

**CULTURE, CORPORAL
(PHYSICAL)
PUNISHMENT, AND THE
CRIMINAL JUSTICE
SYSTEM: HOW ARE THEY
CONNECTED**

And An Overview
of the Dane
County District
Attorney's
Office's Child
Abuse Initiative
and No Hit Zone

WHAT IS CORPORAL PUNISHMENT? WHAT IS PHYSICAL PUNISHMENT? IS THERE A DIFFERENCE?

- Corporal punishment is the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child's behavior. (Straus & Donnelly, 2001, *Beating the Devil Out of Them*).
- The Committee on the Rights of the Child in General Comment No. 8 defines 'corporal' or 'physical' punishment as, "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement (*UNICEF*)
- Physical punishment is defined as the use of physical force with the intention of causing the child to experience bodily pain or discomfort so as to correct or punish the child's behavior (This definition includes light force as well as heavier force, and practices that involve purposely causing children to experience physical discomfort as punishment – such as washing a mouth out with soap, kneeling on painful surfaces, holding positions, or engaging in excessive physical exertion) (Gershoff, E.T. (2008). *Report on Physical Punishment in the United States: What Research Tells Us About Its Effects on Children*. Columbus, OH: Center for Effective Discipline.)

CULTURE AND PHYSICAL PUNISHMENT

- Physical punishment spans racial, ethnic, religious, socio-economic and geographic lines
- Examples?
- In the United States, endorsement of spanking overall hovered around 84% in the late 1980s, and decreased to about 70% in the early 2010s
 - Support for spanking and other physical punishment is noted to differ by religious group, racial group, geographic region within the country, and political view
- Many people view physical punishment as “normal” or “appropriate” in their community or culture; however, it has repeatedly been found that this viewpoint does not mitigate the negative outcomes associated with physical punishment

WISCONSIN CRIMINAL LAW

- 948.03 Physical Abuse to a Child
 - Whoever intentionally causes bodily harm to a child
 - Great bodily harm 948.03(2)(a) Class C felony
 - Bodily harm 948.03(2)(b) Class H felony
 - Whoever recklessly causes bodily harm to a child
 - Great bodily harm 948.03(3)(a) Class E felony
 - Bodily harm 948.03(3)(b) Class I felony

- Parental Discipline Privilege or Reasonable Standard – whether a reasonable person would believe the conduct was necessary and not excessive

- Chapter 48 – Physical Abuse
 - Defined as: physical injury inflicted on a child by other than accidental means. Includes, but is not limited to, lacerations, fractured bones, internal injuries, severe or frequent bruising or great bodily harm.

GLOBAL PERSPECTIVES

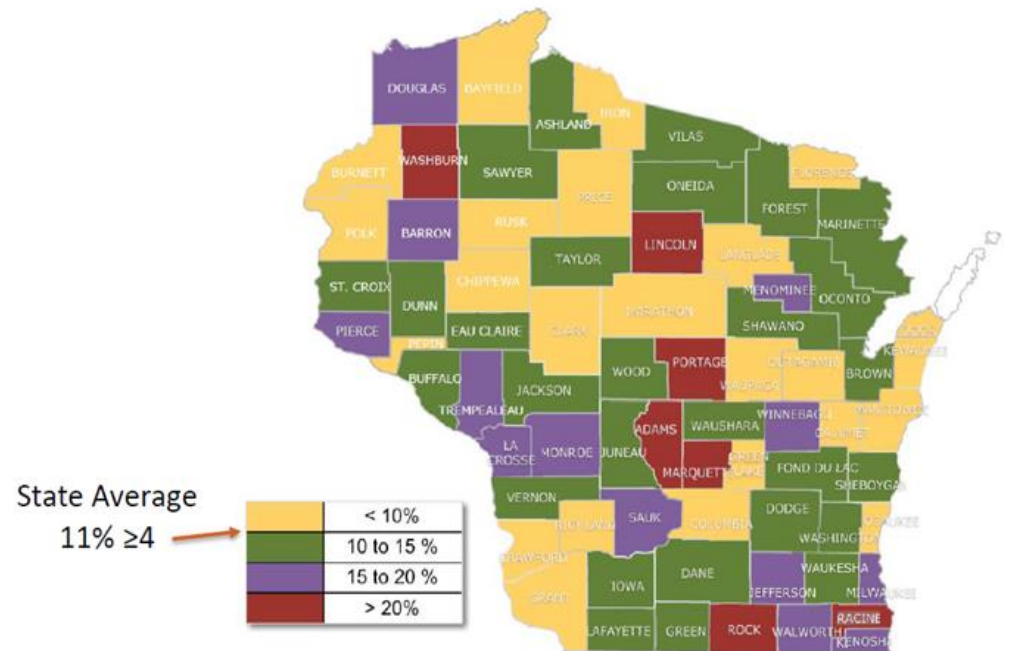
- 53 countries and 8 territories prohibit corporal punishment in any environment – starting with Sweden in 1979
- 57 countries have committed to reforming laws to achieve a complete legal ban
- 18 countries do not prohibit any type of corporal punishment
- United States
 - Physical punishment is allowed in schools in 19 states (there is no federal prohibition)
 - 30 states have prohibited corporal punishment as a disciplinary measure in juvenile detention
 - Wisconsin prohibits physical punishment in schools, child care centers, family child care, home foster care, group homes, and juvenile detention facilities

<https://endcorporalpunishment.org/global-progress/>

ACES

- Emotional abuse
- Physical abuse
- Sexual abuse
- Physical neglect
- Emotional neglect
- Presence of mental illness or suicide
- Presence of divorce, separation or abandonment
- Witnessing domestic violence against mother
- Incarceration of any family member

Prevalence of 4 or More ACEs in Wisconsin Counties



2015 - Ace Interface

OUTCOMES ASSOCIATED WITH PHYSICAL PUNISHMENT

- Increased risk of impaired mental health
- Increased risk of poor quality of parent-child relationships
- Increased risk of anti-social behavior and aggression as adult
- Reduced ability to trust others
- Increase in seeing the world as “scary” or “threatening”
- Increased reliance on violence to resolve conflict
- Persistent “fight” or “flight” response activation
- Less able to identify, communicate and regulate emotions
- Increased likelihood of isolation, aggressive outbursts, sensitivity to touch, defiance, impulse control issues, and self-destructive behavior
- Repeated physical punishment is viewed as toxic stress – disrupting brain development and neural circuitry formation
- More likely to experience physical abuse, more likely to die due to maltreatment

LINK BETWEEN PHYSICAL PUNISHMENT AND CRIMINAL JUSTICE SYSTEM

- Caregivers who physically punish are more likely to become system involved because:
 - Children who are spanked are at 2.3x greater risk of getting an injury.
 - Children who are spanked are at 7x greater risk of being severely assaulted than children who are not physically punished.
 - 10 out of 10 studies in a meta-analysis found a strong and consistent association between parents' use of physical punishment and likelihood of physical injury.

LINK BETWEEN PHYSICAL PUNISHMENT AND CRIMINAL JUSTICE SYSTEM, CONT.

- Adults who were physically punished as children demonstrate the same elevated psychiatric symptoms as adults who were frequently abused, to a slightly lesser extent
- Children who experience physical punishment learn violent conflict resolution and this carries over into adulthood; they are at higher risk of perpetrating violence later in their own families
- Children who experience child abuse & neglect are 59% more likely to be arrested as a juvenile, 28% more likely to be arrested as an adult, and 30% more likely to commit violent crime.
- A 2010 report by Straus suggests that ending corporal punishment could result in 1,540,000 fewer cases of antisocial behavior problems.
- A 1999 Bureau of Justice Statistics report found that children who experience child abuse and neglect are about 9 times more likely to become involved in criminal activity.
- The National Institute of Justice estimates that 13% of adult violent crime can be linked to earlier child maltreatment.
- A 2001 study, estimates that slightly more than 1 in 4 maltreated children (27%) will engage in an act of juvenile delinquency.

RESEARCH HIGHLIGHTS

- There is little evidence that physical punishment improves children's behavior in the long term
- There is substantial evidence that physical punishment makes it more, not less, likely that children will be defiant and aggressive in the future
- There is clear research evidence that physical punishment puts children at risk for negative outcomes, including increased mental health problems
- There is consistent evidence that children who are physically punished are at greater risk of serious injury and physical abuse

WHY IS PHYSICAL PUNISHMENT NOT EFFECTIVE

- It does not teach children *why* their behavior was wrong or *what* they should do instead
- It can interfere with parents' intended message – the pain and fear associated with physical punishment can interfere with the child's perception and acceptance of parents' disciplinary message and thus their internalization of that
- It teaches children that they should behave in desired ways to avoid punishment, not because there are important, positive reasons for behaving appropriately. Consequently, when the threat of punishment is not present, there is no reason to behave appropriately.
- It models for children that it is acceptable to use aggression to get their way, especially if they are bigger, or more powerful than the other person.
- It can increase the likelihood that children will attribute hostile intentions to others in social situations that, in turn, increase the likelihood they will behave aggressively in social interactions
- It may cause children to fear their parents, which can erode the relationship and lead to avoidance
- It may teach children to link violence with loving relationships

HOW TO TALK ABOUT CHANGING TO ALTERNATIVE METHODS

- Refute beliefs in its effectiveness – provide education and evidence to the contrary
- Identify ways physical punishment affected them (both positively and negatively)
- Identify how their cultural background supports or does not support physical punishment, to what extent, and for what reasons
- Identify and attempt to address stress (financial, multiple jobs/job loss, marital conflict, etc.), mental health, emotional health, AODA – all of which can increase the risk of physical punishment leading to physical abuse
- Educate and provide parenting skills education related to frustration and aggravation – stress tolerance – effective parenting strategies
- Educate families on modeling/mirroring – educate on effective parenting skills to manage aggressive (toward self or others) children without engaging in aggressive behaviors themselves

HOW TO TALK ABOUT CHANGING TO ALTERNATIVE METHODS: **FRAMES**

- The following “frames” were developed by Lisa Fontes, and presented at our 2015 Cultural Context of Corporal Punishment Conference
 - Side effects
 - Effectiveness
 - Empathy
 - Human rights
- Protection of reputation and from intrusive institutions

SIDE EFFECTS FRAME

Corporal punishment is **INTENDED** to improve behavior but has harmful side effects

- Gershoff Meta-analysis of Corporal Punishment (2002)
 - 1 positive effect: Immediate compliance
 - 11 negative effects:
 - Physical abuse by parent
 - Lack internal moral compass
 - Poorer quality of relationship with parent
 - Mental health, aggression, & criminal or antisocial behavior in childhood and adulthood
 - Abuse of own child or spouse

Corporal punishment is risky behavior & we cannot know which children it is likely to affect most. Better to avoid it.

EFFECTIVENESS FRAME

Corporal punishment works in our family

- While it may work in the short run, corporal punishment:
 - Deprives children of the opportunity to see an angry adult resolve conflict through words
 - Drives misbehavior underground
 - Makes children less likely to confide about sensitive issues

We should only recommend and use techniques that are proven to work.

EMPATHY FRAME

Corporal punishment works in our family

- What must it be like to fear those who you depend on?
- What is it like to have no safe haven from physical assault?
- What do you think goes through your child's head during the moment that you are hitting him or her?

Put yourself in their shoes.

HUMAN RIGHTS FRAME

There is a global movement to consider freedom from violence a human rights issue for children

“No violence against children is justifiable & all violence against children is preventable. Violence cannot be dignified or justified by reference to faith or religion; increasingly, this is accepted in relation to violence against women, and it must be accepted in relation to children.”

Paulo Pinheiro, U.N. Study on Violence Against Children, 2012

The most vulnerable people should be **MORE** protected rather than less.

PROTECTING FAMILY'S REPUTATION FRAME

- Fewer and fewer people are using corporal punishment in the U.S. – those who do are increasingly seen as outside the norm
- Caretakers who use corporal punishment risk reports and interference from state agencies

You probably don't want more interference from agencies.

FRAMES, CONT.

- With caretakers who insist on their right to use corporal punishment, work toward a goal of reducing or eliminating it:
 - Open hand to clothed bottom only
 - Never more than once a day
 - No weapons or objects
 - Not in anger
 - If you've ever been abusive you need an alternative

Regardless of one's personal beliefs, a family that has abused a child once is at increased risk of future episodes of abuse. They need our help in reducing risk—including reducing or eliminating corporal punishment.

Half of all families that have child abuse have woman-battering, and half of families with woman-battering have child abuse. When we see one we should assess for the other.

DANE COUNTY DISTRICT ATTORNEY'S OFFICE CHILD ABUSE INITIATIVE: WHY WE STARTED

- Deferred Prosecution Program – Child Abuse Initiative
 - Saw an increase in overall child abuse referrals
 - Observed a change in community standards
 - Updated research on risk factors and negative outcomes
 - Most physical abuse cases resulted from excessive physical punishment
 - Many cases did not have current child protection involvement
 - Racial disparities
 - Disproportionate representation of people of color referred for physical abuse
 - Race to Equity report
 - Cultural responsiveness

Program Mission Statement

“To provide meaningful criminal justice diversion programming for parents who have been arrested for child abuse following an incident of excessive use of corporal punishment. This multi-generational initiative will strive to have a short and long-term impact on child safety and protection, racial disparities, belief systems regarding violent parenting practices and decreasing future criminal behaviors.”

**Traditional
criminal justice
response**

Negative
impacts

Child/victim
safety

Barriers to
success

Punishment
rather than
meaningful
change

**Needed an alternative
to the traditional
response to physical
abuse of a child cases**

Individualized

- Eligibility
- Intake
- Referrals
- Duration

Meaningful treatment & intervention

- Parenting & zero tolerance
- Other treatment
- Victim treatment
- Communication
- Barriers and solutions
 - ACT: RSK
 - Resources

Child safety and protection

- Collaboration with CPS
- NOC contact
- Bail conditions
- Contract conditions
- CASA
- Treatment

Reduce adverse impact of system

- Expected and unexpected impact
- Stigma
- Referral options – “Tracks”
- Communication

Accountability

- Initial
- Educate
- Revisit

Short & long-term impacts

- Short:
- Eliminate CP
 - Child safety
 - Maintain employment, housing, etc.
- Long:
- Reduce recidivism
 - Decrease victim’s system involvement
 - Reduction in CP over time
 - Mitigate ACEs and potential outcomes

NO HIT ZONE

- **An environment in which no adult shall hit another adult, no adult shall hit a child, no child hit an adult, and no child shall hit another child**
- 2005 – Rainbow Babies (University Hospital of Cleveland) introduced the first “No Hit Zone” policy due to concerns related to “misguided discipline efforts” ... that were “generally ineffective” and “disturbing to all who witness them”
- Started in hospitals: Louisville-Kosair Children’s Hospital, University of Michigan – C.S. Mott Children’s Hospitals, Children’s Mercy Hospitals – Kansas, Gundersen Health System, University of Minnesota – Masonic Children’s Hospital
 - 2016 - UW Health – American Family Children’s Hospital
- Expanded to non-hospital based programs:
 - 2015 - Dane County District Attorney’s Office – first governmental NHZ
 - 2016 - City of Stoughton – first city-wide NHZ

NO HIT ZONE, CONT.

■ A No Hit Zone:

- To create and reinforce an environment of safety
- To equip staff with tools
- To provide education and resources
- To acknowledge elevated emotions inherent in being in this environment

■ A No Hit Initiative:

- To disseminate research on negative outcomes
- To end physical punishment
- To end generational cycles of violence
- To start a discussion
- To reduce the negative outcomes



ELEMENTS OF A NHZ

- Signs
- Brochures
- Magnets
- Website
- Training
- Distraction packets
- Parenting brochure



Policy

When hitting is observed it is everyone's responsibility to intervene and communicate the NHZ policy

Procedure

Staff made aware of policy to ensure and reinforce an environment of safety
Identify and respond, within comfort zone, to situations that compromise (or could compromise) safe environment – utilizing the training they are provided
Additional intervention provided depending on severity and need

THANK YOU!

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