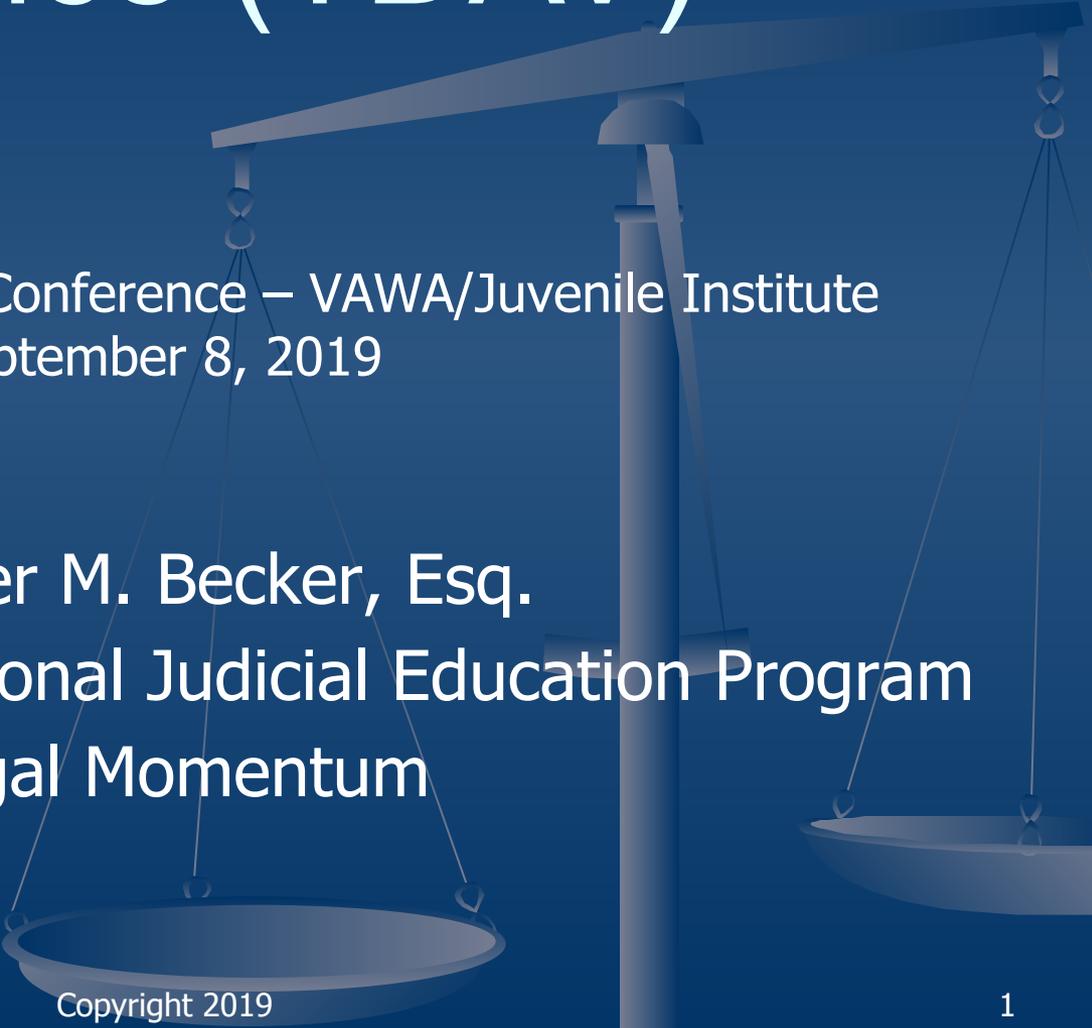
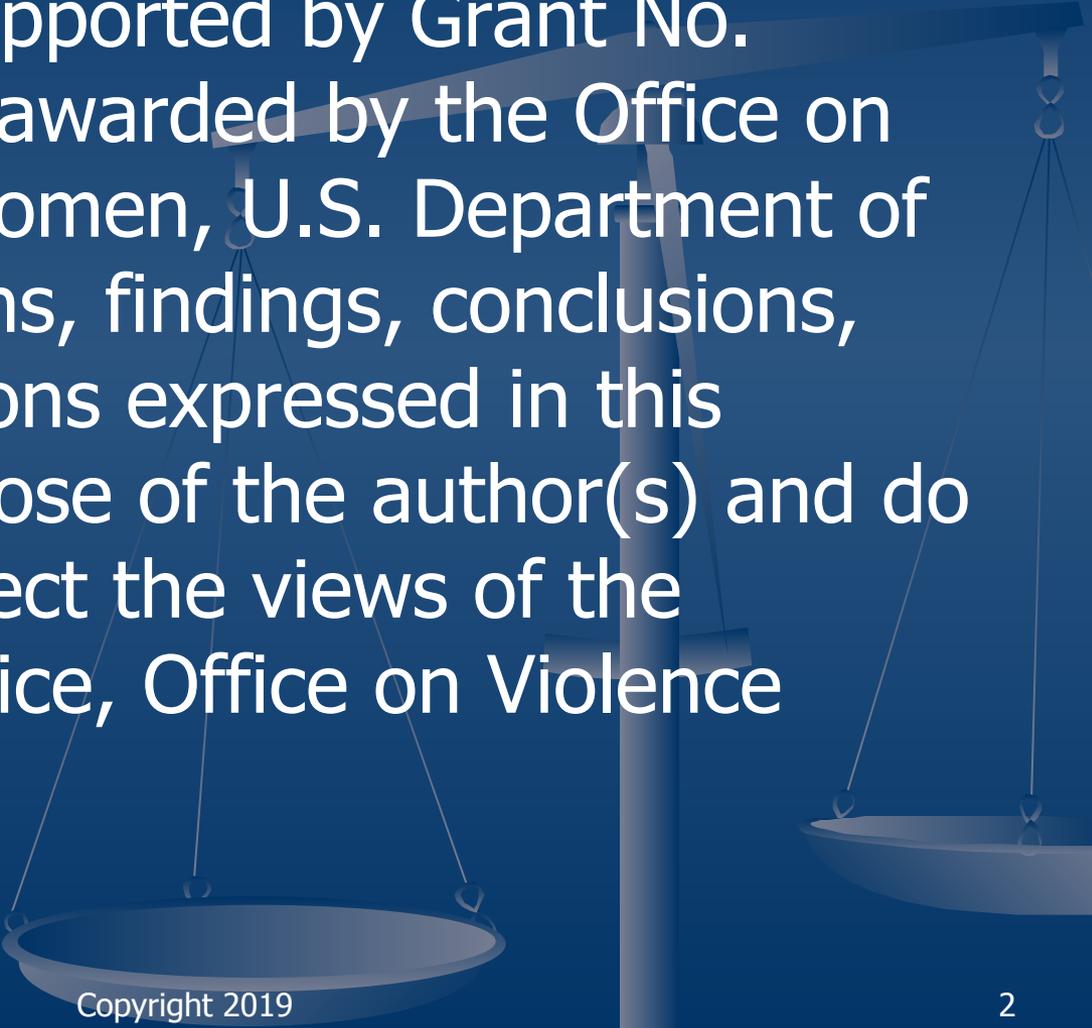


Teen Dating Abuse & Violence (TDAV)



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Topics to Be Covered

- The dynamics and consequences of teen dating violence
- Neuroscience and the teen brain: A primer
- Technology-facilitated TDV and the evidence it produces
- Considerations for orders of protections
- Accountability and restorative justice models

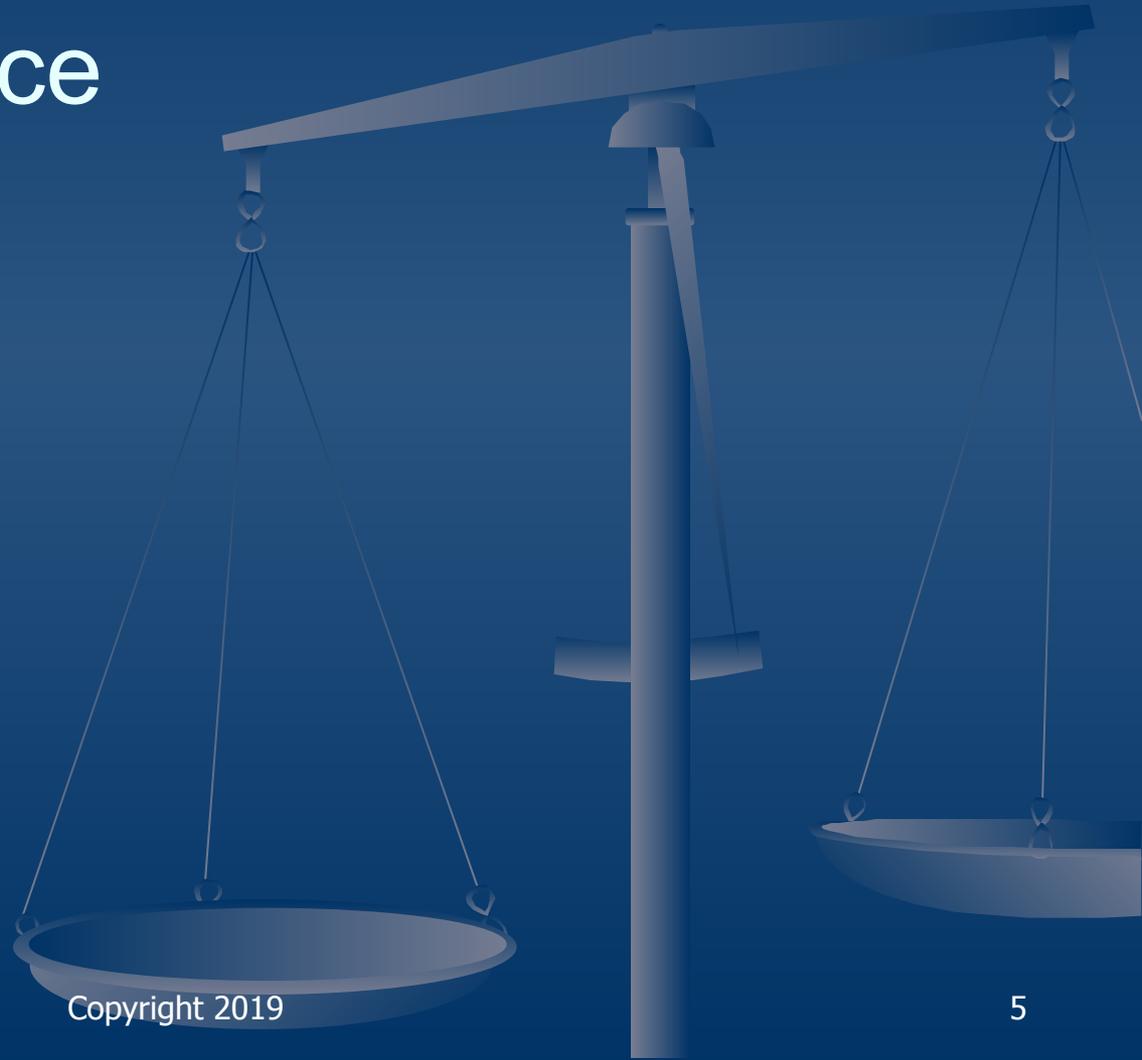
Dynamics and Consequences of Teen Dating Violence



Facts and Myths

#1: Violence in teen dating relationships is as prevalent, harmful, and dangerous as it is in adult domestic violence relationships

- A. Fact
- B. Myth



Youth Risk Behavior Survey (2017)

- 8.6% of dating Colorado youth subjected to physical abuse by dating partner
- 7% of Colorado youth subjected to forced sex
- 14.5% of Colorado youth subjected to cyberbullying/abuse
in the preceding 12 months

Colorado Teen Dating Violence Prevention Report (2011)

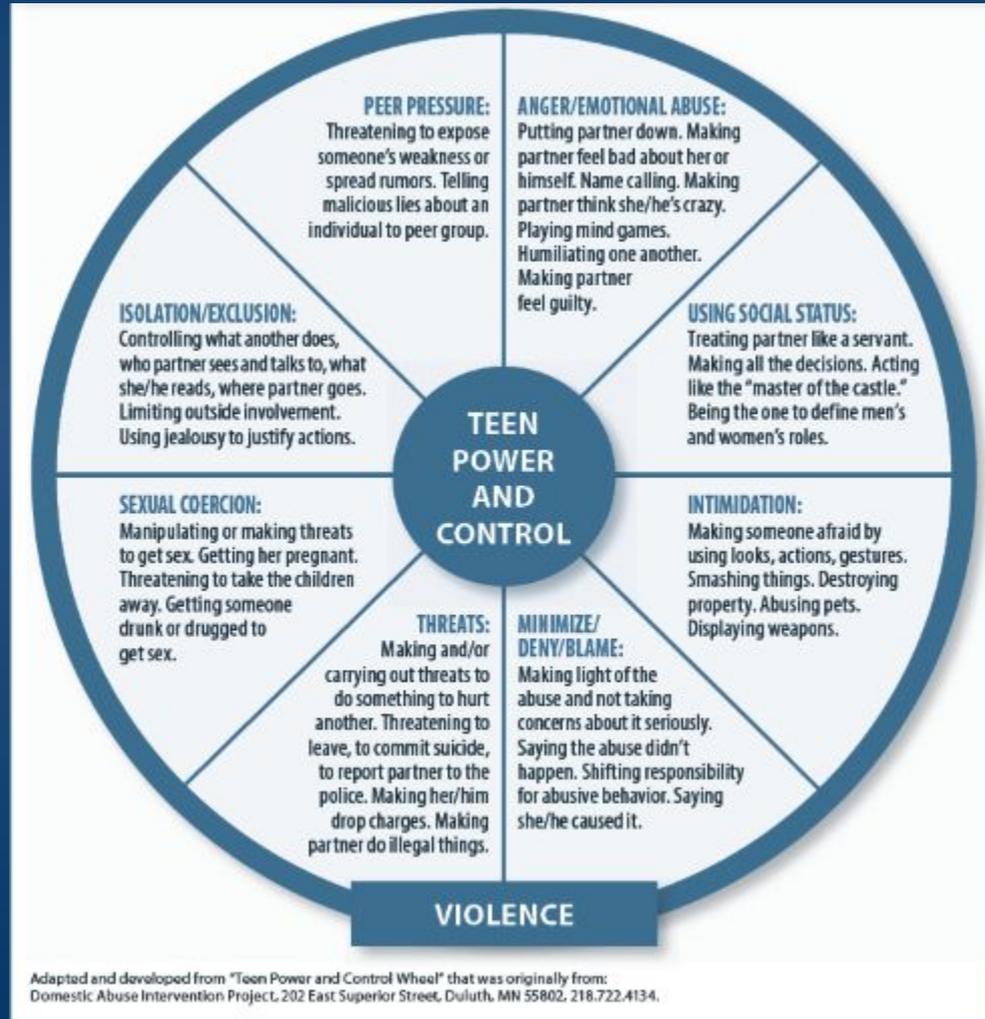
- Between 2005 and 2009:
 - Colorado youth that self-identified as victims of teen dating violence rose by 3%
 - Percentage of Colorado 11th grade girls who reported having been subjected to forced sex increased by nearly 9%

#2: Adolescent “dating” relationships look the same as adult “dating” relationships.

- A. Fact
- B. Myth



The Power and Control Wheel for Teenage Relationships



#3: TDAV victims can easily leave their abuser.

- A. Fact
- B. Myth



Coercive Control

“...many men adapted coercive control as their abuse strategy of choice when gains in women’s rights and resources made violence alone increasingly ineffective as a means to sustain [their] privilege...The adoption of this model is important because the current violence-centered and incident-based approach caused the domestic violence revolution to stall.”

Evan Stark, “Coercive Control,” National Domestic Violence Fatality Review Initiative, Spring 2010

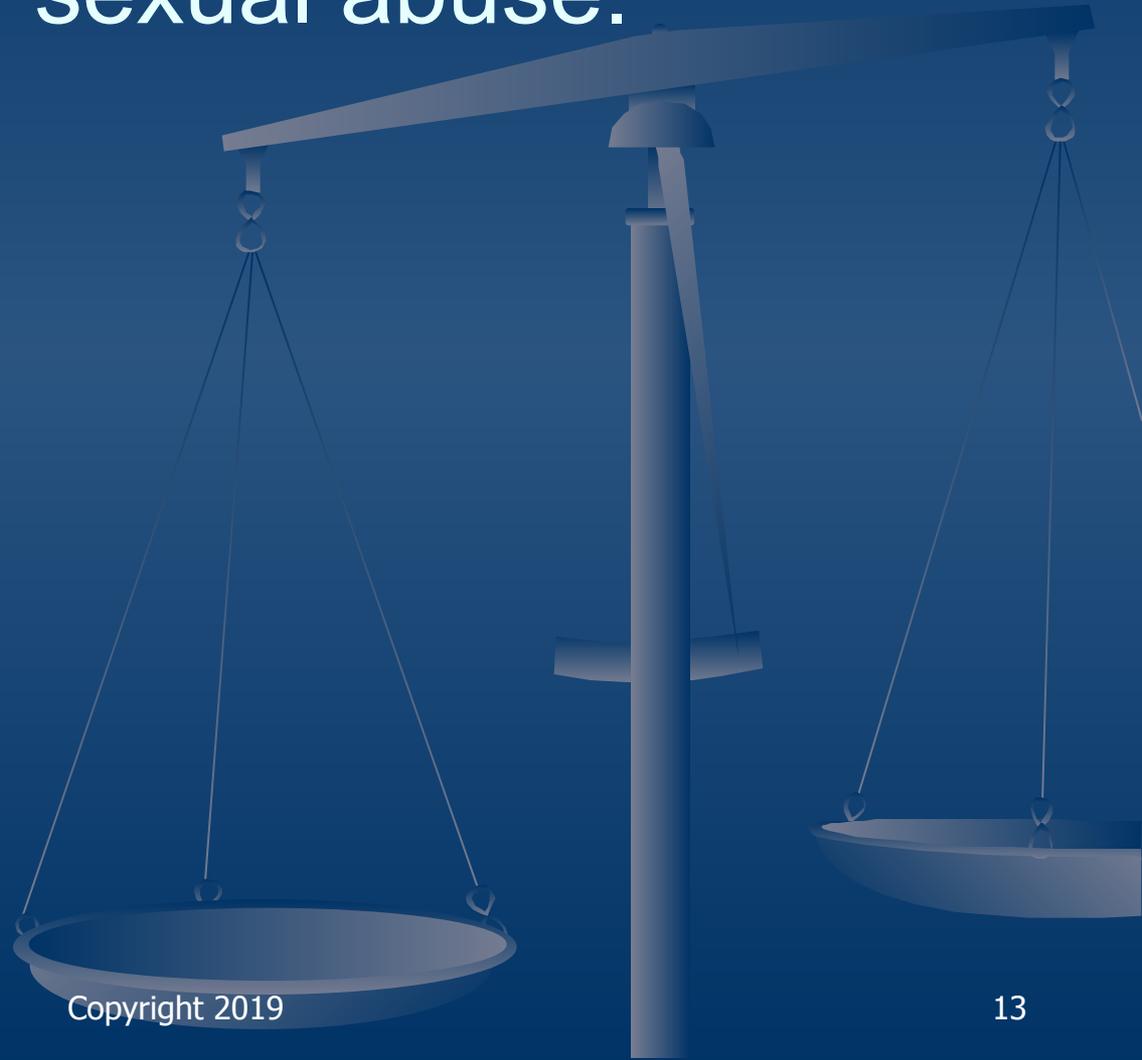
Traumatic Bonding

- The development of strong emotional bonding between two people when one person is at times abusive and at other times loving
- *"I started to break up with him. But he would come to me crying 'I love you. I'll never hurt you again.' When I'd see him cry, I'd remember the softness and gentleness he could show. It would give me hope that we could work it out. I'd leave him and go back. When [his crying] didn't work, he started threatening to hurt me and my friends and my mom. It even got to the point where he threatened to commit suicide."* Salina, 13

Barrie Levy, "In Love and In Danger" (2006)

#4: Physical violence perpetrated by teen dating partners is often accompanied by sexual abuse.

- A. Fact
- B. Myth

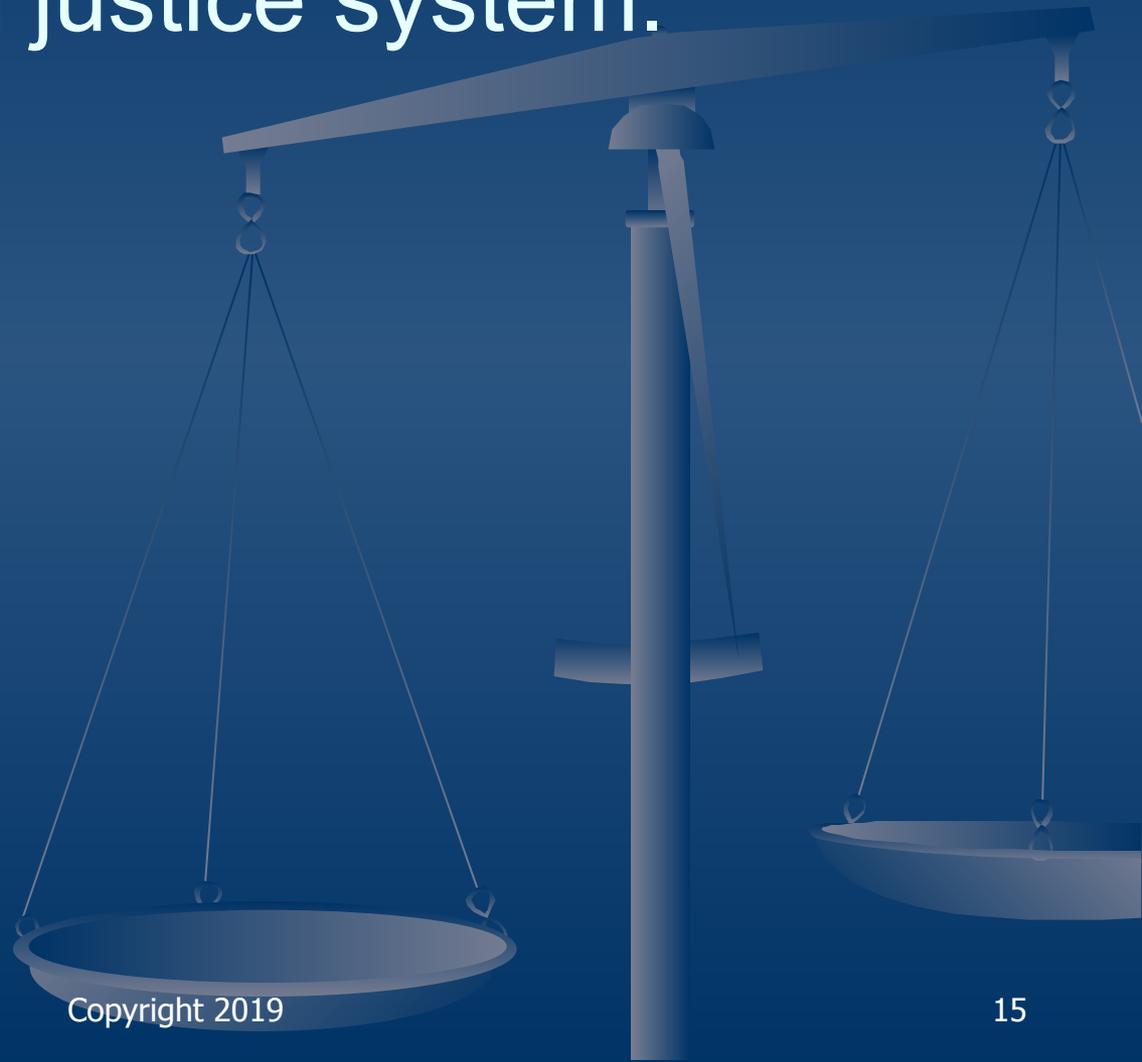


Reproductive Coercion

- Coercing sex without protection against pregnancy or sexually transmitted infections
- Coercing pregnancy
- Restricting access to gynecological medical services and/or birth control
- Attacking partner when she becomes pregnant
- Coercing abortion
- Sabotaging birth control/“stealthling”

#5: The consequences of TDV can lead to victims' involvement in the juvenile/criminal justice system.

- A. Fact
- B. Myth



Recommendations

Francine Sherman & Annie Balck, "Gender Injustice: System Level Juvenile Justice Reforms for Girls"

http://nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf

- Training for judges, attorney, court personnel
- Awareness of court process
- Representation
- Diversion
- Brief, targeted, strengths-based probation

The Teen Brain: New Knowledge from Neuroscience



Facts and Myths

#6: From a neurobiological perspective, by the teenage years the brain is fully developed.

- A. Fact
- B. Myth



The Teenage Brain: New Knowledge from Neuroscience

“[T]he teen brain is only about 80 percent of the way to maturity. That 20 percent gap, where the wiring is thinnest, is crucial and goes a long way toward explaining why teenagers behave in such puzzling ways – their mood swings, irritability, impulsiveness and explosiveness; their inability to focus, to follow through, and to connect with adults; their temptations to use drugs and alcohol and to engage in other risky behavior. When we think of ourselves as civilized, intelligent adults, we really have the frontal and prefrontal parts of the cortex to thank.”

- Dr. Frances Jensen, *A Neuroscientist's Survival Guide to Raising Adolescents and Young Adults* (2015) at 37.

“Still Under Construction”

- The teenage brain is “still under construction,” according to the National Institute of Mental Health, *The Teen Brain: Still Under Construction* (2012)
- Connectivity of brain regions is critical
- Connectivity governs how well brain regions work together and relates to intellectual abilities
- Brain regions “wired together” “fire together”
- Brain Components:
 - Gray Matter (neurons)
 - White Matter (myelin)

#7: The flexibility and excitability of the teen brain means that stressors can create problems far more serious than they would be for an adult brain.

- A. Fact
- B. Myth



VIDEO

- Dr. Francis Jensen, *The Workings of the Adolescent Brain*, 3:14
- <https://www.youtube.com/watch?v=Y8sO4tqfUEs>

#8: Exposure to trauma in childhood has less of an impact on overall health outcomes than trauma in adulthood.

- A. Fact
- B. Myth



VIDEO

- Dr. Nadine Burke Harris, *How Childhood Trauma Affects Health Across a Lifetime*, 16:12
- <https://www.youtube.com/watch?v=uXXTLf7oouU>
- A TED/MED talk explaining ACES, the Adverse Childhood Experiences Study, how it maps the neuroscience and the implications for every aspect of physical and mental health across the lifespan.

ACES and impact of childhood trauma

- Toxic stress
- The “alarm state”
- Fear conditioning



Why “Bad Stress” Particularly Harms Teen Brains

- Brain structure immaturity prevents full use of pre-frontal cortex executive function to handle emotions
- Stress hormones impact teens differently than adults

Harms of Prolonged “Bad Stress” For Teen Dating Violence Victims

- Greater susceptibility to PTSD than adults
- Liable to self-medicate with alcohol, drugs, and self-harm such as cutting
- Addictions take tenacious hold because the teenage brain has so many synapses eager to absorb everything in the environment
- Adolescent-origin addictions are harder to eradicate

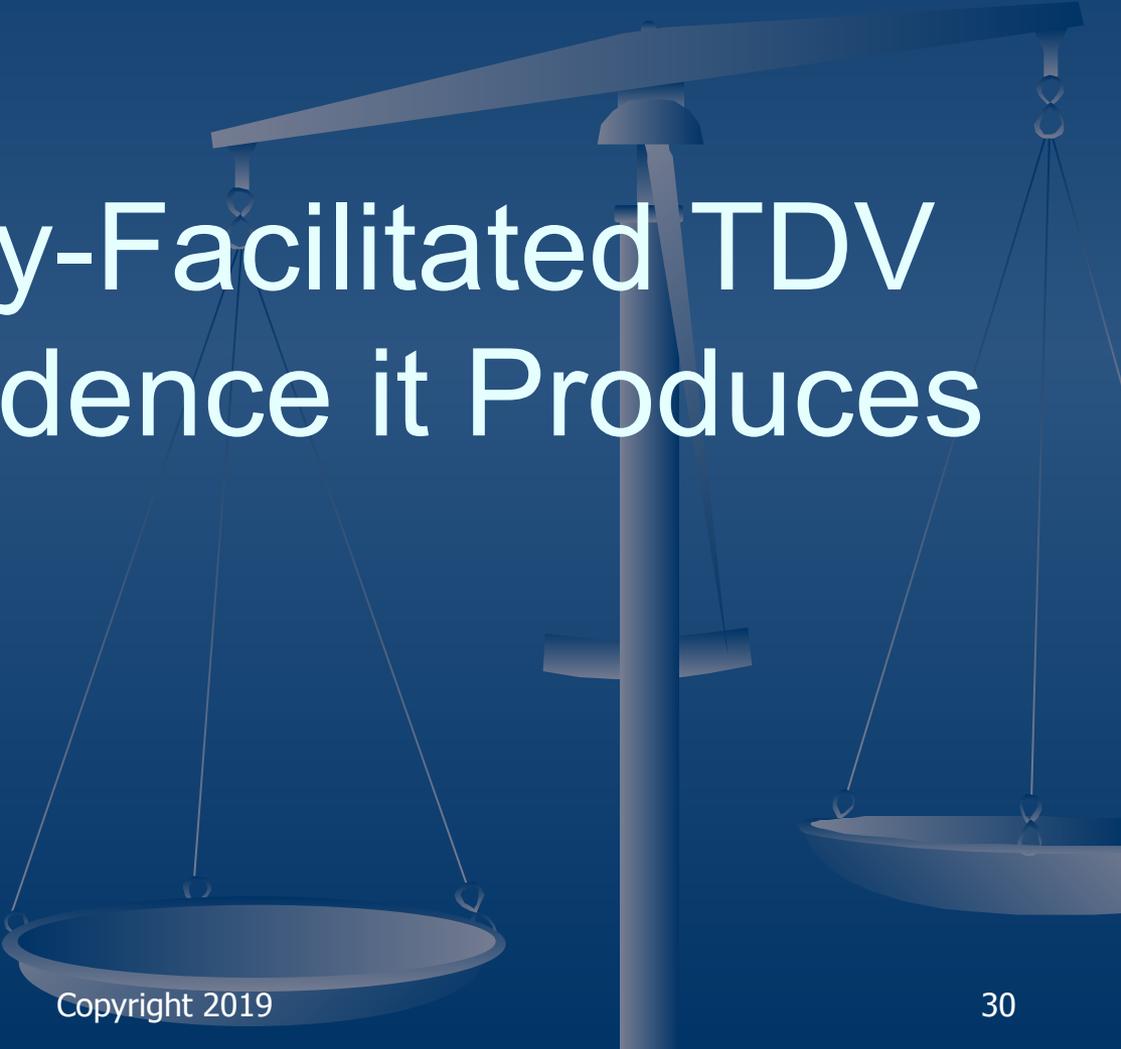
#9: Just as the teenage brain is more susceptible to “bad stress”, it is also more able to absorb new learning.

- A. Fact
- B. Myth



Resilience

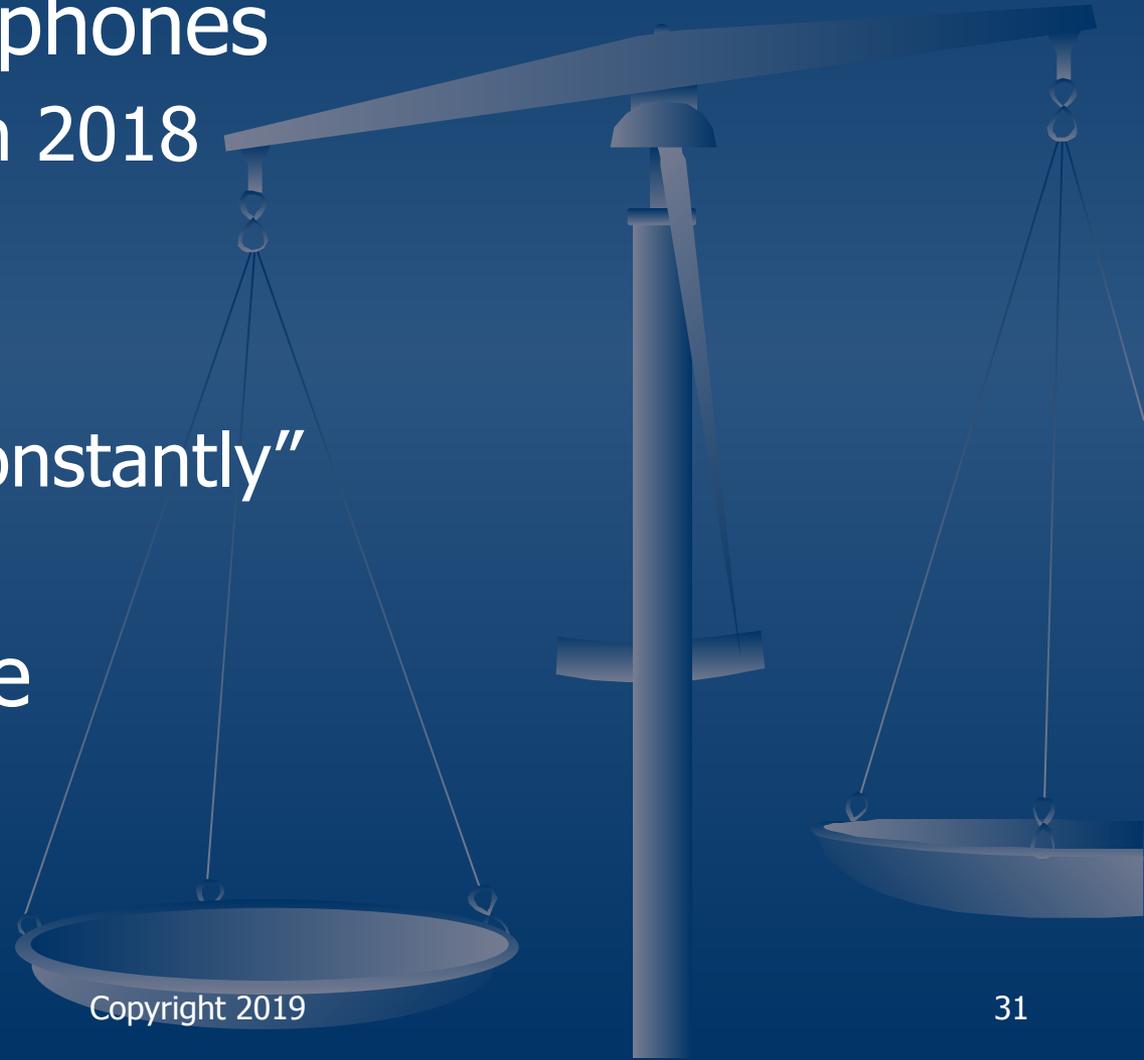
- Resilience is learned behavior.
- Because the teen brain so rapidly absorbs new learning, teens are better able than many adults to learn how to respond to stress effectively.
- Courts can help teen dating violence victims and perpetrators take control of their lives.



Technology-Facilitated TDV and the Evidence it Produces

The Reality of Communication

- Access to smartphones
 - 95% of teens in 2018
- Internet use
 - 45% “almost constantly”
- Social media use



Cyber-facilitated TDV

How prevalent is this abuse?

- 1 in 4 dating teens is abused or harassed online/via text by partner
- Victims of digital abuse are **2x as likely to be abused physically, 2.5x as likely to be abused psychologically, and 5x as likely to be sexually coerced.**
- 1 in 5 TDV victims is subjected to digital abuse at school/during school hours.

Urban Institute, 2013

Cyber-facilitated TDV

What does it look like?

- Excessive texting/messaging
- Threatening texts/messages
- Location sharing/demanding to know whereabouts
- Writing embarrassing/harassing/threatening material on social media
- Coercing sexually explicit images
- Threatening dissemination of sexually explicit images and/or humiliating information
- Tampering with victim's social media accounts

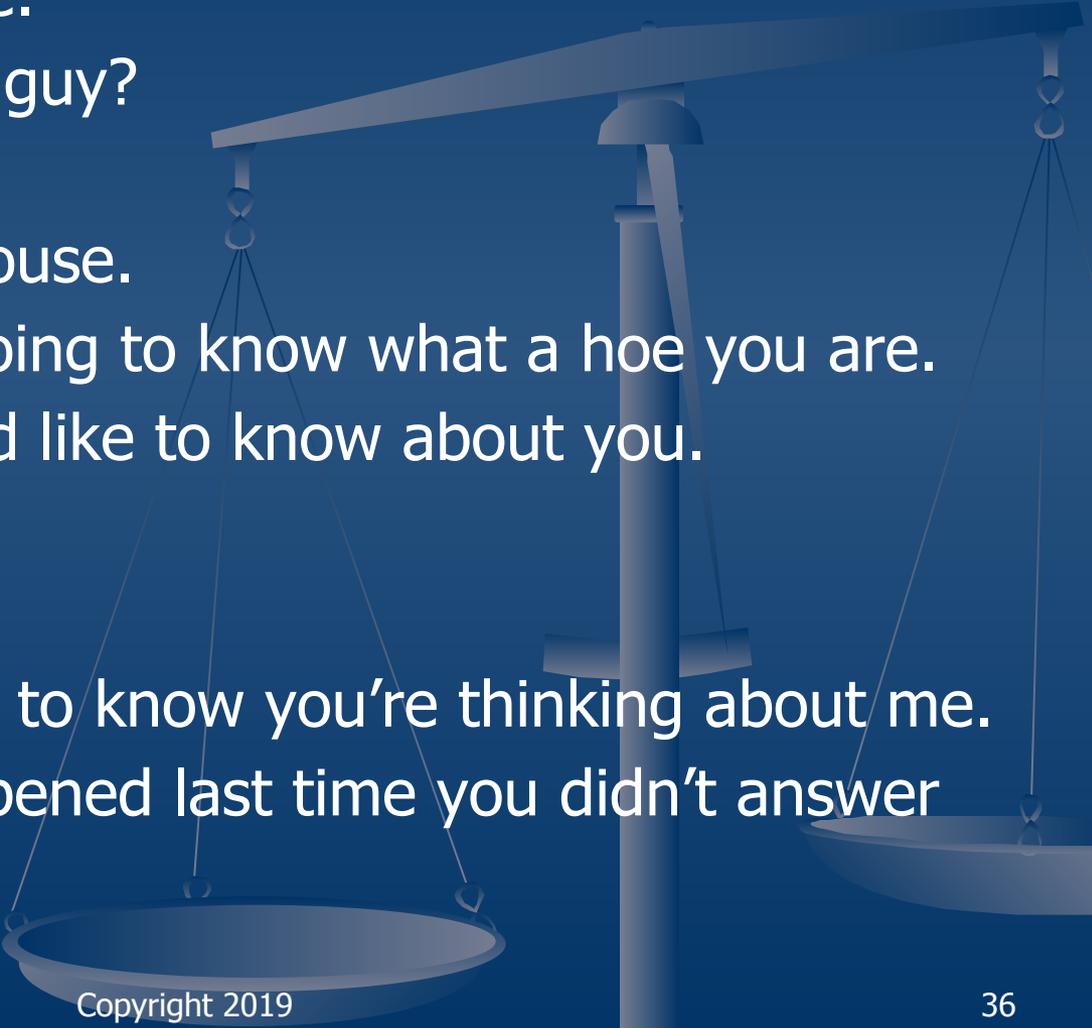
Cyber-facilitated TDV

- Unlawful dissemination of images/“revenge porn”
- “sextortion”

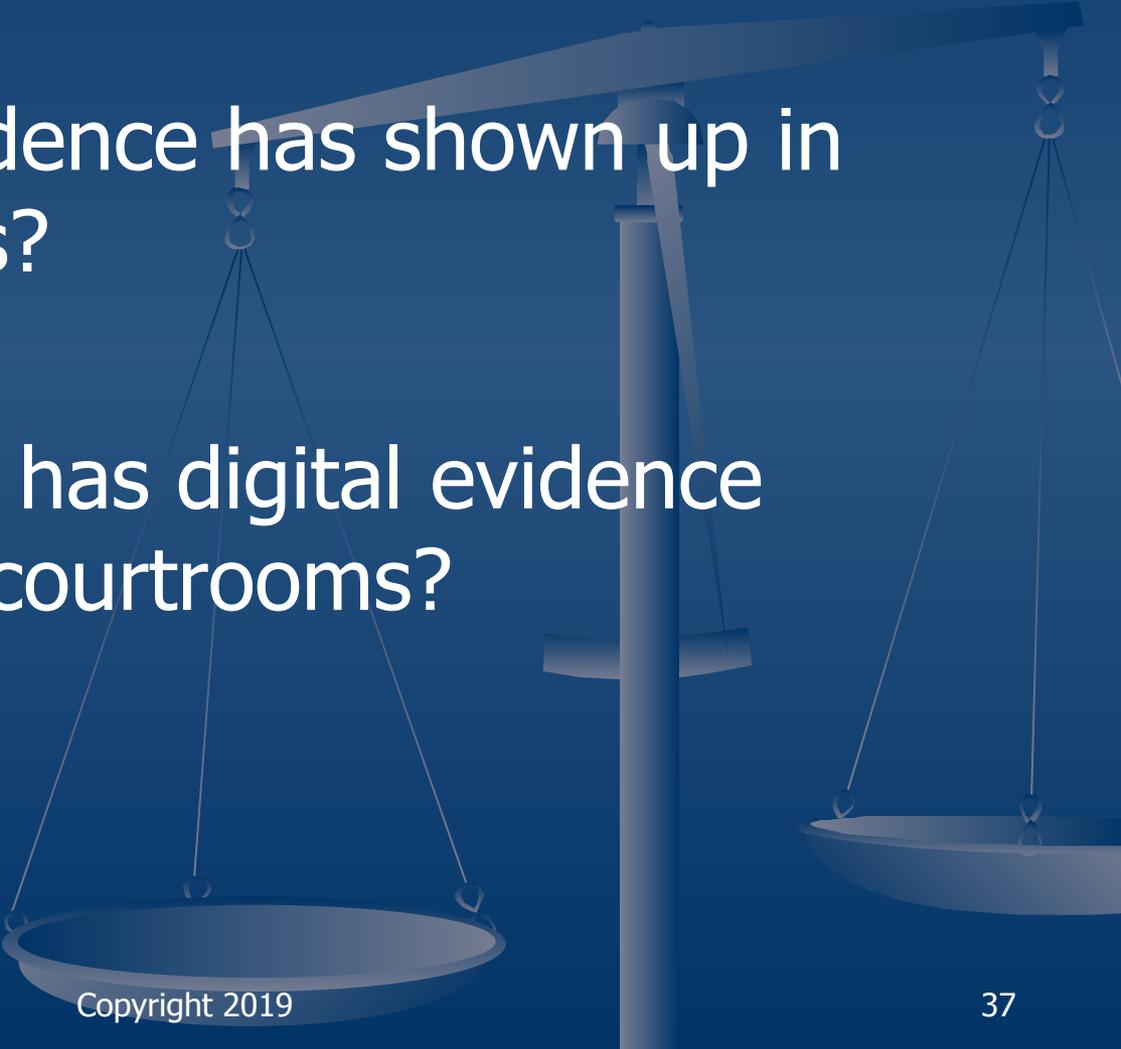
Exercise

- I would not, could not, in the rain. Not in the dark. Not on a train, not in a car, not in a tree. I do not like them, Sam, you see. Not in a house. Not in a box. Not with a mouse. Not with a fox. I will not eat them here or there. I do not like them anywhere!

Dr. Seuss, *Green Eggs and Ham*

- 
- Where are you?
 - What are you doing?
 - You better answer me.
 - Are you with another guy?
 - You're a slut.
 - I'm coming to your house.
 - All your friends are going to know what a hoe you are.
 - I bet your mom would like to know about you.
 - Answer me.
 - I need you.
 - I love you and I need to know you're thinking about me.
 - Remember what happened last time you didn't answer me?

TDV cases and Digital Evidence



- What digital evidence has shown up in your courtrooms?
- What difficulties has digital evidence created in your courtrooms?

Evidence Produced by Technology-Facilitated TDV

- Emails
- Text messages
- Call logs
- Cell site data
- Messaging app data
- Social media account data (photos, messages, public posts)

How Is This Evidence Obtained?

- Records maintained by “owner”
 - Subpoena
 - Search warrant
 - Court order
- ❖ Preservation requests

How does digital evidence become relevant?

- Evidence of the offense itself
- Corroboration



Theories for Admission of Relevant Digital Evidence

- Evidence of offense/*Res Gestae*
- Content falls under hearsay exception
- Prior bad act
- Nature of relationship between parties/victim and offender

What Is Being Introduced?

- Testimony
- Screenshots/photographs
- Records
- Reports of forensic examinations

How is the Foundation Laid?

- Testimony
- Business record affidavit
- Custodian of records
- Chain of custody



Balancing Privacy



- Narrowly tailored orders/warrants
- Defense motions to compel

Orders of Protection



Considerations for Crafting an Order of Protection

- Tailored to reflect teens' inability to change social environments
- Consider shared spaces
- Specificity, e.g., avoid "refrain from communicating" in favor of "refrain from communicating by..."

Orders of Protection and Students

- Challenges to issuing or compliance?
- Solutions?

Orders of Protection and Students

- Use narrow language so schools have a directive
- Direct parties/attorneys to discuss compliance options with school; to convey order to school
- Communicate directly with schools
- Minimize burden on victims

Orders of Protection – Minor Petitioners

- Can minors petition without a parent/guardian?
- How can courtrooms be more accessible for young petitioners?

Accountability



A Moment of Opportunity

What we know about the teenage brain tells us it is the optimal time for successful intervention

What Can Effective Intervention Achieve?

- *“I was sure I’d never hit a girl because my dad beat my mom. But I felt I had to have control, and I did. I had a hard time trusting girls. I used to hit [my girlfriend], punch her, slap her. I told her she was no good and called her a slut. I choked her and threatened to kill her. Now I am working on my issues in counseling. I have learned to talk to [my girlfriend] and use a time-out when I am angry. I now can look at what she is going through.” – Paul, 18*
- *“I emotionally abused her by telling her one thing and doing the opposite. I controlled her dress, behavior, and who she could be friends with. I used my gang to intimidate her by pointing out victims and threatening to do the same to her. Now I think about negative consequences for assault, like jail. I also think about how it affects her.” – Ruiz, 17*

Barrie Levy “In Love and In Danger” (2006)

Effective Intervention

- Explore past trauma
- Teach empathy
- Address alternative outlets for triggers
- Encourage acknowledgement of conduct and harm
- Explore the dynamics of healthy relationship behaviors and consensual sex

Alternatives to Explore

- Restorative Justice
- Youth Courts
- Are alternative justice models equipped to deal with teen intimate partner violence?

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