Davis v. Washington, 126 S.Ct. 2266, 165 L.Ed.2d 224,

2006). Unfortunately, for many domestic violence victims, abusers continue to tamper with them while awaiting court appearance and sentencing, often via phone calls made from jail.

In 2011, we published the field's first analysis of jail phone calls that occur between domestic abusers and their victims; outlining a five-stage model describing how abusers manipulate their victims into changing their stories to lessen impending criminal charges (Bonomi et al. 2011). In our analysis, the abuser started out the jail calls by minimizing the abuse and resisting the victim's account (stage 1), along with using sympathy appeals to position himself as the "victim" and to manipulate the victim's emotions (stage 2). As the jail calls progressed, the couple reminisced about earlier happier times in their relationship, dreamed of a better life together (e.g., getting married), and positioned themselves against others who did not understand them and/or their relationship (e.g., family, friends, the prosecutor, the domestic violence advocate) (stage 3). Finally, the abuser typically made a direct request during the jail calls for the victim to recant (stage 4), followed by the couple working together to reconstruct the abuse narrative to preserve the abuser's "innocence," blaming the state/judge/prosecutor for detaining the abuser, and giving each other specific instructions of what to say in court (Bonomi et al. 2011).

✉ Amy Bonomi
bonomi@msu.edu

¹ Department of Human Development and Family Studies, Michigan State University, 552 W. Circle Drive, East Lansing, MI 48824-1312, USA

² Domestic Violence Unit, King County Prosecuting Attorney, Seattle, WA, USA

Do Domestic Abusers Involve Their Children During Jail Calls?

As professionals working in the field, a common question we are asked when leading an investigation and providing expert testimony is how abusers involve their children (directly or indirectly) during jail calls. It has been long known that children growing up in homes where domestic violence occurs are

witnesses to the abuse (Finkelhor et al. 2013; Hamby et al. 2010; Kernic et al. 2002) and are often integrated into the abuse dynamic (Bonomi et al. 2011; Gangamma and Bonomi 2010; Gangamma et al. 2009; Katafiasz et al. 2010). However, commentaries have not described the varied ways abusers use jail calls to manipulate their intimate partners through triangulation of children as part of the abuse dynamic. Triangulation is the process by which a third party is used to replace direct communication between two (or more) individuals and/or to position communication against (or in alignment with) an individual (Bowen 1974, 1976). Through triangulation, the victim's connection to her children provides a prime opportunity for the abuser to exploit the victim's fear of harm, emotional vulnerability, love, financial dependence, familial traditions and bonds.

In this commentary, we use three case examples from clinical practice to raise awareness about how domestic abusers triangulate their children into the abuse dynamic during jail calls, either directly or indirectly. The three case examples come from more than 17,528 felony domestic violence cases charged in King County, Washington (Seattle metropolitan area) over the last 15 years. Data from the three cases come from Washington state public records—including a combination of police records, testimony and court records—after adjudication of the cases was completed. Even though the three cases we review come from more than 17,000 thousand cases over a 15 year period, to protect the identity of domestic violence victims (and their children), we modified some of the contextual details of the cases (e.g., location where the domestic abuse occurred, exact age in years of the children). In our modifications, we did not change the content and intention of how domestic abusers triangulate children, and we did not change the jail call dialogue.

Case Examples: Domestic Abusers Triangulating Children During Jail Calls

In case one, the abuser came home late one night, and he and his wife began arguing because she was taking care of their newborn child and suspected he was cheating (he was). When the victim attempted to breastfeed their newborn child, the abuser beat and strangled the victim until she almost lost consciousness. The victim's teenage daughter overheard the struggle and called 911. The abuser was arrested at the scene. In numerous calls the abuser made to the victim, he repeatedly demanded that the victim say whatever was needed to get him out of jail as he was their sole income and needed to provide for their infant, using financial manipulation to remind the victim of her financial reliance upon him. The abuser admitted and apologized for past abuse, and encouraged friends and family to bring the victim money to take care of the baby but "not too much" in order to pressure her not to cooperate

with prosecution. The abuser executed a sophisticated campaign to triangulate their infant's needs and family's future to diminish the victim's agency and pressure her to not cooperate with prosecution:

Abuser: "*You wanna sit there and think the baby is not a pawn. She's not a chess pawn. She's not a fuckin tool. I'm not gonna be pullin' her back and forth in between us what we got goin' on. That's not right ... Me and you need to work on what we got goin' on because we're married, cause I got bills to pay. I gotta take care of my family. I'm not gonna sit there and watch my daughter not get what she wants or not get what we need.... We got a newborn kid and I gotta take care of my baby. These motherfuckers are gonna have to kill me cause they're not takin care of her. The only thing they want to do is tell you what to do with your family, but they don't want to give you any money to do it....I love you and I'll see you (in court) tomorrow. You gotta be here with the baby.*"

Victim: "*I love you with all my heart, but I can't do this shit. I love you. I do. I love you, but you have to be a better person....*"

At trial, the victim recanted and stated she did not remember what happened during the abuse event; claiming to have lost memory is common in recanting victims and one we described in our jail call study (Bonomi et al. 2011). For context, the abuser had at least a dozen prior domestic violence criminal convictions, and had upwards of 30 domestic violence protection orders against him over his lifetime.

In case two, the abuser severely beat his wife at a nightclub (breaking her nose) because she was "ruining his chance to have fun" at the club. After a bystander called 911, the police arrived at the scene, chased after the abuser and arrested him. Despite visible injuries, the victim denied being beaten by her abuser when the police questioned her at the scene. While awaiting trial, the abuser continued to manipulate and abuse the victim during phone calls from jail, including triangulating their preschool-age child in the conversations. During one of the jail calls, shortly after implicating the victim in the attack ("*You sat there and wanted me to do that [break your nose]*"), the abuser asked to talk to the couple's child. When the child got on the phone, the abuser intimidated the child and placed blame for the abuse back on the victim: "*Your mom is mean and evil. Tell her I said that. Ask your mom why she hates me. Ask her why she don't love me, why she keep puttin' me in jail.*" The child repeated the questions to the victim, and when the victim returned, she refused to give the phone back to her child. This prompted

the abuser to intimidate the victim repeatedly, “*Can I talk to my [child]?!*”, and he accused the victim of being happy that he is in jail. Shortly after the abuser triangulated the child against the victim, he further intimidated the victim by threatening suicide (e.g., “*Why you wanna’ kick a motherfucker while he’s down, though? You’re making me go crazy ... you wanna’ seek a motherfucker suicidal?!*”). In response, the victim agreed to try to get the abuser out of jail. Consistent with our prior jail call analysis, while the abuser’s threat of suicide acutely shifted the victim’s emotional space into concern and caretaking (Bonomi et al. 2011), the prelude of triangulating their child was an additional manipulation of the victim in implanting the idea that she was responsible for breaking up the family.

In the third case, the abuser came home intoxicated late one night and suffocated his girlfriend while she slept in bed with her infant because he suspected she (an exotic dancer) was sleeping with her customers (she was not). The abuser made many calls to the victim from jail in attempt to influence her to recant her story. During one of the calls, when the victim suggested that abuser’s behavior toward her was problematic especially in front of their infant (“*For you to treat me the way you do in front of [the infant], that’s wrong*”), the abuser immediately resisted the victim’s account and triangulated their infant against the victim. Specifically, the abuser conjured the idea that their infant (come school age) would be ashamed of his mother’s job as an exotic dancer: “*For you being a stripper is just wrong. If you’re dancing naked in front of his [the baby’s] school teacher, do you think that’s going to be cool with him? Do you think it’s going to be okay with him?*” Despite the victim’s repeated attempts during the jail calls to make the case that she would not let their baby grow up in an abusive household, her abuser continued to blame her for any “household dysfunction” and disparaged her role as an exotic dancer: “*Dancing naked in front of others ... it does matter, it does matter ...*”. In summary, in this case, the abuser suffered sexual jealousy over the victim exposing her body to other men (through exotic dancing) and triangulated the couple’s infant by suggesting, come school age, he would not approve of his mother “*dancing naked in front of [his] school teacher.*”

As these three cases illustrate, the use of third parties (children) directly or indirectly during jail calls is a technique domestic abusers use to manipulate and tamper with their victim. What is more, domestic abusers in direct communications tend to use similar strategies with children during the jail calls as they do with their primary victim (e.g., minimizing the abuse, calling up images of a broken family due to impending charges and sentencing) (Bonomi et al. 2011). The use of children underscores an even more sophisticated level of abuse by engaging the victim with mutually exclusive and competing demands – preservation

of the family versus holding a loved one accountable for ending their violence versus immediate and long-term safety and well-being.

Practice and Research Implications

Victims’ children are both a source of strength and weakness, with traditional resources of victim advocacy and support in the legal realm often insufficient to combat an abuser’s attack. Timely legal assistance and providing access to professional advocates and civil legal attorneys who can help women buffer against abuse and manipulation—including abuse that occurs during phone calls when the abuser is behind bars—are key parts of what works to reduce domestic violence (Bybee and Sullivan 2005; Holt et al. 2003; Satterberg and Tunheim 2017; Sullivan and Bybee 1999). Yet, few victims assisted by the criminal justice system receive adequate legal representation, including that from a legal aid attorney, when and where they need it (Washington State Supreme Court 2015). Resources need to continue to be provided for legal advocacy for women to level the playing field, including establishing intentional and effective partnerships with civil legal aid attorneys and organizations.

In addition, researchers need to work hand-in-hand with practitioners to provide evidence, in court, of the sophisticated types of manipulations domestic abusers use with their primary victims and with their children from behind bars. Our jail call study findings (Bonomi et al. 2011) and the concepts from our commentary here can be used as in-court evidence/exhibits of how abusers manipulate victims from behind bars—similar to the way that the Power and Control Wheel (Pence and Paymar 1993) is routinely used to explain the dynamics of domestic violence to jurors. Researchers should also work with practitioners to utilize the calls to inform and improve the efficacy of interventions with abusers, victims, and families. As above, our study can be used to deepen and improve interventions to mitigate abuse.

We need to continue to provide training regarding the dynamics of recantation and how abusers use jail calls to manipulate victims to a wide range of professionals, including judges, prosecutors, domestic violence advocates, police officers, correctional officers, and medical professionals. Moreover, we need to continue to find appropriate ways to share samples from the jail calls with the broader public to raise awareness and understanding of the dynamics of domestic violence, promote prevention, and encourage support for the work of community based domestic violence organizations that serve victims. While utmost care must be taken to protect victims and their children, there are few substitutes to the power of the jail calls in illustrating the counter intuitive nature of domestic abuse

to the broader public—including how abuse and manipulation manifest in real time.

Additional research requiring attention includes the investigation of abusers' use of videoconferencing and social media from jail and other forms of communication to tamper with witnesses. As some abusers realize jail calls are now used as evidence in court, they are turning to other types of communication (e.g., videoconferencing, sophisticated third party involvement); these pathways need further investigation to ensure we are providing victims (and their children) with the utmost protection.

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