TRAUMATIZATION OF CHILDREN IN THE LEGAL SYSTEM

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TEN THINGS EVERY JUVENILE COURT JUDGE SHOULD KNOW ABOUT TRAUMA AND DELINQUENCY*

* Buffington, Dierkhsing, Marsh:
A traumatic experience is an event that threatens someone’s life, safety or well being.
CHILD TRAUMATIC STRESS CAN LEAD TO PTSD
TRAUMA IMPACTS A CHILD’S DEVELOPMENT AND HEALTH THROUGHOUT LIFE
TRAUMATIC EXPOSURE, DELINQUENCY, AND SCHOOL FAILURE ARE RELATED
TRAUMA ASSESSMENTS CAN REDUCE MISDIAGNOSIS, PROMOTE POSITIVE OUTCOMES AND MAXIMIZE RESOURCES
THERE ARE MENTAL HEALTH TREATMENTS THAT ARE EFFECTIVE IN HELPING YOUTH WHO ARE EXPERIENCING CHILD TRAUMATIC STRESS
- THERE IS COMPELLING NEED FOR EFFECTIVE FAMILY INVOLVEMENT
YOUTH ARE RESILIENT
THE JUVENILE JUSTICE SYSTEM NEEDS TO BE TRAUMA INFORMED AT ALL LEVELS
THE DEMOGRAPHICS OF YOUTH AT RISK

- GREATER THAN 93,000 CHILDREN ARE CURRENTLY LOCKED UP IN JUVENILE CORRECTION FACILITIES

- UP TO 34% OF CHILDREN HAVE EXPERIENCED AT LEAST ONE TRAUMATIC INCIDENT
75%-93% OF YOUTH ENTERING THE JUVENILE JUSTICE SYSTEM ANNUALLY ARE ESTIMATED TO HAVE EXPERIENCED SOME DEGREE OF TRAUMA
YOUTH IN CORRECTIONAL FACILITIES FACE SIGNIFICANT CHALLENGES RELATED TO SEPARATION FROM FAMILIES, COMMUNITIES, EDUCATION, AND POSITIVE SOCIAL NETWORKS

PRIOR AND SUBSEQUENT TRAUMA CAN CAUSE MORE ACUTE DIFFICULTIES

THERE THEN IS THE RISK OF RE-TRAUMATIZATION BY STAFF AND OTHER PEOPLE IN THE JUSTICE SYSTEM AND CORRECTIONAL FACILITIES
CHILDHOOD TRAUMA INCREASES LIKELIHOOD FOR LIFE-LONG PSYCHIATRIC CONDITIONS:
- PERSONALITY DISORDERS
- CONDUCT DISORDER
- ADHD
- DEPRESSION
- ANXIETY SUBSTANCE ABUSE
- PTSD
- LEARNING PROBLEMS
THE PROCESS OF THE SYSTEM AND EXPOSURE TO SYSTEM RELATED INTERVENTIONS CAN BE TRAUMATIC
CHILDREN ARE RARELY SCREENED FOR TRAUMA, ESPECIALLY IN THE JUVENILE JUSTICE SYTEM

CHILDREN WHO EXPERIENCE TRAUMA HAVE DISPROPORTIONATE CONTACT WITH THE JUVENILE JUSTICE SYTEM
THE CURRENT JUVENILE JUSTICE SYSTEM DOES NOT MEET THE NEEDS OF YOUTH WHO HAVE EXPERIENCED TRAUMA
INCARCERATION ITSELF CAN BE TRAUMATIC
YOUTH WITH MENTAL HEALTH DISORDERS-PREVALENCE

- THERE REMAINS A PAUCITY OF RESEARCH ON MENTAL HEALTH DISORDERS AMONG YOUTH IN THE JUVENILE JUSTICE SYSTEM
YOUTH IN THE JUVENILE JUSTICE SYSTEM EXPERIENCE SUBSTANTIALLY HIGHER RATES OF MENTAL HEALTH DISORDERS THAN YOUTH IN THE GENERAL POPULATION (OTTO et al., 1992)
IT IS SAFE TO ESTIMATE THAT AT LEAST ONE OUT OF EVERY FIVE YOUTH IN THE JUVENILE JUSTICE SYSTEM HAS SERIOUS MENTAL HEALTH PROBLEMS

(COCOZZA AND SKOWYRA)

ESTIMATE IS APPROXIMATELY 20%
MANY YOUTH IN THE SYSTEM WITH MENTAL ILLNESS ALSO HAVE CO-OCCURRING SUBSTANCE ABUSE DIFFICULTIES
MENTAL HEALTH PROFILES OF INCARCERATED JUVENILES

- DEPRESSION
- ANXIETY
- POST TRAUMATIC STRESS DISORDER (PTSD)
- ADHD
- SUBSTANCE ABUSE DISORDERS
CO-MORBIDITY
THE STRANGE AND WORRISOME MATTER OF
ANTHONY HARRIS

ANTHONY Y. HARRIS
VS
AMANDA SPIES BORNHORST
JEFFREY URBAN
THOMAS STAGGERS
CITY OF NEW PHILADELPHIA, OHIO
THOMAS VAUGHN
AND
VILLAGE OF MILLERSBURG, OHIO
ON SATURDAY, JUNE 27, 1998 AT ABOUT 1:50 PM, LORI DUNIVER NOTICED THAT HER 5 YEAR OLD DAUGHTER, DEVAN WAS MISSING.

AT ABOUT 2PM LORI SAW HER NEIGHBER, 12 YEAR OLD ANTHONY HARRIS WALKING HOME FROM VISITING HIS BEST FRIEND. ANTHONY HAD TAKEN A SHORTCUT THROUGH A SMALL WOODED AREA BEHIND THE DUNIVER’S HOME.
LORI TOLD ANTHONY SHE WAS LOOKING FOR DEVAN. ANTHONY SPENT THE AFTERNOON WITH LORI HELPING TO SEARCH FOR DEVAN

ANTHONY WAS WEARING PLAID SHORTS AND A BLUE T-SHIRT. THOUGH THE PROSECUTION LATER CONTENDED THAT ANTHONY ENCOUNTERED DEVAN AND SPONTANEOUSLY STABBED HER TO DEATH DURING HIS BRIEF WALK THROUGH THE WOODS, LORI DUNIVER NOTICED NOTHING STRANGE ABOUT ANTHONY’S BEHAVIOR, AND SHE SAW NO TRACE OF BLOOD ON HIS CLOTHES.
The prosecution after exhaustive blood and DNA examinations of Anthony’s clothes, also found no physical evidence connecting him to Devan’s murder.

After it began to rain heavily, Anthony went home at about 5:30 PM.
At about 8PM, more than 6 hours after she noticed Devan missing, Lori Duniver finally called the New Philadelphia Police Department.

Ultimately, several hundred people searched during the rest of the night and the next morning.
DEVAN’S BODY WAS FOUND IN THE SMALL WOODED AREA AT 2:30 PM ON SUNDAY, JUNE 28, 1998. A LARGE PLASTIC BAG WAS FOUND NEAR HER BODY. SHE HAD BEEN STABBED IN THE NECK SEVEN TIMES.

A NUMBER OF SEARCHERS CLAIMED TO HAVE SEARCHED THE PRECISE LOCATION WHERE DEVAN’S BODY WAS FOUND. CAPTAIN URBAN FAILED TO INTERVIEW ANY OF THESE PEOPLE:
SUSPECTS:
- MOTHER'S FORMER BOYFRIEND
- DEVAN’S FATHER
- CONVICTED CHILD MOLESTOR, NEIGHBOR. TWO TRAINED SEARCH DOGS, INDEPENDENTLY TRACED DEVAN’S SCENT TO THE GARAGE DOOR OF A HOME NEAR THE DUNIVER RESIDENCE.
IGNORING THESE SUSPECTS, CAPTAIN URBAN INSTEAD FOCUSED ON ANTHONY HARRIS, A WELL-BEHAVED BOY WITH NO PRIOR HISTORY OF INVOLVEMENT WITH LAW ENFORCEMENT.
URBAN’S HYPOTHESIS: ANTHONY ENCOUNTERED DEVAN IN THE WOODS AND STABBED HER SEVEN TIMES IN THE NECK (THE WEAPON WAS NEVER FOUND).

CAPTAIN URBAN ALREADY OBTAINED INFORMATION THAT PROVED HIS HYPOTHESIS WRONG.
THOUGH THERE WAS NO PLAUSIBLE REASON TO BELIEVE ANTHONY WAS GUILTY A DECISION WAS MADE TO PIN THE CRIME ON ANTHONY HARRIS. TOGETHER ALL OF THE DEFENDANTS CONSPIRED TO SUBJECT ANTHONY TO A RELENTLESS AND COERCIVE INTERROGATION SIMPLY TO GET HIM TO INCriminate HIMSELF.
ON OR ABOUT JULY 1, 1998 BORNHORST DRAFTED A SEARCH WARRANT FOR THE HARRIS RESIDENCE CONTAINING A NUMBER OF FALSE STATEMENTS.

ON JULY 2, 1998 CAPTAIN URBAN WENT TO THE HARRIS HOME ANS ASKED ANTHONY, HIS OLDER BROTHER AND MOTHER TO COME TO NEW PHILADELPHIA POLICE STATION TO LOOK AT SOME PHOTOGRAPHS.

WHEN MOTHER WENT INTO THE HOUSE TO GET HER CAR KEYS CAPTAIN URBAN QUICKLY AND WITHOUT MOTHER’S PERMISSION PUT ANTHONY IN HIS SQUAD CAR AND DROVE OFF.
ONCE IN THE SQUAD CAR CAPTAIN URBAN CASUALLY ALLUDED TO ANTHONY’S CONSTITUTIONAL RIGHTS AGAINST SELF-INCRIMINATION.

CAPTAIN MADE NO EFFORT TO DETERMINE IF ANTHONY UNDERSTOOD THE IMPORTANT RIGHTS TO WHICH HE ALLUDED AND EFFECTIVELY PREVENTED ANTHONY FROM EVEN ATTEMPTING TO EXERCISE THOSE RIGHTS.
ANTHONY INTERROGATED ON WAY TO NEW PHILADELPHIA POLICE STATION.

DURING THIS INTERROGATION, CAPTAIN URBAN REPEATEDLY IF HE HAD A POCKET KNIFE. CAPTAIN URBAN TOLD ANTHONY HE COULD HELP ANTHONY IF HE CONFESSIONED.
CAPTAIN URBAN
CAPTAIN URBAN ALSO FAILED TO INTERVIEW EITHER OF THE TWO WOMEN WHO FOUND DEVAN’S BODY.

CAPTAIN URBAN ALSO FAILED TO INTERVIEW SEVERAL ADULT SUSPECTS WHO HAD PLAUSIBLE MOTIVE TO KILL DEVAN:
CHIEF STAGGERS ASSIGNED CAPTAIN URBAN TO HEAD THE INVESTIGATION. IT WAS CAPTAIN URBAN’S FIRST MURDER INVESTIGATION.

PROPER STEPS WERE NOT TAKEN TO PRESERVE THE CRIME SCENE. AS A RESULT, A SIGNIFICANT PORTION OF THE AVAILABLE PHYSICAL EVIDENCE, INCLUDING A FOOTPRINT, SOILS AND BLOOD SAMPLES, AND INSECT LARVAE THAT HAD INFESTED DEVAN’S STAB WOUNDS WERE LOST OR DESTROYED.
A NUMBER OF SEARCHERS CLAIMED TO HAVE SEARCHED THE PRECISE LOCATION WHERE DEVAN’S BODY WAS FOUND. CAPTAIN URBAN FAILED TO INTERVIEW ANY OF THESE PEOPLE.

CAPTAIN URBAN FAILED TO INTERVIEW EITHER OF THE TWO WOMEN WHO ULTIMATELY FOUND DEVAN’S BODY.
CAPTAIN URBAN ALSO FAILED TO INVESTIGATE SEVERAL ADULT SUSPECTS WHO HAD PLAUSIBLE MOTIVES TO KILL DEVAN:

- MOTHER’S FORMER BOYFRIEND
- DEVAN’S FATHER
- CONVICTED CHILD MOLESTOR WHO WAS A NEIGHBOR
MOST SHOCKINGLY CAPTAIN URBAN FAILED TO FOLLOW-UP ON EXTRAORDINARY LEAD PRODUCED BY TWO TRAINED SEARCH DOGS, BOTH OF WHICH INDEPENDENTLY TRACED DEVAN’S SCENT TO THE GARAGE DOOR OF THE CHILD MOLESTOR WHICH WAS NEAR THE VICTIM’S HOME.
IGNORING THESE SUSPECTS THE FOCUS WAS ON ANTHONY HARRIS, A WELL BEHAVED BOY WITH NO HISTORY OF PROBLEMS OR INVOLVEMENT WITH THE LEGAL SYSTEM.
WORKING HYPOTHESIS: ANTHONY HAPPENED UPON DEVAN IN THE WOODS WHILE WALKING HOME ON JUNE 27, AND HAPPENED TO BE CARRYING A KNIFE (WHICH WAS NEVER FOUND) AND SPONTANEOUSLY DECIDED TO MURDER DEVAN BY STABBING HER SEVEN TIMES IN THE NECK.
ANTHONY SOMEHOW AVOIDED GETTING ANY BLOOD OR DNA SAMPLES ON HIS CLOTHES; THAT HE EMERGED FROM THE WOODS TO FIND DEVAN’S MOTHER AND SPENT THE REST OF THE AFTERNOON PRETENDING TO HELP IN THE SEARCH.

CAPTAIN URBAN ALREADY HAD OBTAINED INFORMATION THAT PROVED HIS HYPOTHESIS WRONG.
THE DEFENDANTS CONSPIRED TO SUBJECT ANTHONY TO A RELENTLESS AND COERCIVE INTERROGATION SIMPLY TO GET HIM TO INCRIMINATE HIMSELF.
THE UNLAWFUL SEARCH AND FIRST UNLAWFUL INTERROGATION OF ANTHONY

- **ON OR ABOUT JULY 1, 1998** PROSECUTOR BORNHORST DRAFTED A SEARCH WARRANT FOR THE HARRIS RESIDENCE.

- **ON JULY 2, 1998** CAPTAIN URBAN WENT TO THE HARRIS RESIDENCE. ANTHONY, HIS BROTHER AND MOTHER WERE ASKED TO COME TO THE NEW PHILADELPHIA POLICE STATION.
WHEN MOTHER WENT INTO THE HOUSE TO GET CAR KEYS CAPTAIN URBAN PUT ANTHONY IN HIS SQUAD CAR WITHOUT ASKING MOTHER’S PERMISSION.

ONCE IN THE CAR CAPTAIN URBAN CASUALLY ALLUDED TO ANTHONY’S CONSTITUTIONAL RIGHTS. HE ADOPTED A FRIENDLY TONE.
CAPTAIN URBAN MADE NO ATTEMPT TO DETERMINE IF ANTHONY UNDERSTOOD HIS RIGHTS.

CAPT. URBAN INTERROGATED ANTHONY ON THE WAY TO THE POLICE STATION. THE INTERROGATION CONTINUED IN A BACK ROOM.
[CAPT. URBAN REPEATEDLY ASKED ANTHONY IF HE HAD A KNIFE; ANTHONY SAID HE DID NOT.]

ANTHONY WAS TOLD THAT CAPT. URBAN COULD HELP IF ANTHONY CONFESSIONED AND QUESTIONED ANTHONY EXTENSIVELY ABOUT WHAT ROUTE HE TOOK HOME THE AFTERNOON OF JUNE 27, 1998 AND WHAT CLOTHES HE WAS WEARING THAT DAY.
ANTHONY’S MOTHER WAS NOT INFORMED UNTIL SEVERAL MONTHS LATER THAT CAPTAIN URBAN INTERROGATED ANTHONY IN THE SQUAD CAR.
SECOND UNLAWFUL INTERROGATION OF ANTHONY

- THE CONTEXT: GREAT DEAL OF MEDIA ATTENTION. WEEKS PAST WITHOUT AN ARREST. PUBLIC PRESSURE MOUNTED.

- THERE WAS A VIEW THAT THE PROSECUTOR AND THE POLICE CONSPIRED TO MAKE A SECOND ATTEMPT TO GET A CONFESSION FROM ANTHONY.
CHIEF THOMAS VAUGHN OF MILLERSBURG WAS CONTACTED.

HE WAS AN ADVOCATE OF COMPUTERIZED “VOICE STRESS ANALYZER” AND HAD EXTENSIVE TRAINING IN VERY AGGRESSIVE AND POTENTIALLY COERCIVE INTERROGATION PRACTICES.
THERE WAS NO INTENTION OF PERFORMING A “VOICE STRESS TEST.”

THERE WAS A HOPE THAT BY TELLING MOTHER THEY WANTED TO DO THE TEST THE COULD GET ANTHONY ALONE WITH CHIEF VAUGHN.
THE “REID” AND “GLEN FOSTER” INTERROGATION TECHNIQUES INCLUDE CONVINCING A SUSPECT THAT HIS SITUATION IS HOPELESS.

THE TECHNIQUES ENCOURAGE THE USE OF DECEPTION AND PSYCHOLOGICAL COERCION TO OBTAIN CONFESSIONS.

FALSE CONFESSIONS ARE ESPECIALLY LIKELY WITH JUVENILES.
MOTHER WAS TOLD THAT THE “VOICE STRESS TEST” WOULD BE A RELAXING AND NON-CONFRONTATIONAL INTERVIEW, AND THAT SHE WOULD BE ABLE TO LISTEN TO THE DISCUSSION FROM ANOTHER ROOM. SHE WAS NOT TOLD THAT ANTHONY WAS A SUSPECT OR THAT CHIEF VAUGHN INTENDED TO INTERVIEW HIM USING THESE TECHNIQUES.
PRIOR TO STARTING THE TEST MOTHER AND ANTHONY WERE TO SIGN A CONSENT FORM.

THIS DID NOT CONTAIN A STATEMENT OF ANTHONY’S CONSTITUTIONAL RIGHTS AGAINST SELF-INCrimINATION.
MOTHER WAS ESCORTED TO ANOTHER ROOM WHERE SHE COULD SEE- BUT NOT HEAR- WHAT WAS HAPPENING

ANTHONY WAS SUCCESSFULLY SEPARATED FROM HIS MOTHER. THE COURT OF APPEALS LATER FOUND THAT HE WAS INADEQUATELY PROVIDED WITH INFORMATION ABOUT HIS CONSTITUTIONAL RIGHTS AGAINST SELF-INCrimINATION.
CHIEF VAUGHN INTERROGATED ANTHONY FOR 80 MINUTES USING COERCIVE TACTICS.

CHIEF VAUGHN ALSO TOLD ANTHONY HE DID NOT WANT TO ADMINISTER THE “VOICE STRESS TEST” BECAUSE IF HE FAILED IT WOULD BE TOO LATE FOR HIM TO HELP ANTHONY.
- Vaughn used tactics that included referencing non-existent evidence.

- Anthony made multiple denials during the course of interrogation.

- Chief Vaughn would not accept them and his questioning became more intense.
Even though Chief Vaughn knew the results of any voice stress test would be inadmissible in court he told Anthony that the results would stand on their own just like any other evidence.
CHIEF VAUGHN REPEATEDLY ACCUSED ANTHONY OF KILLING DEVAN DUNIVER AND IGNORED ANTHONY’S PROTESTS TO THE CONTRARY.

VAUGHN SUGGESTED HE WOULD WRITE A LETTER ON ANTHONY’S BEHALF BECAUSE HE KNEW THAT THIS WAS NOT A “NASTY CRIME.”
CHIEF VAUGH ALSO SUGGESTED THAT ANTHONY WOULD BE GIVEN A “SECOND CHANCE” INSTEAD OF THE HARSH PUNISHMENT HE WOULD RECEIVE IF HE FAILED TO ADMIT HIS GUILT

LATER CHIEF VAUGHN MADE ANTHONY’S CHOICES CRYSTAL CLEAR: EITHER HE WAS A “NASTY” PERSON WHO WOULD DENY HIS CRIME OR A “DECENT” PERSON WHO WOULD COME CLEAN. BUT IN NO EVENT COULD ANTHONY BE INNOCENT.
CHIEF VAUGH ALSO PLAYED UPON RACE TO ACHIEVE HIS OBJECTIVE.

HE TOLD ANTHONY WHO IS BLACK THAT “A LOT OF AFRICAN AMERICANS GOT A LOT OF HATE BUILT UP OVER THE YEARS AND IT’S BECAUSE OF WHAT WE DID TO YOU…..”
BY THIS POINT ANTHONY WAS IN TEARS AND HE BEGAN PARROTING BACK WHATEVER CHIEF VAUGHN SUGGESTED TO HIM.

ANTHONY COULD NOT PROVIDE FACTS ABOUT WHAT HAPPENED THOUGH WHEN ASKED FOR A WRITTEN CONFESSION.
CHIEF VAUGHN CONTINUED TO PRESSURE ANTHONY FOR A WRITTEN STATEMENT. ANTHONY FINALLY ASKED FOR HIS MOTHER. WHEN MOTHER ENTERED THE ROOM HE RECANTED HIS “CONFESSION.”

ANTHONY DID NOT GO HOME AFTER HIS INTERROGATION ON JULY 15, 1998. HE WENT TO JAIL.
EXCEPT FOR A BRIEF PERIOD DURING WHICH HE WAS ON HOUSE ARREST, WEARING AN ELECTRONIC ANKLE BRACELET, ANTHONY REMAINED INCARCERATED FOR NEARLY TWO YEARS.