

Joe:

Good morning. Children exposed to violence in the real world, an interactive discussion. This panel will present the task force members and invited participants with a story and a problem that could confront almost anyone. The implications of this problem then ripple out to encompass larger issues triggering ethical, emotional, legal, and public policy questions that overlap and sometimes conflict. As the panelists wrestle with the issues presented in a hypothetical story, they are encouraged not just to say what they think about an issue but to say what they would do in difficult decision making situations if they were personally involved.

The viewers are along for the ride emotionally and intellectually as the story creates a link for citizens between their lives and issues in the headlines that so often seem remote, abstract, and unconnected to their day-to-day concerns. The panelists, the Honorable Michael J. Ryan, Cleveland Municipal Court judge. Judge Ryan grew up with a teenage drug addicted mother and did not meet his biological father until he was 22. The victim of physically abusive drug and alcohol addicted stepfather, Ryan watched his mother die from her drug use when he was 13.

He spent much of his childhood years in the Longwood Projects attending 11 different schools from kindergarten to 12<sup>th</sup> grade. Ryan made history in 2001 when at the age of 30 he was the youngest person appointed to a full time magistrate position for the Cleveland Municipal Court. On January 5<sup>th</sup>, 2012 Ryan was sworn in to a second full six-year term as judge.

Vicki Spriggs, CEO of Texas court appointed special advocates. Miss Springs leads Texas Casa, the statewide association for 69 local programs that advocate through volunteers for children in the foster care children. Texas Casa provides funding and technical assistance to local Casa programs that recruit, train, and supervise volunteers that are appointed by the courts to advocate for children in foster care. Texas Casa also works at the state and national levels to improve the child welfare system. Before assuming this role, Miss Spriggs was executive director of the Texas Juvenile Probation Commission for 16 years.

Our facilitator, Charles J. Ogletree Jr., director Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, Jesse Klamenco, professor of law. Professor Ogletree is a prominent legal theorist who has made an international reputation by taking a hard look at complex issues of law and by working to secure the

rights guaranteed by the Constitution for everyone equally under the law.

Professor Ogletree has examined these issues not only in the classroom, on the Internet, and in the pages of the prestigious law journals, but also in the everyday world of the public defender in the courtroom and in public television forums where these issues can be dramatically revealed. Armed with an arsenal of facts, Professor Ogletree presents and discusses the challenges that face our justice system and its attempt to deliver equal treatment to all our citizens. He furthers dialogue by insisting that the justice system protect rights guaranteed to those citizens by law, and I will turn this over to Charles Ogletree who I warn you is a Red Sox fan.

*Charles:*

That's not my only liability. Thank you. Good morning. Good morning to the panel and good morning to the audience as well. before I started I wanted to say for the audience that you can be a part of this dialogue, not interrupt us the first 90 minutes, but we have cards, both sides of the aisle, and just hold your hands up if you have a different question, a different comment, a different perspective on all of this, and they'll make sure that you have those and we'll try to make sure that the task force gets a chance to address them. Even if you don't want to have a question about the hypothetical one they use, if there's something that you want to say to the task force as they're doing their work that would be very helpful, and they would certainly benefit from it.

In all fairness to the task force let me just say this; none of them have any idea of what questions I'm going to ask or how I'm gonna bring the Yankees into this, but I'm not, but the whole idea is for them to give candid, fresh off their minds ideas about the issues that we're confronting in this hypothetical, and it is just a hypothetical. No doctor or psychiatrist or professional is going to reveal any patient information. No lawyer is going to reveal any client information. Everything will be hypothetical.

They'll talk about a composite person rather than a person that they've actually examined or interviewed or represent, so I wanna make sure that's the case as well, and I'm gonna ask them to play roles that they probably haven't played before, a father or sister or brother, an adult, a victim, a victimizer, and how they would respond to it, and it's not as if they have a chance to go home and study or look up the answer in a notebook. They have to tell us what they think right now. It's not a "gotcha" moment, but the whole idea is how do we think about it, and this is a conversation that we would be having not in a place like this where it's been

recorded but in a conversation over dinner or sitting in someone's living room or watching television or listening to the radio, or any casual place.

They don't have to wait for me to interact. If they have a question or a comment or response or different point of view they are free to interrupt any time that they will. I may stop them not because of what they're saying or the topic they're covering but maybe because they're ahead of us and I'm gonna cover something else. So we're gonna cover this for about no more than 90 minutes just with the panel. Then we're gonna take a short break and we're gonna come back to talk about what can this task force glean from this in terms of some of the policy issues. What do we need to do in reporting back to the Attorney General? What can we do to make some of these things happen?

So that's going to be the scenario. So I hope that you will pay close attention, scribble, and keep asking for questions in notepads and information 'cause the task force will benefit from it as much as they possibly can. So let me start with the panel. Welcome, all of you. I wanna tell you a story, and this story occurs in a city that you're all familiar with. It's the city of Aims, very popular city, and it's in the state of Bliss.

Now there may be a conflict between the city and state, but it's the city of Aims, state of Bliss. And we're talking about two young people who are teenagers and who are probably in love with each other. They are Chris, the 16-year-old male, we'll say a little bit more about him, and Natalie the 17-year-old female. They've known each other for a while. They are dating and they have a history.

Let me tell you a little bit about Aims. They live in a community that has had a number of problems in the past year. If you just look at 2011 there were 19 homicides in and around Aims High School where they both are attending now, and three of those were within a couple of blocks of the high school. So it's a place where they have seen or heard about or are aware of violence as part of culture. The two people, Chris the 16-year-old is living now with Natalie at Natalie's sister's house. Chris has his own family, but he's not living at home. He's living at his girlfriend's sister's house and Natalie and Chris who have been dating recently have a relationship, but what's interesting about it, Natalie has just moved in these last two years to the city of Aims and she was a pretty good student growing up in another city, but for some reason she has not been in school the last two years. Natalie has an 18-month-

old child by a prior relationship having nothing to do with Chris, and there's no record of her academic performance the last two years. There's no record that she's been in school, but she's now at Aims High School and dating Chris. Chris is not a very good student in high school. He's a C- average, and he should graduate. He's a junior, and he should graduate next year. The only problem is that he also misses school, so he's struggling, but he's struggling whether or not he's gonna be able to come to school, so you can see the problems there. Natalie has an 18-month-old child by a prior relationship, hasn't been in school for two years. Chris is 16 years old, a C- student, sometimes doesn't show up, so that's the relationship.

What happens is very interesting. Dr. James, I wanted to go to you first. Natalie and Chris are having an argument at Natalie's sister's house and it gets physical, and they're striking each other. It's probably because Chris thinks she's seeing somebody else. We're not quite sure what it is, and you're Natalie's older sister. I won't tell you what your problems are. Those are coming later. But as Natalie's oldest sister, what do you say when you see these two people fighting right in front of you? What would you say to either one of them? Would you stop it first?

*Thea:* Yes I would stop it and I would want to – before even finding out what it's rooted in or what started it, I'd want to impress upon them how an altercation like this should not occur, ever, and that there are different ways to solve issues and address issues but never like this.

*Charles:* Well what am I supposed to do? I'm Chris. She's obviously seeing somebody else. This is a slut. I can't appreciate the fact that I'm supposed to be her man and she's seeing somebody else. I'm sure of that.

*Thea:* Still, that's not the way to address it.

*Charles:* Shouldn't you be talking to her about whether or not she's reliable and committed to me?

*Thea:* I would, but I would first -

*Charles:* I want you to do it now. Tell her she is a slut. She is mistreating me.

*Thea:* Well I don't think name calling is another form of violent behavior. You just shouldn't behave in this way. There are ways

to have civil conversations about this first of all. First of all it's the behavior and then we can address what you're upset about.

*Charles:* She struck me back too. Can you say anything about that?

*Thea:* Both of you are wrong in that way.

*Charles:* Would you say anything different, Regina?

*Regina:* Well my first concern would be for the 18-month-old and I would remind them there's a child here and you need to stop it right now, you're in my house, and you need to knock it off. If you've got problems then you use words. I understand you're mad and that's fine, you're allowed to be mad, but we can't communicate with fists and with kicking and slapping. You need to sit down over there.

*Charles:* You saw her kick me.

*Regina:* If you don't like my rules you can get out of the house.

*Charles:* But you saw what she did to me. Are you gonna say anything to her?

*Regina:* You can leave if you don't like my house. Those are my rules.

*Charles:* What about me?

*Regina:* I'm telling you, you wanna have a roof over your head, you're gonna sit there and you're gonna talk about it like grown-ups and then I'll deal with her.

*Charles:* Will you deal with her now?

*Regina:* Don't worry about what I'm gonna deal with her.

*Charles:* Here she is right here. What would you say to her?

*Regina:* Okay, you and I are gonna have a talk. You are not gonna be bringing violence into my home because you have problems. Now I'm not saying I believe him, at this point I don't care, but if you guys do this one more time I will call the police and I will throw both of you out. So let's act like adults, use our words. This is not okay. You have an 18-month-old. You need to be an adult about this.

- Deanne:* Where do you expect us to go? Where do I go with an 18-month-old child? You took us in and promised you'd take care of us. Why aren't you helping me? I'm your sister.
- Regina:* And I love you very much and because you're my sister I'm not gonna kick you out unless you wanna be kicked out. Now I'm telling you there's certain rules you have to abide and because I love you I'm giving you those restrictions.
- Deanne:* Why are you focusing on me? I'm your sister. He's not your brother.
- Regina:* Like I told him, don't worry about that. I'll take care of you and then separately I'll deal with him, and then when you can both act like adults I'll put you guys in the same room.
- Deanne:* Can you just have him leave?
- Regina:* I could do that. Is that what you want? Is that honestly what you want? 'Cause I don't wanna hear about it later.
- Deanne:* You can't kick me out with my baby.
- Regina:* Don't give me a reason to.
- Charles:* Vicki, would you answer that differently if you were the 22-year-old sister Angela? You see this conflict between your sister and her boyfriend. How would you respond?
- Vicki:* In addition to stopping the fight first, I'd sit them both down and say, "Okay, tell me what's going on. What started this?"
- Charles:* She's seeing somebody else.
- Vicki:* How do you know she's seeing somebody else?
- Charles:* It's all over the school. Everybody's talking about it.
- Vicki:* Have you asked her if she's seeing somebody else?
- Charles:* She says, "No." I don't believe her.
- Vicki:* Okay. Stop. Natalie, are you seeing somebody else?
- Deanne:* Well I spent some time with another guy.

*Charles:* I told you! See, that's it. That's it.

*Vicki:* All right, Chris. I hear you. Relax. Natalie, what do you feel about Chris?

*Deanne:* About Chris?

*Vicki:* Uh-huh.

*Deanne:* Well he's been my best friend. In fact he's pretty much my only friend now that I'm not going to school, and he helps with the baby. He doesn't get along with my sister and that's tough. We don't really have a choice.

*Vicki:* So you really find Chris to be somebody that's convenient for you?

*Deanne:* Right, and somebody who can help with my baby. I'm worn out. I'm so tired.

*Vicki:* So, Chris?

*Charles:* Yes, Ma'am?

*Vicki:* What is Natalie to you?

*Charles:* She's a pain.

*Vicki:* Okay.

*Charles:* How could she be involved with two different people? She already has a child by somebody else. I've tolerated that, but the whole idea of seeing somebody else, it makes no sense to me.

*Vicki:* I can understand that. So tell me this, Chris. In your head and in your heart, what is Natalie to you besides a pain? In the big picture, what is she?

*Charles:* Frustration..

*Vicki:* She's frustration.

*Charles:* Right.

*Vicki:* So you're convenient for her and she's a pain for you.

*Charles:* Yes.

- Vicki:* So why are we here and why are we even fighting about this because both of you are saying that he's just convenient and she's just an aggravation? So why are we even fighting about something right now? It's clear that we can do one of two things. If you all have any basis of like for each other you can stay under the roof together. If there is no basis of like for each other, you have a mutual respect, forget a relationship. Don't even try that. You don't have one. You have one, but it's of convenience and frustration. So if there's any like in this then I will support you in staying here if you all can work in accommodation.
- Charles:* I agree with that. I don't mind staying here if you will say that Natalie can't stay here. She's the problem.
- Vicki:* Hold on. Hold on. Don't even answer that, Natalie. Natalie, my question for you is, is it possible for you? Is it something you even want? Because we can always make babysitting arrangements, you understand that? I can take care of babysitting arrangements. So if we have babysitting arrangements taken care of, do you even want Chris in the house?
- Deanne:* No.
- Vicki:* Okay. You're my sister. I go with you. So Chris.
- Charles:* Yeah?
- Vicki:* Here's what we do. I will help you find someplace to live because you can't stay here.
- Charles:* I can't go back home.
- Vicki:* It's okay, baby, we will find a spot for you.
- Charles:* Where?
- Vicki:* I don't know, but we will find a spot for you. I will not put you on the street, but while both of you are under this roof, I don't even want you communicating. If you communicate I want it to look like – we can talk about what that looks like, and you each have your job and you have responsibilities, but I want a respectful tone in this house and we'll talk about what that sounds like and what that looks like.

*Charles:* \_\_\_\_\_, let me ask you this. If this is not Natalie's sister but it's you, Natalie's brother, would the conversation be any different or would it be the same?

*Greg:* It'd be the same I think. It doesn't make any sense that these two live under the same roof if there's not a variable relationship, if there isn't love as much as a 17 year old and a 16 year old can conjure what that is. You just have to say, "Chris, it's probably time to go home."

*Charles:* I can't go home, Father because my father is abusive.

*Greg:* Okay. Well that's new data. Well -

*Charles:* Does that matter?

*Greg:* Well it does matter. I mean both are untenable then. You can't live here and you can't live there, so we have to find plan C that will get you in a place that's safe. You're too young to kind of live on your own, but that's the dilemma. You really can't stay here especially since it's become violent and we can't allow that here.

*Charles:* I'm gonna bring Joe Torre in now who's my father and he doesn't know about this conversation. You know how tough it was raising Chris and you know what a pain from your point of view. You are a twice decorated veteran from Afghanistan. You served this country loyally, and Chris was just a problem in the house. Explain why you had to be tough with him and he was not as responsible from your point of view as the father trying to raise a young male.

*Joe:* Well Chris was very disrespectful to his mother and I just tried to have conversations with him to find out what's causing his anger. I mean that would be my first priority and that's what I need to do is talk to my son. I certainly don't wanna be abusive to him, but he just was out of control.

*Charles:* And what's the point that makes a parent like you say he's gotta go? How is he disruptive in the family setting that makes you say this is not gonna work?

*Joe:* Well when he makes everybody in the house very uncomfortable and causes friction between me and my wife, and then to me even though he is only 16 years old I am responsible for him, but I don't seem to be doing him any good.

- Charles:* Okay. Dr. Macy, let me ask you the psychologist in a sense seeing this whole picture, you see a father who's a decorated veteran, son who's trouble. You see a daughter from another family who's already had a child and had some problems of her own. What's your sense? Do you have any advice to the father or to the son or to the young lady?
- Dr. Macy:* Well Joe, have we known each other very long?
- Charles:* You're meeting just now.
- Dr. Macy:* So when you say you feel like you have responsibility for Chris, would that extend to potentially talking to him about coming back into the home if he could follow some rules?
- Joe:* Love doesn't go away. I mean you may not like your son, I mean I may not like my son, but I love my son and I've tried on numerous occasions to make sense of his anger and maybe I wasn't equipped to get that answer. Because he was causing so much conflict between me and my wife, and here I just got back from Afghanistan so I certainly have some issues to deal with on my own. I just probably didn't have the patience to follow through.
- Dr. Macy:* Well thank you for being really, really honest. What would it be like if he was to come back? Do you think he'd be safe in his house from you?
- Joe:* Well he'd be safe from me as long as he showed respect for his mother.
- Dr. Macy:* Do you trust he could show some respect?
- Joe:* I hope he can. I'd like to believe that we did a better job of raising him than that.
- Charles:* Dr. Cooper, you're Chris's mother. What do you think about this? There's a conflict between father and son.
- Sharon:* Yeah. My husband came back from Afghanistan and all he did was play video games every day. He didn't interact with the family at all. This second time when he came back he was a different person. He had anger problems. He was always mad. I'm not surprised that he and Chris were having trouble. Yes, he's mad all the time. When he was gone the second time I would email him and Skype him like usual, but he was always mad, and when he came home he locked himself in his room.

- Joe:* Yeah, but I think you have to respect the fact that what I've been through for this last tour of duty.
- Sharon:* I get that. We went to the briefings and stuff that when our husbands came home how it was gonna be, but Chris was not like this until his father came home.
- Charles:* So Chris is looking for love.
- Sharon:* Chris is looking for love, and I've tried to talk to my husband and tell him, "You have to be nicer to him. He needs your support." But he's not really part of our family right now my husband.
- Joe:* Yeah, but I need love too.
- Sharon:* Yes you do, honey and I've been trying to offer it to you, but you've just sort of closed your –
- Joe:* Why are you sitting way over there then?
- Sharon:* Because you know if I don't agree with you, you get really mad and all the time you're on call to duty. I say, "Honey, can't you just have dinner with us?" and you say that you've got to get back to that video game and so I've just had to take the children and try to be, continue to be their only parent like I have been.
- Joe:* You know I don't wanna do that. I mean my patience are very short. I don't know. I can blame a lot of things and I don't know why I act like that, but how was I before I went away?
- Sharon:* Before you went away you were a good dad. You used to –
- Joe:* Thank goodness.
- Sharon:* - take Chris and play baseball with him. You were really a good dad, but you know this last tour has just been really hard on our family. Remember I told you when you came home we were all gonna go on a cruise together and when you got off the plane and I said, "We're gonna go to Disneyland next week" you said "Bye." We had to go by ourselves even though I had saved our money so we could all go as a family. Do you remember that?
- Joe:* Yeah. I don't feel very good about that.

- Sharon:* Right. So Chris, I feel for Chris 'cause he's had to be the man of the house while you were gone and now that you're back he wanted to give that up to you and you wouldn't \_\_\_\_\_.
- Joe:* How was he when I was gone?
- Sharon:* He was pretty good. He had a hard time at school. He had his ups and downs because school has always been hard for him, but he was trying to do the right thing, but when you came back and you rejected him like you rejected all of us, well then he just said he was done.
- Charles:* Let me ask you, General, what do you say to the family now? This is not Chris and Natalie anymore. It's affecting parents. Is that one of the aspects that therapy has to affect the whole family? What would you say as a veteran?
- Tony:* Kind of interesting because Chris in real life was my brother, Arthur and a poor relationship with my dad, so consequently on his 17<sup>th</sup> birthday he was kicked out of the house and sent to me and I was the second lieutenant in some desert outpost in California where there was no school. So basically I had to handle him and make sure that he graduated from high school, and two years ago he was released from prison after 30 years of drug abuse and the whole like, and Natalie was his ex-wife. So it comes really close to when I saw this a couple days ago and go, gee, it's just like my brother, and by the way, there is a Bliss. It's called Fort Bliss in El Paso, Texas where I'm going tomorrow, by the way.
- Charles:* I hope there's some bliss there.
- Tony:* Oh, there's some bliss. So when you said Aims of course Iowa, Bliss -
- [End of Audio]*

- Tony:* So did you think about my family history at all? Anyways -
- Charles:* I guess we do now.
- Tony:* This is not uncommon in the military because of the father was assigned to me then it's my responsibility. Our core competency in the military is mission accomplishment in the health and welfare of our troops and the families because things like this affects the unit and it's called unit readiness. So if something is happening in his squad or whatever have you, and he's gonna be absent because of family issues, children are truant and he shows up in some arrest report downtown or whatever have you, all of that comes back to the commander. So then we become social workers.
- So it depends on for what was described here the scenario, the soldier, the father, and sometimes the mother who is not in the army will appear before the commander and say, "What's going on with your family? What can we do to help remedy some of this stuff?" because we do have a lot of social programs in the military that we can refer them to include the chaplain. The worst case scenario if they live on post for example and he leaves the house, and if there's some sort of a trauma then the commander must take actions. We have the authority to do that.
- Charles:* So the whole idea is there's community counseling. It's not just individual.
- Tony:* And it's enforceable because my philosophy when something like this comes in front of me is that the entire chain of command comes before me. So as a general officer the colonel, the lieutenant colonel, the company commander are all in front of me, and that's a common practice by the way. So we try as a unit, try to resolve some issues here. Say all right, preventions, interventions, where are the kids today? What are the kids involved? Mrs. Smith or whatever he name is, you need to be in counseling sessions, otherwise we're gonna have to take some other adverse actions against you.
- Charles:* But you also want Joe to be ready to be a real soldier in Afghanistan, right? You don't want him conflicted worrying about what's happening back at -
- Tony:* And this is part of that unit readiness thing because it affects his fellow soldiers. In the meantime it affects the installation. Then when they're gone, when the father is gone twice for example, we all go through a PTS, not the D part.

- Charles:* PTS?
- Tony:* Post-traumatic stress.
- Charles:* Not as a doctor, but you're describing that as what Joe is probably going through, coming back to home to chaos from his point of view.
- Tony:* It's this feeling of disassociation.
- Charles:* Gotcha.
- Tony:* Personally I went through that. My own wife said, "Why are you not socializing with us?" I said, "Well I've got \_\_\_\_\_ things on my mind." "Why are you at work until midnight?" Well, something. Then finally she just says, "Something is wrong with you." I said, "Yeah I know. Thanks for your interest in national security, honey." But it is a \_\_\_\_\_.
- Charles:* You didn't tell us how she responded. We wanna hear that too.
- Tony:* You know what we say that the spouses, the family, especially the mother, the maternal side, they're the 51 percent of the vote.
- Charles:* At least, right?
- Tony:* Right, because we have about 2.5 family members for every soldier, so they actually will do that and the ones that will actually seek help, not the father. In my 35 years of experience it's always the father that goes before the commander and it's always the chain of command that tells the soldier that, "You will go to counseling. You will go have medical treatment. You will go do this. You will go through alcohol and drug treatment." Those are the interventions that we do before we go and separate them if they are uncooperative.
- The issue for this scenario is, what's happening with the children? They're the only ones typically, normally, routinely are discounted, and this is where the commander must make a decision whether the family gets separated, whether the entire family have to go through counseling, whether the school teachers have to be involved, law enforcement if they're getting arrested. It's a whole series of actions that we have to take, and it's very, very cumbersome and it's time \_\_\_\_\_.

- Charles:* I wanna go to Dr. Lieberman and Dr. Marins ‘cause you are next door neighbors and you hear this dispute and you heard it before. You hear the noise, you hear dishes thrown, you hear something broken, no weapons, but you hear something going on. Are one of you gonna call the police to say, “There’s a disturbance next door to our house, something is going on, can you get over here”? What would you say to your husband? Would you call? Would you tell him to call or just let it go?
- Alicia:* You get along with Natalie’s sister. Can you go talk to her and say that this is really not good for the neighborhood and it’s not good for them and that we really need to figure out a way of making things more peaceful?
- Steven:* Well absolutely, but you know, darling, I’m a psychoanalyst and the problem is –
- Alicia:* I know that you’re a psychoanalyst.
- Steven:* I know you know.
- Charles:* I don’t want all the family history here.
- Steven:* So absolutely we’re gonna call the police and we’re gonna let Natalie’s sister know, and by the way, I can hear the sisters and what they said sounded exactly right. First, the behavior has got to stop and everybody has got to be safe and that’s what the police are for.
- Alicia:* I don’t want to call the police at this point. We can always call the police, but you know that when the police come, more mess happens, and then the whole neighborhood is going to be against us and we should at least – if you don’t talk to her, I’ll talk to her, but she doesn’t respect me the way she respects you. Every time you come out of the house she’s kind of like, “Oh, Dr. Marins, can you psychoanalyze me?”
- Steven:* Sweetheart, we’ve been through this before. You know I have a way and I plan to use that way and I think the backup plan is the police, and you know I always listen to you.
- Alicia:* Thank you, sweetheart.
- Charles:* So you’ll call the police.

- Steven:* No. I'm listening to my wife. I'm gonna talk to Natalie's sisters and give them backup and also reinforce to Chris and Natalie that they need to listen to their sister. The behavior needs to stop. Chris needs to find another place with help and if that's not happening then we need to call the police because nobody's gonna get hurt.
- Charles:* Would anybody call the police based on hearing this as a neighbor? Would anyone call the police?
- Female:* No. I might call CPS. That's a different story.
- Charles:* Chief McDonald, how do you feel about that?
- Michael:* I would.
- Charles:* They're not gonna call you. You would call the police?
- Michael:* I would call the police.
- Charles:* You're the police. Call them. You're a neighbor. What are you gonna say?
- Michael:* 911. "911 emergency?" Hi, I don't wanna give my name, but I live at 2591 and it's in Aims and I'm next door to a couple and I hear a lot of fighting going on, a lot of screaming, a lot of yelling. I believe that there may be some issues or problems over there at that home. Can you send a squad car out there?
- James:* Sure. How many people are involved?
- Michael:* It sounds like it's about 50, but I know there's only about 4 people over there at the home. I know there's two teenagers there and I believe they may be dating. There's a one and a half year old baby that lives there and I think maybe an older sister. I'm not quite certain who's fighting, but I hear a lot of yelling and I hear a lot of wrestling going on as well, so there may be some physical altercations going on too, so can you get over here as soon as possible?
- James:* We'll send a car right out.
- Michael:* Thank you very much.
- Charles:* Chief McDonald, what's your sense of the reluctance of many people on this panel to call police?

*James:* I think it's very common. I think a lot of times things are allowed to go on like this for an extended period. We're entering this as a group at a point in this situation where if the police come in, do you have a crime? That pushing back and forth. You need a complaining party on that. There's really no witnesses. So the police come in at a time when there is some latitude to be able to refer to counseling, to be able to do some conflict resolution. So I think it's a good time, but if you let it go beyond where we are now you potentially have lives that could be ruined.

*Charles:* What do you want the officer to do when he gets on the scene, he sees bruises on Natalie, bruises on Chris by the other one? What is he to do or she to do?

*James:* In many states if there's bruising and you see that somebody else is responsible for that you're gonna make an arrest.

*Charles:* Of?

*James:* Of either party depending on which is the – in some states the primary aggressor, in some states they take them both.

*Charles:* Okay, so what if you take both?

*James:* If you take both you've got to find childcare for the 18-month-old and you've got a situation then that's compounded where now you're dealing with the criminal justice system -

*Charles:* Let me ask you this question though. First of all, let's think of the 18-month-old. Does Natalie run the risk of losing the 18-month-old because she's been arrested? Is that something that somebody in child protective services may say, "Wait a minute, this is not a mother", right? Is that an issue? Is that why you didn't wanna call the police? Okay. And there's another issue that none of you know, but her wonderful sister, Angela may not be a documented citizen in the U.S. Is that a problem? Right? Would you ask that information for identification?

*James:* No. Being from California it's not a problem. For us it's not something we would ask. It's not something that enters into this really at all.

*Charles:* Okay. Now what if you were not in California but in the state of Texas?

- James:* Probably different. I don't know to be honest.
- Alicia:* But in San Francisco we've heard of people who have been deported on the grounds of domestic violence and left the 18-month-old and the mother of the 18-month-old without any support.
- Charles:* Let's spin it out a little bit different. Domestic violence, they're the victims of domestic violence, not the causes of it, but they could be deported and the child could be taken away and left in the United States and the mother could be deported to another country.
- Alicia:* Right.
- Charles:* Is that a reason why, Dr. Cooper, your reluctance to call the police at all?
- Sharon:* Yes because I have found that you can call the police and many times the police will say over the phone without investigating, "I don't think that's a crime. I don't believe that's really a crime. If we hear from other people then we might come." I've definitely seen that happen.
- Charles:* It's interesting, and the laws change a lot as the judges and the bench lawyers and prosecutors know, it's changed a lot so that there's a mandatory requirement of an arrest in a domestic violence case. Practicing 20 years ago I remember a judge saying to me, a good Catholic judge says, "I'm not gonna make that man leave his home. That's his castle. I can do anything else. I'll charge with domestic violence, I'll set a bond, but I'm not gonna take him out of his home." Now that's changed in a big way.
- Steven:* But this also raises the issue of a public perception, a public perception based on the practices of local jurisdictions having worked and responded to calls like this with law enforcement for the last 20 years. It makes a difference in terms of what citizens can expect from their law enforcement and social services and mental health, and one of the problems is that officers are often left to deal only with the tools of the policies that the chief was describing, and often without the partners that can help them actually use this crisis as an opportunity, as a way in.
- Last thing I would say is that in the discussion so far beyond the initial "Let's stop the behavior", which is the first order of business, safety, the intent because of frustration and disappointed wishes and pain and suffering, everybody is looking for quick

solutions, and what's missing is we don't know what's wrong. We don't know what's wrong that makes this boy only get C-'s and be truant. We don't know why a 15-year-old girl got pregnant. These are the leading edge symptoms, and too often because we're upset by them we don't take enough time together from multiple perspectives to step back and assess.

The good news is that if we can help the family realize that they've got a lot on their plates, let's slow down while people are safe, that they don't have to feel alone anymore as if they're the only ones who have to come up with solutions. But sometimes when it comes to social and psychological issues, family issues, we don't treat it with the same complexity that we would if we were dealing with a serious medical illness and we need to, because otherwise we're gonna be out on a limb and everybody is gonna remain feeling alone and helpless.

*Charles:* Let's see what Miss Spriggs does. You get a chance to see me. I wanna ask you, you're gonna be my defense lawyer eventually, but I'm gonna go to probation. Are you worried about what I'm gonna say?

*Robert:* Depending upon whether we have an – if we are in a jurisdiction that bars probation from using anything that you might say to them at an intake -

*Charles:* Well you're gonna talk to Miss Spriggs before she – she's about to interview.

*Robert:* Miss Spriggs, are we in a jurisdiction where you're barred from using anything that my client says at intake?

*Vicki:* Yes.

*Robert:* Very well then. I'm perfectly fine with you talking to her because she might divert your case and keep it from being petitioned into the juvenile justice system.

*Charles:* You hear that, Miss Spriggs? You're going to divert my case?

*Vicki:* Possibly.

*Charles:* Good. Good.

*Vicki:* Are you Chris?

*Charles:* Yes.

*Vicki:* Okay, so you've shown up and you have this domestic violence charge.

*Charles:* Yeah. She beat me up pretty bad.

*Vicki:* She beat you up pretty bad?

*Charles:* Yeah.

*Vicki:* First off, I'm not sure I wanna just talk to Chris by myself. I need to say that. I might wanna see everybody first. I might wanna bring them all in separately. So on the assumption that I've met with everybody separately and now I'm sitting down with you, I'm gonna be saying, okay, so she beat you up pretty badly?

*Charles:* Yep.

*Vicki:* And when she beat you up, how did you feel?

*Charles:* That she beat me up. That's why I was trying to grab and hold her. Those bruises on her wrists are my trying to stop her from striking me.

*Vicki:* So you weren't hitting her back?

*Charles:* No, no. I don't hit women.

*Vicki:* You don't hit women?

*Charles:* No. Guys, yeah, but not women.

*Vicki:* Okay, so how do you feel about being here right now?

*Charles:* I'm angry.

*Vicki:* Talk about that.

*Charles:* Well 'cause I know you're gonna find out I have a record that has nothing to do with this. One of my friends in school had an iPod. I took it with a fake, it wasn't even a real gun. They charged me with that and they charged me with a burglary on somebody's bike, and you're gonna come to court I think and make that sound like I've got a record of a robbery and a burglary, which I have a

robbery of a kid playing with another kid. I have a father who's been very abusive. He's never home.

*Vicki:* Is he abusive because he's never home or is he abusive and he's never home?

*Charles:* He's psychologically abusive. He always wants me to solute him and all this crazy stuff that I shouldn't be doing. He goes to Afghanistan and comes back with all these medals on his chest and thinks that I should be like him. I don't wanna shoot anybody. I don't wanna kill anybody. He comes home and he's like the general in the house. The way I dress, the way I talk, the way I eat. It's just too much control.

*Vicki:* Sounds like he just doesn't get you.

*Charles:* That's true. That's exactly right. He's my problem.

*Vicki:* Okay. When's the last time you sat down with your dad?

*Charles:* Every time he comes, I leave.

*Vicki:* So it's been a while.

*Charles:* Yes.

*Vicki:* Okay. So we're gonna talk to your dad and we're gonna talk to your mom. How do you get along with Mom?

*Charles:* She's wonderful.

*Vicki:* Is she?

*Charles:* Yes.

*Vicki:* What makes her wonderful?

*Charles:* That she cares about me. She knows I have potential. She looks at my homework. She lets me eat what I wanna eat. She calls me all the time on the cell phone; I call her back.

*Vicki:* So you all have good communication.

*Charles:* Excellent. I have her number here if you wanna call her.

*Vicki:* I definitely do. I wanna see them both actually. You have any brothers and sisters?

*Charles:* Nope.

*Vicki:* No? Okay. All right. So let's go back to you for a minute in terms of I do see you have the incident where you stole your classmate's iPod?

*Charles:* I just grabbed it. It was just a joke.

*Vicki:* Tell me about that.

*Charles:* It was a platinum gun. I know him and Carl knows me. It's not like I take it for good. He can get it back, and he got it back. I got arrested for that, charged with robbery.

*Vicki:* Why do you think Carl called the police on you?

*Charles:* I don't know. He's taken things from me before.

*Vicki:* Did he ever do it when he thought maybe he was being threatened by you?

*Charles:* No. He's taken things from me just because he's a smaller kid and he takes things out of my desk, takes stuff from my house. My mom knows about it. He's a pesky little guy.

*Vicki:* Who called the police on that one? Was that Charles or -

*Charles:* No one called the police when he took stuff from my house.

*Vicki:* No, but this time when you took stuff from him.

*Charles:* He called the police.

*Vicki:* So he probably wasn't feeling safe that day was he?

*Charles:* He was not.

*Vicki:* So there might be a reason for why that call came in.

*Charles:* Right.

*Vicki:* Okay, and then the assault. So it sounds like things were going pretty well and then you steal your friend's iPod, and then you and

Natalie are having a fight. What's going on? Tell me what's going on. Sounds like -

*Charles:* I'm a neglected child.

*Vicki:* But talk to me.

*Charles:* I want you to talk to my mom.

*Vicki:* I'm gonna talk to your mom. I'm gonna talk to your dad too. It looks like you were doing okay in school. You're consistent in school based on what I'm showing here. It seems like you've been C average generally, is that right?

*Charles:* I was a smart kid and I'm under all these pressures when I went to high school and that's why my grades tailed off.

*Vicki:* So they're actually going down.

*Charles:* Right.

*Vicki:* So your school work is starting to slip. You look like you've pulled out of your school activities.

*Charles:* Right.

*Vicki:* Okay, so what's going on? Tell me the big picture. What's happening with you?

*Charles:* I just think I've been neglected.

*Vicki:* What does that mean to you?

*Charles:* My dad's never there.

*Vicki:* So we really need to be talking to Dad?

*Charles:* Yes.

*Vicki:* What does it mean for you for Dad to be there? You understand he has to come and go.

*Charles:* It means everything.

*Vicki:* We understand your dad has to come and go, right?

*Charles:* He doesn't have to come and go. He's been out of the country two times for extended periods of time.

*Vicki:* You think he has control over that?

*Charles:* Yes. It's time for him to retire. Become a baseball manager or do something.

*Vicki:* But I also understand your dad is a Yankees guy, but you're a Red Sox. Did that have anything to do with it?

*Charles:* Yeah, because he just preached Yankees from the time I was born. I said, "Enough already."

*Vicki:* Okay. I'm gonna ask you to sit outside 'cause I'm gonna bring your parents in.

*Charles:* Okay. Mom?

*Sharon:* Thank you, Miss Vicki. What is it you wanna know about my sweet child Chris?

*Vicki:* Sir? Chris really loves you.

*Sharon:* And I really love him.

*Vicki:* And he feels like he has a very strong relationship with you.

*Sharon:* Yes we do.

*Vicki:* Could I have a last name?

*Charles:* No last names.

*Vicki:* I'm gonna call you Miss Smith. I gotta talk to people.

*Charles:* "Smiths."

*Vicki:* Okay. So Miss Smith, tell me about your structure when your husband is gone and Chris is in the house. How do you regulate his day?

*Sharon:* Well you know I make sure he gets up in the morning and gets ready to go to school. He's been kind of in and out of school a little bit since his dad came home, but before his dad came home he was pretty good. When he'd come home from school I'd make

sure he had an after school snack. We would eat dinner together and sometimes I'd help him with his homework, but I will tell you over this last year things have been a little not so okay for Chris 'cause I notice that at night he's got his laptop in his bedroom and he's kind of on Facebook a lot and I don't think he's getting enough rest. That's when he and Natalie started having troubles because he would tell me that he would see people posting things on Facebook about Natalie and it was making him think that she might be involved with somebody else.

*Vicki:* Hmm. Did you ever look at his computer to see? Because that's a concern in and of itself, the Natalie stuff, but the other things he was looking at even before?

*Sharon:* No. He wouldn't show it to me. I asked him could I be his friend and he said no, I just need to be his mom, so he wouldn't let me be his friend, but I could tell it was bothering him 'cause when he'd get up in the morning sometimes he'd be in a bad mood and I could tell he hadn't had enough sleep. I just didn't know how to stop him from that.

*Vicki:* Thank you, and you couldn't bring him out in conversation on that issue?

*Sharon:* He said that it was between he and Natalie and he said that he had sent an email to his dad in Afghanistan asking his advice, but his dad never answered him.

*Vicki:* Thank you. Mr. Smith? This is a lot to come home to. So thank you for being here. I wanna ask you, how do you feel about what's going on with Chris right now?

*Joe:* Well I'm angry with him because I was in Afghanistan. I've been over there. I support the family. I'm trying to defend our country and I get home and I get no respect in our house. I just don't have very much patience. I think I need some time probably to sort of get back in. My wife and I have lost our intimacy and I'm just very impatient.

*Vicki:* You've been home about three months now.

*Joe:* Mm-hmm.

*Vicki:* Thank you for that. You've been home about three months now. Have you spoken to your commander?

- Joe:* I have not.
- Vicki:* Okay. I'm gonna make a referral to your commander about what's going on with you and your wife if you don't mind. I think it's affecting your family. I think it's affecting you just because I hear this –
- Joe:* But this is my family. I wanna take care of this myself.
- Vicki:* I understand that and I can appreciate that and absolutely respect that, and sometimes things get bigger than we can handle.
- Joe:* My son has to understand that when he lives under my roof he has to abide by my rules, and he ran away from that.
- Vicki:* Sir, you strike me as an honorable man and I appreciate everything you're doing and I also appreciate though that we have to bring your son back in the house or reconnected with you. I don't think you want your son out there misrepresenting your family as well. that's my guess.
- Joe:* No, I don't want my son out there, but he has to know who's the boss.
- Charles:* Let me take a step back and first ask you, Miss Spriggs, as the probation person you're also concerned about Child Protective Services. What are you thinking about both Chris and Natalie? You have to interview everybody and you have to make a recommendation to the judge shortly when you go to court. What's going through your mind now about what this court needs to do with these two teenagers who have an example of domestic violence. Do you make a recommendation or –
- Vicki:* I'm not sure. I'm not sure if I wouldn't go – I have to go back and have more discussion, I'm not sure what that would be yet, about the behavior escalation, but I'm not sure it's a court issue yet, that if we can't get some other community services involved, and I know the army has just a huge support service entity for its troops. If we can pull some of those resources in with some community resources we may have this addressed.
- Charles:* Well see, here's the problem. If you think about Judge Ryan he's gonna ask you a couple things. Who has a record? Is there a record of violence? How are they doing in school? That's gonna be important. Are there any children involved? Is there any Child Protective Services? He's gonna wanna know that.

- Vicki:* Well he's gonna wanna know that it's not – where the living situation is arranged by the child, not the family.
- Charles:* So he doesn't have a stable living relationship.
- Vicki:* He doesn't have a stable living environment, which again there may be other ways to handle that. What is the court gonna do, place the kid outside of the home in some kind of group situation? We don't know, but rather than go that route first I would be looking for what other alternatives are out there. I don't know what the army might have in that regard.
- Charles:* Well I'll tell you what you have now. You've got Chief McDonald and you are now the prosecutor and this is the probation department, and the judge wants to ask you guys some questions. Mr. \_\_\_\_\_ is the attorney for Chris. We're gonna get to Natalie in just a minute. Judge, what do you wanna know?
- Michael:* I wanna know whether or not Chris has any type of record, and I'm more concerned about whether or not he has a record of violence. I wanna know whether or not there's been prior incidents of violence between the two of them that has not been reported. That could be gleaned from his sister or actually conversations with Natalie herself, even Chris. He may be a candidate enough to provide that information to the probation department. I wanna know about Chris's grades in school.
- I also wanna know about Natalie's grades in school, because that will make a difference for the court in terms of whether or not the Children's Protective Services gets involved in this matter. I wanna know about Angela's status as well, to see whether or not this is a proper environment for Chris to be in, in the first place. As a judge, I also wanna know about Chris's family home because it's unusual for -

*[End of Audio]*

- Michael:* - a 16-year-old be living outside the home not with their parents and then be involved in some altercation at the home that they go to where they're supposedly supposed to be safe. So I wanna know what's transpiring in the home. So interviews with the parents will be helpful in the court determining what's the appropriate way to help Chris because ultimately he's the person that the court has jurisdiction over unless it's a family court situation where everybody is involved. This is just a criminal court. Chris is the only one that I can require to do certain things.
- Charles:* Let me ask Judge McDonald. You're the prosecutor and you know there's an election coming up and you're assistant district attorney, but you have a good chance to replace your boss. Particularly in his campaign has not focused on domestic violence. What do you say to the judge? What do you have here that are nuggets that will help the prosecution?
- James:* Your Honor, we have some evidence that there are a number of cases of unreported domestic violence between the two. There's an 18-month-old baby in the house. We're fearful that if this situation is allowed to continue that harm could come to the mother and to the child potentially. I think we're at a position now where we would recommend a restraining order be issued keeping Chris away from the home so as to protect the family. His attendance at school has been poor. His grades have slipped dramatically. There's indicators that his life is not going in the right direction, which only further exacerbates the potential for domestic violence in the home.
- Charles:* Does he have a record?
- James:* Yeah. He has two arrests, one for robbery and one for burglary and one for assault against Natalie previously.
- Charles:* Mr. \_\_\_\_\_, you're Chris's attorney. Get me out, brother.
- Robert:* Well we'd like to clarify the type of hearing that we have here. If we're here for a restraining order that's one type of hearing. If we're here to actually address the issue of possible detention of Chris because of the alleged assault and behavior regarding Natalie that's another kind of a hearing. I think that's probably the reason we're here. If we're here for that purpose then anything that was said by Chris to the probation officer at the intake would be barred and she could not bring that up to the judge. The record of course could come in because the judge is trying to determine whether Chris should be allowed to stay in the home, and I think that would

be an important factor. I would of course be very interested in knowing if the probation officer -

*Charles:* Talk to the judge. I want you to see whether or not there should be a restraining order and whether or not I should be detained based on this allegation of assault.

*Robert:* Well Your Honor, under the circumstances I would argue simply that my client should not be held. If he's going to be released I'd ask him to be released to his mother's care. She's expressed strong interest in having him remain in the home. He is a 16-year-old young man and he is attending school and this will have an impact upon his school situation. In addition if that option is not available then I'd ask that the probation department provide us an option for a foster care situation while this case continues until it's resolved. He's presumed innocent at this time as he is on the other charges that have come before the court, and there's no finding of guilt and no adjudication of delinquency, so I'd ask that he remain in that status until such time as we can review those facts very carefully.

*Charles:* Judge?

*Michael:* Is that true that there have been on findings of guilt on any of the offenses that Chris has been charged with in the past?

*Charles:* Oh no, they found me involved with – when I say it was dropped it meant I got probation for the robbery.

*Michael:* Okay, so there was never any incarceration?

*Georgina:* Can we just make a really quick clarification about whether or not he actually got arrested for assaulting Natalie? 'Cause in the scenario it says that the charges were dropped because she refused to cooperate, which I think is an important distinction and something that comes up a lot, so I just wanted to clarify that scenario.

*Charles:* Well I think probation is gonna bring up that I've been arrested for that.

*Georgina:* Okay.

*Michael:* In our jurisdiction the charges aren't dropped if the victim decides they don't wanna cooperate. The state can still proceed -

*Charles:* Without the victim.

*Michael:* - without the victim, and we'll just for hypothetical purposes say that's where we are. He's been charged and he's represented by an attorney and we're at the hearing for detention only, not with respect to guilt. So the court in determining whether or not Chris should be detained looks at a number of factors. The purposes of bail is to make sure that an individual will come back to court. We don't have a history of Chris violating probation. We don't have a history of Chris not being a member of this community and not coming back to court, so that particular issue weighs in favor of Chris. The second issue is whether or not individuals in the community will be safe.

So I would wanna hear from Natalie, and if she's not cooperating then the court has to look at the allegations and the complaint or the probable cause, and if there's an assertion that he caused physical harm to her maybe the police will come in or the prosecuting attorney will assert that they saw injuries on this young lady. So that would probably weigh against Chris, but then the court also looks at his ties to the community. Does Chris have a stable living arrangement? The house that he was living in, his accused of committing this assault in, that's not stable. So then I will look at can he go back home. So I would wanna talk to the mom and to Dad.

*Charles:* There they are.

*Michael:* - to see whether or not this is a viable option for Chris. So Mom, if Chris is released from detention, 'cause he's currently in jail, can he come back home?

*Sharon:* Judge, this is my child. He is more welcome in this house than his dad is.

*Joe:* Wait a minute.

*Sharon:* I've been taking care of Chris and it wasn't until his dad came home that all these problems started happening, Your Honor. My son is a good boy. He doesn't drink, he doesn't use drugs, and I can tell you that if he comes home and it's his dad that's making him not wanna come home because Chris has told me that sometimes his dad speaks really ugly of him and to him, I'd rather have my child, because my husband can take care of himself. He can go to the barracks. That's what they do in the army. So Your Honor, he certainly can come home to me.

*Michael:* Mr. Smith –

*Joe:* Don't you have some compassion? I'm living with this woman all this time.

*Michael:* I acknowledge Mrs. Smith's comments and they will be used by the court in determining whether or not to release Chris back to this home, but I wanna hear from you as well because I don't want to instill conflict in the home by sending Chris back because obviously there was an issue that Chris left in the first place.

*Joe:* Well to me Chris really disregarded, he'd come home any time of night. If he comes back to our house he's gonna have to have a curfew and he certainly is gonna have to make sure he goes to school, and to me the thing that bothered me, and yeah, am I a little short with him? Sure. I can't defend that even though I feel it's gonna take me some time to get used to being in that role again. I've been in Afghanistan. It was my third tour of duty over there and I'm sort of used to dictating situations as opposed to taking other people into consideration. I think Chris comes back, he's gonna have to follow some rules, and part of it is to get back active in school again. Not only the school part of it but the activity part.

*Michael:* Well that would definitely be a requirement of his release on his own recognizance is that he would have to attend school. He would also not be permitted to have any contact with Natalie or that home, and if he violates any of those conditions then his personal bond will be revoked and he will be placed in jail until this matter can be resolved.

*Joe:* I certainly don't want my son to be in jail.

*Charles:* Let me take a step back and ask all of you whether the court system, which is one of the institutions that addresses these issues, whether it's comprehensive enough, whether it's complete enough, whether it's too narrow. Dr. Macy, what are you thinking hearing this in terms of whether we've got to the root of the problem of violence?

*Dr. Macy:* Well my experience with clinic and with adolescents going through some other challenges, if we got to this place, this is a very \_\_\_\_\_ place to be. I can't imagine any judge in any state saying \_\_\_\_\_ the way this played out.

*Charles:* Dr. James, what's your sense? Then come back to Dr. Marin.

*Thea:* I think it's a safe place to be as well, but I'm a little – I think it's just short of, I think it's about more than just Chris at this moment. This is what brought them to here. I think whatever intervention occurs needs to be a family intervention because even if you address Chris, if you send him back to a situation that got him in this position to begin with, it doesn't really solve any problems. So I think it should be a 360-degree intervention.

*Vicki:* That should include Natalie as well and her sister and the baby, all of them.

*Charles:* Let me get back to Dr. Marans and come back to you, \_\_\_\_\_.

*Thea:* The same thing can even filter down to the 18-month-old frankly if this situation isn't addressed.

*Charles:* What are you seeing?

*Steven:* Well the last point, they're two separate cases so I'm not sure. This is in the court and I think it's a great demonstration of at our best how courts are operating, but there's some major problems. The prosecutor actually takes the most actionable approach in terms of controlling the issue or trying to address the issue of safety. It also reinforces the role of local police because they now have an actionable piece of something to respond to if there's a violation of that restrictive order. It assumes the role of the state as an authority once the line has been crossed, and the same could be said for probation or practical issues around school, around the issue that Mr. Smith raised about curfew, etc.

So this is a boy and a family that's needing some help with external controls, but I would again suggest that it's the opportunity now that the state is entitled to be involved to say that these are symptoms. What's going on here? And so the court's in a position to use everything at its disposal from the legal side, the police action side, probation side, and also to say let's now use those things so that we can turn the volume down and have an evaluation of this boy that would include the family to understand what's going on and what's needed in terms of the help.

*Charles:* \_\_\_\_\_, is this a good step in the right direction that we're getting all this information about Chris and Natalie and going before a judge with lawyers and probation? Is this addressing the issues or are we seeing a whole dysfunctional system? I'll come

back to you Joe and Robert as well, not as the father but as the whole idea about how do we deal with these issues?

*Deanne:* As Natalie I'm really wondering why somebody hasn't asked me what happened when I was 12. I had a baby out of wedlock. Nobody even asked me who the father is. I'm living with my older sister. There may be some question about her immigration status, but the reality is I don't have a family and I'm supposed to take care at 17 of a one and a half year old baby and nobody's paying attention to me. Everybody is paying attention to Chris.

*Charles:* What might happen to you in this scenario and your child and your sister and the community that you have? What's the risk that you see by being arrested for domestic violence? What could happen?

*Deanne:* Everything could happen. My child could be taken away from me. I live in a dangerous neighborhood. My sister could abandon me. She hasn't shown a lot of support for me. I could end up in the – frankly I could end up in the foster care system since I'm only 17. I could be separated from my baby and then I have no future. I have no friends. The school hasn't called. The school isn't asking why I went from being an A student to being a truant. I am really in a very difficult place and I'm really worried about my future.

*Charles:* Joe Torre and coming back to Robert.

*Joe:* I just wanna say for someone who is so resistant to therapy and counseling that the family is such a precious commodity when you do have all the parties. That may be part of releasing Chris, part of it that we'd have to take part in some kind of family counseling. I don't know if legally you can do that, but –

*Michael:* That's the thing. With many courts we don't have that option or that power, that control. Especially in the court that I preside over we're limited in what we can do.

*Charles:* And you can see this whole problem, but you can't address all of the problem. There are rules for whether a child is gonna be placed in foster care, rules about undocumented workers, rules about minors. Can you get into the fact that the father is a veteran and it's not a good home?

*Michael:* I use that information to determine what's appropriate for Chris and thinking that release is probably most appropriate thing because putting him in jail is not gonna help the situation at all, and I wish that we had courts that could deal with all of those

matters, and we're trying to do that. In San Diego they have a family court. We're trying to bring one to Cleveland as well where it's one-stop shop. You can deal with all those matters in one place and try to help families.

*Joe:* And I just think there has to be, there should be more sensitivity involved because you put Chris back in the same environment, as a 16-year-old he's certainly gonna be very resistant and his back's gonna go up when you start dictating policy.

*Charles:* Let me hear first from Robert and then we'll get back to both Georgina. I wanna come to Father Boyle about is there a spiritual moral role in all of this, and I hope the answer is yes. Robert?

*Robert:* I would just say, Chris, you are in a very serious situation and in great jeopardy at the moment. You have three felony cases, one where you've been found guilty of robbery, a burglary, I'm not sure of the current status of that, and an assault, which could be an aggravated assault and a felony. You could end up going into placement if things don't work out well from here on out. The first option of going home is a positive option, but it also is fraught with danger. If you get into a fight or argument with your father you can end up getting kicked out of that home and then the judge is probably gonna place you in detention at that point. If you go back to Natalie's place, you get into an argument or fight with Natalie and you're surely gonna go into detention from there.

So the situation is very grave for you, and we need to have a long term conversation about your options and what you should do next because the next move is extremely critical. One option that I've discussed with Miss Vicki is the possibility of a foster care home where you won't be in a situation where you're likely to be – this is pre-trial foster care – you're likely to have a fight with a father or girlfriend and end up going to detention. That's a possibility. We need to discuss your options very carefully and we need to consider whether or not there's some possibilities for some therapy with your family in advance of any kind of adjudicatory hearing. We also need to explore post-traumatic stress disorder from your experiences in school and possibly some post-traumatic stress disorders related to your father's experience.

So there's some options we can pursue. I'm gonna call in Dr. Lieberman to see if she can help us with the exploration of these PTSD issues regarding school and also regarding your father's experience in Afghanistan, but we need to carefully consider our options and you need to be fully aware. Given that you are my

client, I function as your representative. You have to tell me what you want to do. This is not a best interest situation where I try and figure out what's in your best interest. You're my client, but you direct your case, so I wanna be clear with that about you as we go forward.

*Charles:*

So the thing as Chris that troubles me, Dr. Lieberman and Dr. Marans and also Dr. Cooper and Dr. Macy, is that no one seems to clearly see me as a victim in this society. I'm a defendant, I'm a male, I'm a bully. All these labels are there, but no one seems to understand in a way the root causes that gets me there. How do we introduce that into the very complicated technical legal structure so that someone will understand who is Chris? We could talk about all the jargon, oh you know he has a record, he's not doing well in school, he doesn't have a stable home. Those are all checks against him.

How do we get to Chris the kid who's drifting further and further away? Because when he comes back to you, Judge Ryan, you're gonna see he did assault his father 'cause his father said something and did something that broke – he said, "I just can't take it anymore", but it's another charge. It's the fourth charge, and he's not stable among his parents. Then the mother is gonna get a divorce, which makes it even worse. He doesn't have a stable home. How do we get Chris's profile into this in a way that makes sense without ignoring Natalie's amazing abuse that's been part of it? Dr. Macy? Dr. Lieberman?

*Dr. Macy:*

There was a piece I had left out, so I think I would with the appropriate channels petition the judge to access one of the several resources he may have, which would be General Taguba and the military's resources in helping Mr. Smith access services, and I'd let you, Chris know that just as the judge and the court and the state are gonna be holding you accountable for your behavior that the military and the state will be holding your father accountable for his behavior. I do think from the story you just told me, one, you're a very, very bright man and I think that you could go a long way in school.

So it would probably be in your best interest for some professionals to work with you and just take a look at what we call an assessment and see where you're at in your life, what's happened to you, because in a system like this very easily at 16 especially since you are a young Black man, oh, we don't know the race, sorry, just because you're a young man, males are aggressors and you may already start to be labeled as a perpetrator. So that

easily gets turned into “What’s wrong with Chris?” instead of what we should be asking, which is what might have happened to you that allows you to use aggression to survive?

*Charles:* Dr. Lieberman?

*Alicia:* I think I would use Vicki as probation officer as a port of entry to talk about, Chris, tell me what happened to you? You were this kind of a guy and this kind of a guy and this kind of a guy, and to hear his story. I think I would also talk to Mrs. Smith about the fact that she is a wonderful mother, but she’s not really helping Chris by preferring him to her husband. I would talk to her about how of course it must’ve been wonderful to have this intimacy with Chris while her husband was away and to have a loving child and to have a cozy environment without having to deal with all the complications of an intimate relationship, but she is a wife and way after Chris leaves home she’s going to be a woman, and she might want to think of her future and fight for her man, and help Chris realize that he needs to be grown into a man. He won’t remain her son.

So I would try to kind of slow down the divorce. Say, “You know, three months, this is a real critical period for all of you. Don’t rush into any decisions. I mean this man has suffered a lot. He’s really longing for your love. He keeps talking about, ‘Why do you sit there when you could be close to me?’ He’s jealous of your closeness to your son. What about giving yourselves a little time to be a couple? You might find in yourself that you still love this guy.

*Charles:* Dr. Cooper, I want you to be Dr. Cooper, not Mrs. Smith. What do you see in trying to analyze this?

*Sharon:* I see that because Chris is a C- kind of student, a lot of adolescents both male and female as they start getting towards these last years in high school don’t see school as their future because they’re often the lower kids in the classroom. They don’t see it as what they’re going to be doing in life. So I would want to sit down with Chris and the school and determine does Chris have a learning disability? Should we be trying to get him some special education services? Should I tell his parents to get a tutor for him? Or should we be looking at other potential career goals for him that can make him happy so that he doesn’t resort to such dysfunctional behavior? Because school is his job, and if you’re not happy at your job then you’re not gonna be very successful at that.

*Charles:* Father \_\_\_\_\_, what's your sense besides praying for everybody, which we need in this situation? The question is, can this problem be fixed or is it part of our culture that we'll put in the box, but we can't really address the mother, father, son, mother, child, sister, all of those complicated parts when it comes into court as a domestic violence case, but it's more than that.

*Male:* Yeah. Well I think the spiritual moral overlay only muddies the water frankly, so I won't go there.

*Charles:* But say why it would muddy the water.

*Male:* Well I just think these things are never about right and wrong or good and bad. It's about everything is pointing beyond itself.

*Charles:* Gotcha.

*Male:* So the foothold, I agree with \_\_\_\_\_, the foothold is probation. This is something to celebrate, not to oh my gosh, the dirty rotten system. Probation is your friend if people do it correctly. So here we have a chance to work with this kid and say, "No, you don't get to live with her because this is repeatedly violent." Now we can get at that, but you don't get to live with her anymore. Probation gets to decide that. We don't need a judge.

The probation can say, "Here are the conditions of your probation. You can't live there." If you can't live at home then we have to deal with that. The abuse initially was never articulated as physical or, I mean emotional certainly, and I guess the presumption would be that you could perhaps work that out given the context of the father in some kind of therapeutic moment perhaps, or not. Again the probation officer can say, "I can't let you live at home and I can't let you live with your girlfriend", and that can be our friend rather than a system that oppresses.

*Charles:* There's a lot that we didn't cover, cyber bullying and things like that, but I'm also thinking about we talk about probation as a good first step in making things happen in the right direction. I worry about what happens to Natalie because the law will say you are violent. The law will say that you had a child when you were 15 years old. The law will say that you haven't been in school the last two years. The law will say that your older sister is undocumented worker here in the state. There's certain technical legal things that means Natalie will suffer through this process. Georgina and then Dr. Maran.

*Georgina:* It's such a complicated issue and there's so many factors involved. Natalie wasn't getting enough attention. Chris has a family, so he has two parents and does he have two sisters or not in this scenario?

*Charles:* No.

*Georgina:* Okay, so he doesn't have siblings, but he has a family. He has a home. He has a problem with his dad. Who doesn't? Yeah there's different degrees of problems, but he can figure it out. Him and Natalie aren't married. That's not even his child, so they're completely different. Her issues are completely different. The sister at this point is freaking out. She's only 22, she's here undocumented, and of course in real life that's why when I was 22 and yelling at my little sister I was freaking out because we don't call the police.

We are not gonna call the police 'cause now look at all the drama that's caused, and now everyone's gonna be looking at me. I was minding my own business working 14 hours a day so that I can survive and feed and shelter my sister, her boyfriend, and her baby. So now I was trying to lead a good life, I had two jobs, and now look what happened. Nobody pays attention to that. Chris, I feel for him, but he needs to be separate from Natalie. Now as Angela I'm just worried about my little sister and my little niece or nephew and I'm scared I'm gonna be deported. I haven't even been to my home country since I was like two years old, so I don't have anywhere to go.

*Charles:* Dr. Maran?

*Georgina:* I'm sorry, could I just add one more thing?

*Charles:* Yeah.

*Georgina:* I would have liked if before the drama the school would've played a more active part. If you noticed that there was high truancy, why wasn't the school notifying the parents before? Do they have a truancy program? I know in California where I'm from we do. The district attorney has a truancy program. So before levels get worse, schools work with the district attorney.

We have an intervention center where there's a number of resources going from actual counselors to behavioral health to drug and substance abuse counseling, all of that, so that way we don't have to go into the court system. Let's deal with the real issues

first. So if there would've been higher communication between the schools and the home and maybe other CBO's or intervention services we didn't have to come all the way up here. Somebody at the school should've had some sort of bigger role, and in Salinas where I'm from we also have intervention specialists in our high schools.

*Charles:* Let me just say something before Dr. Marans. For this hypothetical, Chris and -

*[End of Audio]*

- Charles:* - were aware that there was gonna be notes sent to the home about truancies. What do they do? they got there before Angela got there. They got there before the parents got there. They took those notices so the guardian had no idea. They're leaving at 6:00, 7:00 to go to school, they think they're going to school, and they're going somewhere else. How do we fix that problem is a topic for another panel, but the idea, you can blame the school, but the question is what is the real solution within the family, within the system that can address this? Dr. Merrick?
- Steven:* I think that what you just pointed out is a great example. There are always ways around things, and the problem is conceptually if we're not thinking from a shared frame of reference we're not gonna be working together. So for example, and just one last thing about Chris, while I understood what you were saying, Judge about not being able to order therapy, I also understood the message you were giving, Alicia about, "But I'm not sure the probation officer is the right person in terms of the family work."
- Alicia:* As a port of entry to create a setting for a referral.
- Steven:* Oh no, absolutely.
- Alicia:* Because then the two things of accountability and understanding would be balanced.
- Steven:* Absolutely, and all I was gonna say is that requires our probation officers to have a level of sophistication to be able to deliver that message. Judges in many jurisdictions can't order therapy, but in terms of –
- Michael:* We can do it pre-adjudication.
- Steven:* Right, but evaluations can be ordered.
- Charles:* And the thing about it what you have to worry about is that next week's newspaper in the *Aims Journal* will say, "This judge, Judge Michael Ryan released Chris and he went and killed Natalie", right?
- Steven:* Ah, but here we go. This is a great example of the lack of integration, 'cause I didn't say just an evaluation. What I said was he has issued an order about probation. He's issued an order from the police. They've issued a restraining or protective order. These are actually ramping up according to the behavior itself responses that can put external controls to the best of the ability of the courts

without being over the top, which would in this case as the judge suggested, incarceration would not be the first next step.

But the issue with Natalie that you're raising is the same issue, and my colleague just pointed out it's not just about truancy, but like with Chris, like with Natalie, and like Sharon was saying, these are opportunities to say what's going on here? But if we don't have the resources for the schools or the judge or the probation to be able to say, "Let's bring in our partners to figure out what's going on", we're in a tough place. When the police go if they can't offer to this illegal, this naughty situation, the opportunity for somebody to address this girl's questions without partners, we can't be asking them to hold it on their own.

*Charles:* We're gonna break and have another session. I wanna go back finally to Chief McDonald. There will be more time to address this, and just ask you in reality from – they'll blame the police. They'll criticize the police. Forget about hypothetical. Will Chris and Natalie be together again likely even no matter what the court says? Are they likely to see each other?

*James:* Absolutely. Absolutely.

*Charles:* Is it likely that there may be more violence?

*James:* Likely.

*Charles:* Okay, and could it result in something very serious, right?

*James:* Absolutely.

*Charles:* So the system, there are a whole lot of things that the system can do, but it can't change the behavior unless it involves itself in some more sustained way than we've seen so far.

*James:* Right.

*Alicia:* Natalie and Angela are really crying for help and we keep focusing on Chris, and so I think the fact that this 18-month-old was witnessing violence, was frightened by violence, is going to be in childcare hitting other children and might well be expelled from childcare because he bit other children.

*Charles:* And no one will know that this started when he was a year and a half and not when he's 15.

- Alicia:* So these would be an opportunity for the judge to say, “You are a young woman. You have a long life ahead of you. You have a little boy that you don’t want to grow up to be an abuser. There is a home visiting program that is very helpful for mothers that are beginning their lives with their children. We would like to offer that to you.”
- Charles:* It’s not easy though, right?
- Michael:* We can recommend that, but because she’s not been charged with anything, she’s not under the jurisdiction of the court, I can’t order it, but we do have individuals who are advocates, witness victim advocates in our court system that do make those recommendations to those individuals. Now what I have done before is individuals like Natalie who are uncooperative, our prosecuting attorneys are really aggressive. They will issue contempt orders for people who don’t appear in court when they’ve been subpoenaed.
- Those individuals will have contempt charges filed against them. They’ll come in, and in lieu of them being found guilty they will have to participate in some type of domestic violence counseling sessions, which actually gets at the heart of some of the issues that they’re experiencing, and then there are also other resources that are available to them, but we just need to get them in, and that’s been the problem in many instances is getting them in.
- James:* Plus that 18-month-old is not gonna know why he or she is violent. They witnessed it, but they’re really not gonna know the reason.
- Charles:* It’s in the recesses of their mind some way and at some point it might have an impact later on.
- Vicki:* We keep coming back to “might” makes right. We’re gonna use the court to force this. We’re gonna do this to force that. One, we haven’t even talked about the fact that most people don’t call the police anyway because nobody trusts the police. Two, we need to be, and then this is what all this discussion is about, creating those community based options so that there is somebody I can call who’s not gonna throw me in the legal pipeline so that I’m stuck here and I can never get out and lose my child and lose my life and lose my mind, and for a Natalie who is 15 when something happens and she gets pregnant, we don’t know if she was just unsupervised and out and about or raped.

So we don't even know what's going on in Mom's head. We don't even know if the sister really is her legal guardian, but more importantly, so we have the mother of this baby that we don't even know how she got here. We don't know what happened that resulted in her being a 15-year-old pregnant girl. We don't know what that family dynamic was, so we need to trace back to that root to come back to this seed, and then you jump to Chris and that level of stuff, but how do you get there? I mean I'm sitting next to the church. Well where is the church?

And we did talk about school, but where are the outreach mechanisms, and yes, how far do those mechanisms go? What is the accountability? But what about community liaison? Where is that person who says, "oh, this thing didn't come back. Let me just send somebody to knock on the door and see the parent face to face." I mean there are all kinds of bridges that we have and opportunities that in some places are in place and other places aren't in place and as a result might makes right because might is gonna force you to go to counseling. Well we're already starting off in a bad place.

*Charles:* This is a perfect transition for this task force as well to think about the resources there and maybe refining some resources that may be there but may not be ideal, and I hope you'll have two words in mind. There's a difference between coercion, which the legal system can do, and persuasion, which is having empathy and trying to change it in a sense that makes a big difference, and you have to have both. You need a structure, but you also need some flexibility to get things done if it's gonna happen. That's where - Joe Torre?

*Joe:* I just have one thing, and I understand about not calling the police, and I understand that part of it in a lot of instances you're not gonna get the sensitivity, but if somebody winds up dead next door, how are we gonna feel and live with that?

*Vicki:* Absolutely, and I'm not saying you don't call the police, but you don't want that to be your first and only option.

*Charles:* And you have to give, as Chief McDonald said, police some real options to do something, to do something both to stabilize the situation and to treat it. Your goal is to stop it, but someone has to continue the idea of making sure that it works.

*Vicki:* And the perception of law enforcement. The kinds of things we've been talking about the last couple of days and they've been talking

about as they travel the country, the perception of law enforcement, the training that goes on in the culture of law enforcement has to change so that it becomes the friend of the community as opposed to that -

*Charles:* But let's talk about what we mean by changing that culture. That means that people like us have to be involved in law enforcement. You can't curse the darkness. We've got to figure out a way to make it a community institution that everyone is welcome to play a part in.

*Vicki:* We can always curse the darkness, but then we have to go the next step and do something about it instead of just cursing.

*Robert:* There's one other resource that we've ignored, which is that the military has enormous resources for families, and one thing we could do with Chris is try and get some therapy through the military prior to even getting to court, and then we can report to the court that whatever they thought Chris's issues were they're being addressed when we get into the courthouse. So that's a big resource that's often overlooked, and even their private insurance programs that a lot of youngsters have access to, which we can access, and we often do prior to the time we get to the judge, and we best bring a report in and say, "Your Honor, this problem with truancy has been addressed. This problem with anger has been addressed. This problem with family therapy and issues have been addressed." So we bring you a resolution rather than coming to ask for you to decide things.

*Thea:* There's just one last thing. One thing that we haven't brought up and I think it should get equal billing, and I think it may not be in front of us because we don't think about it so much these days the way things are changing, but I think the cyberspace bullying thing should be really considered because what I have discovered in my work as an ER physician is a lot of these crimes, violent crimes against people, begin that way. Even people who get what you would call gang violence or whatever, the communication is happening on Facebook and things like that. So I think that's something that needs equal billing.

*Charles:* It's happening another way in jurisdictions around the country that gang members are going to court and taking photographs of individuals who are testifying about being victims of violence, and then that picture makes them a snitch all over the community. Courts are stopping folks from taking phones into courts, which I

think is a first step, but all these are the wonderful problems that we have to address and try to make a difference.

*Deanne:* One more thing. Just so we don't forget Natalie because somewhere she has parents. Natalie has parents. Who's the father of the baby? Could be her father. There could be some sort of legal action against her father that could result either in his arrest or his responsibility to support or the mother's responsibility to support so the sister is not totally responsible for supporting Natalie.

*Charles:* And General, you've always enlightened us and told us what we need to do. What really should happen is that Chris should go to Afghanistan.

*General:* Hugs for thugs, but that's right.

*Charles:* So thank you all very much and thank you for \_\_\_\_\_  
\_\_\_\_\_.

*[End of Audio]*