



DANE COUNTY DISTRICT ATTORNEY'S OFFICE

Initiative to Address Corporal Punishment and
the Impact on Racial Disparities

Protecting
Children and
Helping to Create
Equitable
Communities

TABLE OF CONTENTS

SECTION ONE: Overview	Page 1
SECTION TWO: Research Statement	Page 3
SECTION THREE: Community and Professional Education	Page 7
SECTION FOUR: Child Abuse Deferred Prosecution Program	Page 10
SECTION FIVE: Outcomes and Future Hope	Page 15

SECTION ONE

OVERVIEW OF CORPORAL PUNISHMENT AND RACIAL DISPARITIES INITIATIVE

In 2012, the Dane County District Attorney’s Office received almost double the number of overall child abuse referrals. This caused child abuse professionals to be gravely concerned for the safety and security of children in Dane County. Therefore, the District Attorney’s Office began an examination of two profound issues in the criminal justice system and to the larger Dane County community; parental use of corporal punishment and racial disparities. How could these two issues be related or relevant to one another?

Corporal Punishment: intentional infliction of physical pain for the purposes of punishment.

Examples: slapping, hitting with objects, pinching, forcing to stand or maintain a position for a period of time, shaking, etc

For answers to these questions, the Dane County District Attorney’s Office turned to the large body of academic research that now links parental use of corporal punishment to child abuse. Further, an equally significant body of research and literature point to increased aggression, antisocial behavior problems, future domestic violence, child abuse and criminal behavior as a direct consequence associated with experiencing corporal punishment as a child. In fact, this empirical data is so significant that in 1990 human rights organizations throughout the world worked with the United Nations to ratify and adopt the [Convention on the Rights of a Child](#)ⁱ. This resolution supports a full ban on all forms of physical violence

Children have a right to protection from being hurt or mistreated; they have a right to protection from all forms of violence, abuse, and neglect.

Article 19
UN Convention on the Rights of the Child

to children worldwide. Today, thirty nine countries worldwide have followed suit and banned corporal punishment which has led to an overall reduction in child abuse and future criminal behavior. In the United States, and therefore in Dane County,

Wisconsin corporal punishment of children remains a legal practice despite the overwhelming research that points to negative outcomes for children. The line between legal corporal punishment of children and criminal child abuse is left to the community to determine. The [Wisconsin state statutes define child abuse](#) as any intentional bodily harm to a child but builds in a privilege for parents to utilize corporal punishment if it remains **reasonable**. Juries who hear cases of intentional child abuse are asked to determine what whether a parent’s action was **reasonable**. As information about the negative outcomes associated with parental use of corporal punishment becomes more widely disseminated this community standard is inevitably impacted as are the reports of child abuse.

Nationally, cases of child abuse and neglect that involve black children are reported to and substantiated by public child welfare agencies at a rate approximately twice that of cases that involve white childrenⁱⁱ. Between June 1, 2011 and June 1, 2012, the Dane County District Attorney’s Office received 174 law enforcement referrals for physical abuse to a child, with the vast majority as the result of excessive use of corporal punishment. Of those referrals, 54% were minority offendersⁱⁱⁱ. When this percentage is compared with the minority population of 15% in Dane County, the disparity is clear^{iv}: More minority children were victims of abuse and more minority parents entered the criminal justice system. These disturbing numbers are sadly consistent with racial disparities currently impacting Dane County schools, businesses, human services, and the juvenile and adult criminal justice systems as highlighted in the 2013 [Dane County Race to Equity Report](#) issued by the Wisconsin Council on Children and Families^v.

The combination of this research and current realities led the District Attorney’s Office to wonder whether a paradigm shift in Dane County regarding the use of corporal punishment to alternative methods could and would impact racial disparities in the short and long term. Therefore, the Dane County District Attorney’s Office reached out to the larger Dane County system, the community and national experts in search for answers and solutions to these current concerns. In 2013, the Dane County Executive devoted a full time specialized position to the child abuse and racial disparities initiative which marked the beginning of a new restorative justice based project within the [Deferred Prosecution Program](#) (DPP) addressing the parental use of corporal punishment. In June 2013, the Racial Disparities Subcommittee of the Dane County Criminal Justice Council agreed to further tackle these issues and applied for and received a \$24,000 American Bar Association grant for a racial justice improvement project to evaluate and improve this new child abuse program in the DA’s Office. The [Racial Justice Improvement Project](#) (RJIP) team includes multidisciplinary administrators from the Dane County Board and Executive’s Offices, Circuit Court, [Dane County Sheriff’s Office](#), [Madison Police Department](#), [State Public Defender’s Office](#) and the [Dane County District Attorney’s Office](#). The RJIP team utilized the grant funds to hire the [University of Wisconsin Population Health Institute](#) to assist them in developing a logic model and corresponding data base to collect data on the new program. The Dane County District Attorney’s Office continues to collaborate with the RJIP team, systemic multidisciplinary team (MDT) members, faith leaders, national experts and the community to further develop the child abuse deferred prosecution program and continue a larger community conversation about the negative outcomes associated with corporal punishment.

“The cultural acceptance of violence [should] be decreased by discouraging corporal punishment at home... [because these] are models and sanctions of violence.”
– U.S. Surgeon General’s Workshop on Violence and Public Health

Children’s rights should be respected, protected and fulfilled.
Article 4
UN Convention on the Rights of the Child

Parents are responsible for the upbringing of their child and should always consider what is best for that child.
Article 18
UN Convention on the Rights of the Child

SECTION TWO

RESEARCH STATEMENT

Corporal punishment is no longer viewed by child psychologists or pediatricians as an effective form of discipline. Research indicates a significant link between corporal punishment and physical abuse. One study found that parents who utilize corporal punishment are nine times more likely to physically injure/abuse their children^{vi} and experiencing corporal punishment by their parents makes children more than 2 times as likely to suffer an injury requiring medical attention^{vii}. In a 2002 meta-analysis of numerous studies on corporal punishment, 85% of the studies indicated that corporal punishment is associated with less moral internalization and long term compliance. Both the meta-analysis and subsequent studies confirmed the association of corporal punishment with impairments in children's mental health including problems with anxiety and depression, alcohol and drug use, and general psychological maladjustment. Additionally, the association of corporal punishment to increased levels of antisocial behaviors applies regardless of the extent to which parents provide cognitive stimulation and emotional support, and regardless of socio-economic status, ethnic group, and sex of the child^{viii}. One 2010 report suggests that ending corporal punishment could result in 1,540,000 fewer cases of antisocial behavior problems^{ix}. Thirteen out of thirteen studies found corporal punishment to also be associated with eroded parent-child relationships^x.

Research consistently suggests that experiencing physical punishment directly causes children's levels of aggression to increase. The reasons may include that aggression is a reflexive response to experiencing pain, that children copy their parents' behavior and that children learn that violence is an appropriate method of getting what you want.^{xii} A study which used data from over 4,400 adults found that the more often respondents had experienced physical punishment as teenagers, the more likely they were to physically assault their partners as adults and to approve of violence (slapping a partner's face) in adult relationships.^{xiii} Another study found that parents who had experienced corporal punishment as children were more likely to approve of using corporal punishment on their own children and children whose parents approved of and used corporal punishment were more likely to approve of "spanking" and to think that hitting was a good strategy for resolving conflicts with their peers and siblings.^{xiv} In fact, many studies point to increased aggression, antisocial behavior problems, future domestic violence, future child abuse, and criminal behavior as direct consequences associated with experiencing corporal punishment.

Although many studies concentrate on more severe forms of corporal punishment, these associations have been shown to exist even where children experience corporal punishment infrequently. A study of 2,000 10-16 year olds in the USA found that the more often the young people had been "spanked", slapped or hit by parents or guardians in the past year, the more likely they were to have experienced psychological distress (including feeling sad, feeling alone and feeling bad about themselves). The association was significant at all levels of frequency of corporal punishment, including for young people who had experienced physical punishment once or twice in the past year. Those who experienced "frequent" corporal punishment (at least once a month) were also more likely to have been depressed in the past month. The study controlled for young people's experience of violence identified as abuse and for their age, gender and parent's income. The study also examined the effect of parental support (measured by young people answering questions such as "Do you and your parents have fun together?", "Do they trust you?" and "If you were in trouble would you talk to them?") and found that the association between experiencing frequent corporal punishment and psychological distress was greater when parents were more supportive: the difference in levels of psychological distress between frequently punished young people and those who were never physically punished was much greater among those with supportive parents. "The findings... suggest... that using physical punishment is not beneficial to the well-being of children or adolescents even in the context of a supportive parent-child relationship. In fact, this "loving" context may affect the meaning that children attach to the punishment, such that they are more likely to attribute it to their own failures and deficiencies, or experience the discipline as arbitrary and unexpected. Indeed, believing that "they spank me often because they love me" may be more distressing than believing that "they spank me often because we don't get along."" xi

These outcomes are present in the short-term, while those experiencing corporal punishment are still children and in the long-term as they last into adulthood. 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.^{xv}

Between 1990 and 2006, there was a 48% decline in substantiated cases of physical abuse in the U.S. Researchers attribute this decline in part to the decline in corporal punishment, as there was a parent-reported decline in the use of corporal punishment between 1975 and 2002.^{xvi} Additional research with over 500 families demonstrated significant reductions in children's externalizing behavior problems as a direct result of decreases in parents' reliance on corporal punishment as discipline^{xvii}. A 2010 article noted that corporal punishment is no more effective than other techniques at achieving immediate compliance, and is in fact more likely to increase the negative child behaviors that parents intend to decrease by using it^{xviii}. In 1998, due to the overwhelming research regarding the negative consequences of corporal punishment, the [American Academy of Pediatrics](#) issued a recommendation that all parents be encouraged and assisted by pediatricians to utilize alternative discipline methods.^{xix} Therefore, pediatricians are now working with parents to develop a method other than corporal punishment to address undesirable behaviors in children^{xx}. The [American Academy of Child and Adolescent Psychiatry](#) issued a statement in 2012 stating that it "does not support the use of corporal punishment" and that they "should provide information to families about the hazards associated with corporal punishment and encourage and assist parents to modify behavior through other methods".^{xxi}

According to a 2011 study, "black children are involved in reported and substantiated cases of child abuse and neglect at approximately twice the rate of white children."^{xxii} Until this study, it was unknown whether this was due to bias in reporting or that black children were at higher risk for abuse. The study concluded that black children are at higher risk of abuse and further recommended policies that target risk factors such as concentrated poverty, lack of available resources and cultural values that support corporal punishment. As such, efforts to reduce racial disparities in physical abuse referrals must also address these factors. Programming needs to be culturally responsive and geared toward alternative forms of discipline rather than simply prohibiting the use of physical punishment. An analysis of parents' motivation for using corporal punishment is essential to understanding how to provide alternative parenting techniques that still address genuine concerns parents have for their children. Author of *White Like Me*, Tim Wise, offers this hypothesis for why caregivers utilize corporal punishment:^{xxiii}

There is a "...deep and abiding fear that pumps like blood itself through the veins of black mothers in this country; especially when they are mothers of black men: the fear that persons in positions of authority -- most immediately police -- may well end the life of their man-child if they misinterpret a move, a look, a glance, a comment, or a smirk...So for black parents, even though they despair of allowing school officials -- who are typically white -- to discipline their children, let alone hit them, they often feel as though they have no choice. A paddle, after all, or the flat one one's hand will sting, it may even bruise, but it will not end one's life the way a bullet will. And for black parents, there is every reason to think that unless their children learn self-control at an early age, even if it has to be taught by way of a mechanism they'd rather not see dispensed, the risk of future catastrophe involving those same children will only grow...To be black is to feel the need to do whatever you think is necessary to keep your children alive because their longevity is anything but guaranteed."

Continued dialog regarding parental motivation for using corporal punishment is needed. Whether culture, economic status, education, and/or religion are the basis for the choices parents make, each holding environment represents diversity within our community and therefore should be researched, respected and understood prior to decision-making.

Children have the right to be free of cruel, harmful, or degrading punishment or torture.

Article 37
UN Convention on the Rights of the Child

SECTION THREE

COMMUNITY AND PROFESSIONAL EDUCATION

“Through our work in the community we have learned that, like us, community members see corporal punishment as a complex issue. The community struggles to define corporal punishment and to reach a consensus on acceptable versus unacceptable physical punishment, which makes these conversations all the more important. We have heard varying perspectives – from certainty that physical punishment should never be an option, to certainty that it’s the only and best option, and everything in between. We’ve learned that there are people who believe “this conversation was over years ago” and view any physical punishment as unacceptable, while others find it difficult to abandon a method of parenting they believe is effective and that has been passed down through generations. Throughout this process, we’ve also seen leaders step up and become willing to explore this issue, review the research, learn the effects, and as a result challenge their own beliefs and encourage their friends, family, and community to do the same. The research, including some from our backyard, is helping people to better understand long and short-term effects of physical punishment, and is influencing the way people view it. In our conversations it is evident that younger people are less likely to endorse the use of corporal punishment, and that tenor of the community is evolving in line with the research. Most importantly, our community is beginning to recognize the cost of corporal punishment – particularly as it affects racial disparity in the criminal justice system. For these reasons, it is imperative that the conversations continue, and that our community continues to challenge itself to adopt more effective, safer, and healthier ways of parenting.”

- Dane County District Attorney, Ismael Ozanne

Community Conversations

The DA’s office invited community members to conversations prior to and throughout the development process of this initiative. Initially, in 2013, many community members and area professionals were invited to participate in an informal dialog with staff regarding the issue of corporal punishment in the Dane County community, and obtained a baseline of perspectives on what corporal punishment is, how it affects people, whether it is acceptable, and what, if anything, the community can or should work to change regarding the use of this type of punishment. Throughout 2013 and 2014 DA’s office staff also presented outreach and education to local middle and high school groups, classes at [University of Wisconsin](#) and [Edgewood College](#), community service agencies, and law enforcement agencies. During these engagements, staff have elicited feedback from participants regarding their perception of the use of corporal punishment, whether it is a problem, and how it affects the community. This feedback has been closely considered and has assisted the office in determining steps to take as this initiative, and our community, moves forward.

Multidisciplinary Professional Training Initiatives

These conversation about the child abuse initiative and corporal punishment led to the creation of a conference for multidisciplinary professionals entitled [*The Cultural Context of Corporal Punishment—Keeping Kids Safe*](#) which was held on June 10 and June 11, 2014. This conference was a collaborative effort provided by: [Dane County District Attorney's Office](#), [University of Wisconsin School of Medicine and Public Health](#), [Department of Pediatrics](#), [Office of Continuing Professional Development](#), Dane County Criminal Justice Council, [Dane County Board of Supervisors](#), [Bureau of Justice Assistance](#), [American Bar Association](#), and [American Family Children's Hospital—Child Health Advocacy](#).

The first day of the conference involved a community conversation facilitated by [Dr. Stacey Patton](#), which was open to the local faith community. It involved a structured talk, followed by audience discussion on the topic of corporal punishment and culture. The second day, led by Dr. Patton, [Dr. Lisa Aronson Fontes](#), and [Dr. Barbara Knox](#), was geared toward professionals, with the goal of explaining the impact of corporal punishment on child development in the context of research, history and culture, and to address the role of implicit bias as it relates to the topic. Therefore, the conference offered a forum where participants examined their own experiences, cultural beliefs and personal biases in order to identify at least one strategy to begin to move their own and their community's approach toward more effective and positive, non-violent parenting strategies. Participants included: local and state leaders, community advocates, faith based leaders, medical professionals, human services professional, law enforcement, counselors/therapists, prosecutors, victim/witness specialists, corporation counsel, social workers and guardian ad litem. Both days of the conference were well attended. Highlights from conference participant's comments included:

"I think this just starts the conversation that will continue for a long time."

"I left feeling inspired to make change not only in my work but also my community. She gave me the tools to apply change as well."

"Thank you to the planning committee for developing this very important and useful training. I walked away with new information and greater insight into CP and the need for more awareness, education, and action around this issue."

"I came to the conference with an open mind. Overall the training met and exceeded my expectations. My knowledge of the back story of Corporal Punishment increased tremendously, including the research, science and the negative implications of engaging in Corporal Punishment as a form of discipline. The conference also gave me the tools I needed to be an agent for change."

"This conference was a great starting point for conversations in our community."

"All of the information was very useful, from highlighting the short and long term effect of corporal punishment to brainstorming about what solutions we could come up with for our personal jobs and our community as a whole."

Based on the positive feedback from conference participants a second conference is planned for November 19 and 20, 2015. The goal will be for participants to understand how ethnic and religious cultures affect caretakers' use of corporal punishment, and how to work responsively with culturally diverse families; participants will also examine how personal biases may influence their work and learn how corporal punishment affects physical and emotional development. The conference will include two full days of structured learning, as well as an evening community conversation open to the public. The goal of the community conversation is to enlist leaders in the community to engage in thoughtful dialog regarding their experiences, cultural values, and belief systems, while offering a safe space to challenge inaccurate assumptions. The hope is that community members will take this discussion to the wider community to activate a movement toward non-violent parenting.

Public Service Announcement

American Family Children's Hospital and the Dane County District Attorney's Office collaborated to create a public service announcement (PSA) educating the public about the negative outcomes associated with parental use of corporal punishment on children. This PSA aired on local radio stations for two weeks in the summer of 2014. In the fall of 2014, the [US Alliance to End the Hitting of Children](#) assumed sponsorship and today the PSA can be [heard](#) on national and local websites and during professional training conferences. The announcement reads as follows:

"Hi my name is Ismael Ozanne and many of you may know me as the Dane County District Attorney. I am also a husband and father of two young daughters.

I am asking you to make the choice my wife and I made - to not use physical punishment with your children.

Many of us are not aware that over 16 years ago, the American Academy of Pediatrics urged doctors to recommend that parents not use physical punishment on their children. Today, over 100 years of research on children and families supports this recommendation.

*Well-meaning parents may use physical discipline intending to teach their children to make good choices. But we **now** know that physical discipline actually leads to **more** disobedience and aggressive behaviors in children.*

We all want what is best for our kids. Today, we know what is best for kids is parenting based on respect, mutual understanding and logic rather than fear of physical pain.

Please join me in learning more about positive parenting and creating a violence-free home."

No Hit Zone

DA's office staff members were trained on implementation of a No Hit Zone (NHZ) in August of 2014. [Brochures](#), magnets, and signs related to the No Hit Zone were developed, and can be found throughout the lobbies of the DA's office public spaces.

The office announced the commencement of the No Hit Zone with the following statement on their [public website](#):

*Dane County District Attorney Ismael Ozanne is proud to announce that the District Attorney's Office, including its public lobbies, is now a **No Hit Zone**. The **No Hit Zone** initiative stems from the District Attorney's Office commitment to reducing the use of corporal punishment to discipline children because of the proven negative outcomes associated with such punishments. Corporal punishment of children puts children at risk of developing increased aggression, antisocial behavior, and mental health problems, as well as physical injury^{xxiv}. Ending the use of corporal punishment will reduce the risk that any given child will suffer child abuse, or engage in criminal conduct as an adult or juvenile.*

***No Hit Zones** represent an explicit and public call to all people in those environments to refrain from the use of violence. The purpose of the Dane County District Attorney's Office **No Hit Zone** is to create and reinforce an environment of safety and comfort for all people who come into the District Attorney's Office and its public spaces. The District Attorney's Office invites other agencies, businesses, schools and families to decide that they, too, want to live, work and learn in **No Hit Zones**.*

*With this commitment in mind, the Dane County District Attorney's Office joins children's hospitals across the country, such as the University of Louisville-Kosair Children's Hospital, University of Michigan - C.S. Mott Children's Hospital, Children's Mercy Hospitals in Kansas, and Gundersen Health System in La Crosse, WI, in establishing a safe and violence free zone, especially for children, with the introduction of the **No Hit Zone**.*

In addition to in-house staff training, DA staff provided training on the Not Hit Zone to local law enforcement agencies – some of whom are moving forward with establishment of their own No Hit Zones.

The NHZ magnet (right) has proven to be exceptionally popular, with many children and families taking one for their own home. It has also elicited questions and conversations about the NHZ and the use of physical punishment.



SECTION FOUR

CHILD ABUSE DEFERRED PROSECUTION PROGRAM

Service Gap

In addition to law enforcement investigations, the [Dane County Department of Human Services - Child Protective Services Unit](#) (CPS) is responsible for assessing safety when a report of intra-familial physical abuse is received. Because child safety is the mission of CPS, immediate interventions are implemented to address parenting approaches and family reunification. Historically, the criminal justice system has not operated as expeditiously, and has missed opportunities to collaborate with CPS and send a unified, clear and consistent message to families, provide additional incentive for parents to embrace services, and efficiently utilize scarce resources by minimizing replication of services. The traditional criminal justice system has, in the past, also failed to explore less punitive and more productive responses to physical punishment resulting in criminal conduct, immediately address child protection without prohibiting contact between parents and children through bail orders, or aim to coordinate meaningful services for families in a way that will spare defendants high legal costs that further stress families.

With the Deferred Prosecution Child Abuse program, the District Attorney's Office examined these gaps, and now aims to work collaboratively with CPS in an effort to expedite appropriate criminal cases in which offenders are arrested for Intentional Physical Abuse to a Child where excessive physical punishment is the presenting issue. This shift allows for enhanced communication between systems resulting in more comprehensive, less duplicative services for parents, and greater parental acceptance of and involvement in programming due to reinforcement from the criminal justice system. Both parents and their children are likely to receive short-term and long-term benefits from a deferred prosecution model providing more timely interventions focusing on alternative, non-violent parenting methods. Additionally, this program takes into account the reality that, in most low-level child abuse cases, a defendant is not going to be incarcerated for a long period of time and that children are not going to be permanently removed from a parent's care.

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.”

Program Goals and Objectives

The graphic in Figure 1 details the overall goals and objectives for the program. In addition to these explicit goals and objectives, the underlying goals remain to reduce corporal punishment in this community, and to have a multi-generational impact on reducing racial disparities in the criminal justice system. Due to the disproportionate number of minorities referred to the Dane County District Attorney’s Office, it is expected that this initiative will impact short-term and long-term racial disparities in the criminal justice system in concert with other county-level efforts.

Eligibility Criteria

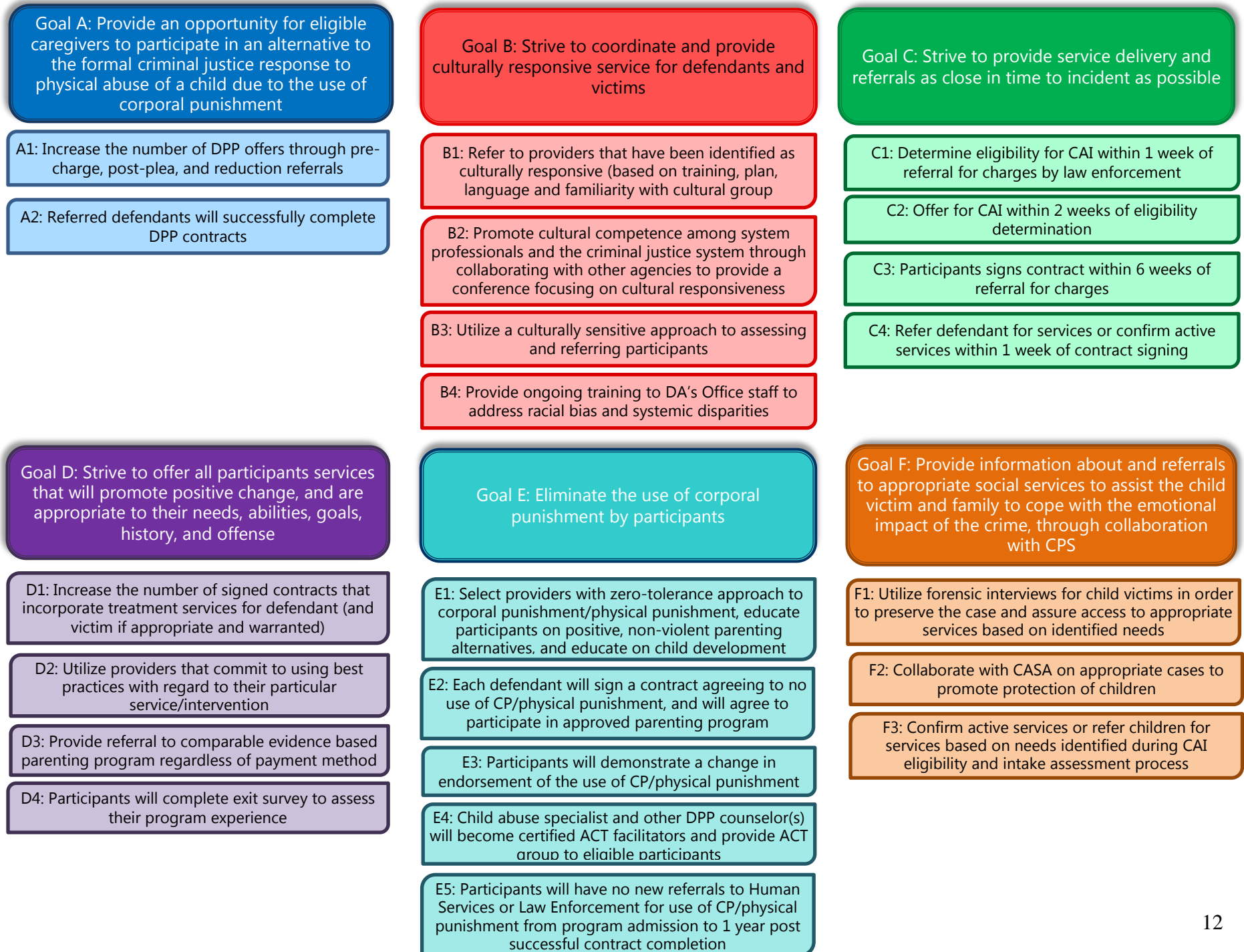
DA’s office staff worked collaboratively with many other agencies in the community, including the Department of Human Services – Child Protective Services and the State Public Defender’s Office, to develop appropriate eligibility criteria for the Child Abuse Initiative. The eligibility guidelines were developed with the intent to engage appropriate defendants and impact disparities, while also assuring public safety and victim protection.

These guidelines assist staff in determining overall eligibility for the program and provide guidance for the different approaches the office may take in handling a case. The guidelines take into consideration many factors including the severity of the current incident, the chronicity of similar behaviors, prior criminal and human services history, and acceptance of responsibility for the behavior by the participant. Cases are typically approached in one of three ways: by offering a DPP contract prior to issuing charges where the result of successful contract completion is no charges ever issued, by offering a DPP contract post-charging with successful completion resulting in dismissal of charges, and by offering a DPP contract post-charging with successful completion resulting in reduction of charges. Each of these approaches also has guidelines to address child protection by way of bail conditions, court orders, or contract conditions. It is important to note that all offers for DPP involvement are contingent on compliance with [WI State Statutes Chapter 950 Victim’s Rights](#).

Victims have the right to have his or her interest considered; to have the opportunity to consult with intake workers, district attorneys and corporation counsel; to receive information about the case; to make an impact statement; and to provide the court with information pertaining to the economic, physical and psychological effects of the crime and have that information considered by the court.

Wisconsin State Statutes
Chapter 950.04 – (paraphrased from) Basic bill of rights for victims and witnesses

Figure 1. Child Abuse Program Goals and Objectives



Program Operation

Once caregivers are determined eligible and are referred to Deferred Prosecution, they begin the intake process. This process begins with a screening or pre-screening with a DPP specialist aimed at learning more about that individual and their family, culture, beliefs, needs, strengths, abilities, goals, and challenges. Accepted caregivers are then invited to sign a DPP contract, which includes conditions (or requirements) necessary for that individual to complete in order to successfully complete the program. In addition to conditions that are standard to all DPP contract there are also requirements catered to the individual and the information learned during the screening process. Therefore, each participant is referred to education and/or treatment services that are expected to best meet their (and their family's) identified needs and goals. Every caregiver involved in the Child Abuse Program is required to participate in a parenting program though the modality may vary depending on that participant and their family's needs. Participants may also have requirements related to mental health, AODA, anger management, aggression, or trauma services, involvement with Court Appointed Special Advocates (CASA), family therapy, facilitation of treatment for the child, participation in a victim impact circle, and employment, literacy, housing stabilization, or education services. The program also has a focus on ensuring that the child victim, when still residing with the parent (participant) has access to appropriate treatment services and is involved in services if needed and appropriate.

Contract length is informed by both the length of time necessary to fulfill requirements, and by the severity and chronicity of the offense behavior. Participants are monitored by a DPP specialist through monthly (or more frequent) contacts, and feedback from providers, as well as victims, and other collateral contacts in some cases.

Children have the right to receive services to promote physical and psychological recovery when they are a victim of any form of neglect, exploitation, abuse, torture, or any other form of cruel, degrading treatment or punishment. Attention should be paid to restoring health, self-respect, and dignity for that child.

Article 39
UN Convention on the Rights of the Child

In-House Services

Some participants engage in their required parenting services directly through DPP by way of an in-house parenting group developed to meet a need that was recognized early on in the program. This group provides a convenient parenting program for those who lack insurance that covers services at local agencies and are unable to pay out of pocket. This program is facilitated by DPP specialists who have been trained in the [Adults and Children Together \(ACT\): Raising Safe Kids](#) program developed by the [American Psychological Association](#).



The office is also currently working toward integration of restorative circles in order to facilitate better understanding of harm and impact on victims.

Commitment to Cultural Responsiveness

The Dane County DA's Office continues to respect all individual's rights to participate in diversion programming regardless of race, color, national origin, sex, religion, disability and age. As the Child Abuse Program continues to develop, it seeks to continue to explore the role of culture on parental discipline and physical punishment. A review of child abuse cases from June 2011 to June 2012 demonstrated that a disproportionate number of minority offenders were referred to the DA's Office for child abuse charges. Additionally, research suggests that children of color are at higher risk of abuse. With this in mind, the child abuse program endeavors to provide an alternative criminal justice response through which a family's culture is explored and honored, while also integrating services to assist the family in adopting healthier, non-violent parenting strategies. Additionally, the DA's Office will continue to support and collaborate on professional training opportunities that focus on culturally responsive service delivery, and selects providers who demonstrate a similar focus.

Due to the disproportionality of minority families referred to the DA's Office it is expected that the Child Abuse Program will impact short-term and long-term disparities in the criminal justice system. This impact will come by providing family's with a response that can result in reduction or dismissal of charges (or no charges) having a direct effect in the short-term on the parent, and by reducing the prevalence of corporal punishment, which is known to lead to increases in delinquent behavior and future criminal activity, having a direct short and long term impact on the children.

Commitment to Child Protection

In order to assure child protection, the DA's Office works collaboratively with CPS early on to identify appropriate contact permissions or restrictions for parents and children involved in the child abuse program. This is done through the use of DPP contract conditions, and in some cases bail orders. The program also prohibits physical punishment, and encourages exploration of belief systems regarding violent parenting practices and adoption of non-violent methods. When appropriate, DPP contracts include involvement with volunteers from CASA, who assist in ensuring a safe environment for the children in the home when CPS is no longer involved with the case. When appropriate and warranted, participants are also required to facilitate the victim's involvement in individual, group or family treatment services to promote healing.

In all actions concerning children, the best interests of the child shall be a primary consideration.

Article 3
UN Convention on the Rights of the Child

SECTION FIVE

OUTCOMES

As of February, 2015 the Dane County Deferred Prosecution Child Abuse Initiative (DPCAI) has been a successful pilot effort that is ready to be taken to full implementation. DPCAI has effectively enhanced a program to offer deferred prosecution to persons charged with child abuse due to excessive use of corporal punishment. It allows caregivers to gain parenting skills to replace the use of corporal punishment, changing long-held attitudes leading to subsequent behavior change. Required services are catered to the individual participant and their family's needs, and often include services that they may not otherwise know how to access. Successful completion of program requirements allows the participant to avoid the stigma and associated negative societal outcomes (on employment, housing, etc.) associated with a criminal conviction by having charges reduced, dismissed, or avoided altogether.

Preliminary analyses suggest that the initiative has increased speed of processing for these cases, offering participants the opportunity to more quickly resolve their cases. Additionally, this program has improved services for children involved in these cases by providing enhanced coordination with Child Protective Services, timely use of forensic interviews, use of the Court Appointed Special Advocates program, and referrals to necessary treatment and support services.

In addition to these individual-level factors, DPCAI has also initiated a variety of system-level and community-level activities during the past year in efforts to impact disparities. Adjustments in eligibility criteria over the past year will likely increase the number of pre-charging referrals to the program, meaning that additional participants will have a chance to avoid charges (dependent on successful completion). High-level collaboration has improved service coordination, created a "No Hit Zone" in the district attorney's office, created a public service announcement, coordinated a successful professional conference on corporal punishment and racial bias, and conducted extensive community outreach to local organizations.

It is important to keep in mind that this program aims to address two important challenges, corporal punishment and racial disparities, both of which have negative impacts on the children in our community. Although the effect on corporal punishment can be more readily observed, the extent to which DPCAI directly reduces disparities cannot be determined at this early stage of implementation. However, it is expected that the impacts of this initiative will be evident through the diversion of cases that may otherwise have been routed through the traditional criminal justice system, and in longer term positive outcomes for children, improvements to the system of care for parents and families, community education to change attitudes and norms related to corporal punishment, and integration of DPCAI into larger county-wide efforts to reduce disparities.

FUTURE HOPE

The Dane County DA's Office embraces the opportunity to continue to collaborate with additional community partners. The hope is that the outcomes of this project, along with the collective efforts of many other programs within our community, will be far-reaching, and reduce the negative outcomes associated with corporal punishment and reduce racial disparities in the criminal justice system. The office welcomes participation in an on-going community conversation in an effort to reduce crime, protect children and support families, address racial disparities within the criminal justice system, and enhance community services. We are hopeful this collaborative initiative will result in shared understanding and shared responsibility for all members of our community, beginning with children.

-
- ⁱ United Nations Human Rights. *Convention on the Rights of a Child*. (1990). Retrieved from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- ⁱⁱ Drake, B, Jolley, J, Lanier P, Fluke J, Barth R, Jonson-Reid, M. Racial Bias in Child Protection? A Comparison of Competing Explanations Using national Data. *Pediatrics*. 2011; 127; 471.
- ⁱⁱⁱ Dane County District Attorney's Office, Protect Report 6/19/12.
- ^{iv} US Census American Community Survey 2006-2008.
- ^v Wisconsin Council on Children and Families. *Race to Equity: A Baseline Report on the State of Racial Disparities in Dane County*. (2013). Retrieved from <http://racetoequity.net/dev/wp-content/uploads/WCCF-R2E-Report.pdf>
- ^{vi} Zolotor A., Theodore A., Chang J, Berkoff M., Runyan D. *Speak Softly – and Forget the Stick: Corporal Punishment and Child Physical Abuse*, 2008. *American Journal of Preventive Medicine* 2008; 35(4) 364-369.
- ^{vii} Crandall, M., B. Chiu, and K. Sheehan. "Injury in the First Year of Life: Risk Factors and Solutions for High-Risk Families." *Journal of Surgical Research* 133.1 (2006): 7-10.
- ^{viii} Straus MA, Sugarman DB, Giles-Sims J. Spanking by Parents and Subsequent Antisocial Behavior of Children. *Archives of Pediatric and Adolescent Medicine*. 1997;151(8):761-767. doi:10.1001/archpedi.1997.02170450011002.
- ^{ix} Straus, M.A. (2010). Criminogenic effects of corporal punishment by parents. In M. Herzog-Evans & Isabelle Drean-Rivette (Eds.), *Transnational Criminology Manual* (Vol. I, pp. 373-390). Amsterdam: Wolf Legal Publishing.
- ^x Gershoff, E. T., & Bitensky, S. H. (2007). The case against corporal punishment of children: Converging evidence from social science research and international human rights law and implications for U.S. public policy. *Psychology, Public Policy, and Law*, 13(4), 231-272.
- ^{xi} Turner, H. A. & Finkelhor, D (1996), "Corporal Punishment as a Stressor among Youth", *Journal of Marriage and the Family* 58(1): 155-166
- ^{xii} Durrant, J. & Ensom, R. (2012), "Physical punishment of children: lessons from 20 years of research", *Canadian Medical Association Journal*, 6 February 2012
- ^{xiii} Straus, M. A., & Yodanis, C. L. (1996), "Corporal punishment in adolescence and physical assaults on spouses later in life: What accounts for the link?" *Journal of Marriage and Family*, 58, 825–841
- ^{xiv} Simons, D. A. & Wurtele, S. K. (2010), "Relationships between parents' use of corporal punishment and their children's endorsement of spanking and hitting other children", *Child Abuse & Neglect* 34: 639-646
- ^{xv} Long - Term Consequences of Child Abuse and Neglect. Child Welfare Information Gateway. Washington, D.C.: U.S. Department of Health and Human Services, 2006. Retrieved from http://www.childwelfare.gov/pubs/factsheets/long_term_consequences.cfm
- ^{xvi} Finkelhor D, Jones S. (2006). Updated trends in child maltreatment. Durham NH: Crimes against Children Research Center, University of New Hampshire.
- ^{xvii} Beauchaine, T., Webster-Stratton, C., & Reid, M. (2005). Mediators, moderators, and predictors of 1-year outcomes among children treated for early-onset conduct problems: A latent growth curve analysis. *Journal of Consulting and Clinical Psychology*, 73(3), 371-388.
- ^{xviii} Gershoff, E. T. (2010). More harm than good: A summary of scientific research on the intended and unintended effects of corporal punishment on children. *Law and Contemporary Problems*, 73(2), 31-56.
- ^{xix} American Academy of Pediatrics (1998). *Pediatrics*. Retrieved from: <http://pediatrics.aappublications.org/content/101/4/723.full>
- ^{xx} Committee on Psychological Aspects of Child and Family Health. Guidance for Effective Discipline. *Pediatrics* 1998; 101; 723.
- ^{xxi} American Academy of Child and Adolescent Psychiatry (2012). Policy statement on corporal punishment by Child Maltreatment and Violence Committee. Retrieved from: https://www.aacap.org/aacap/Policy_Statements/2012/Policy_Statement_on_Corporal_Punishment.aspx
- ^{xxii} Drake, B, Jolley, J, Lanier P, Fluke J, Barth R, Jonson-Reid, M. Racial Bias in Child Protection? A Comparison of Competing Explanations Using national Data. *Pediatrics*. 2011; 127; 471.
- ^{xxiii} Wise, T. (2005) *White Like Me: Reflections on Race from a Privileged Son*. Berkeley, CA. Publishers Group West.
- ^{xxiv} 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.