

# **BATTERED WOMAN SYNDROME TESTIMONY IN THE COURTS**

**PRESENTATION TO ROMANIAN PSYCHOLOGICAL  
ASSOCIATION  
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# BATTERED WOMAN SYNDROME TESTIMONY

## ✘ CRIMINAL CASES

- + self defense
- + duress
- + credibility
- + consent

## ✘ CIVIL CASES

- + Injury (continuing tort)
- + Competency  
(contracts/duress)

## ✘ FAMILY LAW CASES

- + Custody & Access to Children
- + Pre & Ante-nuptial Contracts & Duress

## ✘ IMMIGRATION CASES

VAWA cases

# BATTERED WOMEN CASES

- ✦ Was this woman battered in this relationship? In other relationships?
  - ✦ Develop detailed history of abuse
- ✦ Did she develop battered woman syndrome or other psychological effects from abuse?
  - ✦ Include this relationship together with other relationships including child abuse
  - ✦ Include standardized psychological tests for comparisons
- ✦ Did these psychological effects impact on her state of mind at the time (of the incident)? Explain how?
  - ✦ Draw nexus in civil cases
  - ✦ Was it reasonable (Objective, Subjective, BW) perception of Imminent (about to happen) danger of serious harm

# ABUSE DEFINITIONS PER APA PRESIDENTIAL TASK FORCE ON FAMILY VIOLENCE, 1996



- ✦ Acts of physical abuse, sexual abuse, and psychological maltreatment; chronic situations in which one person controls or intends to control another person's behavior; and misuse of power that may result in injury or harm to the psychological, social, economic, sexual, or physical well-being of family members.
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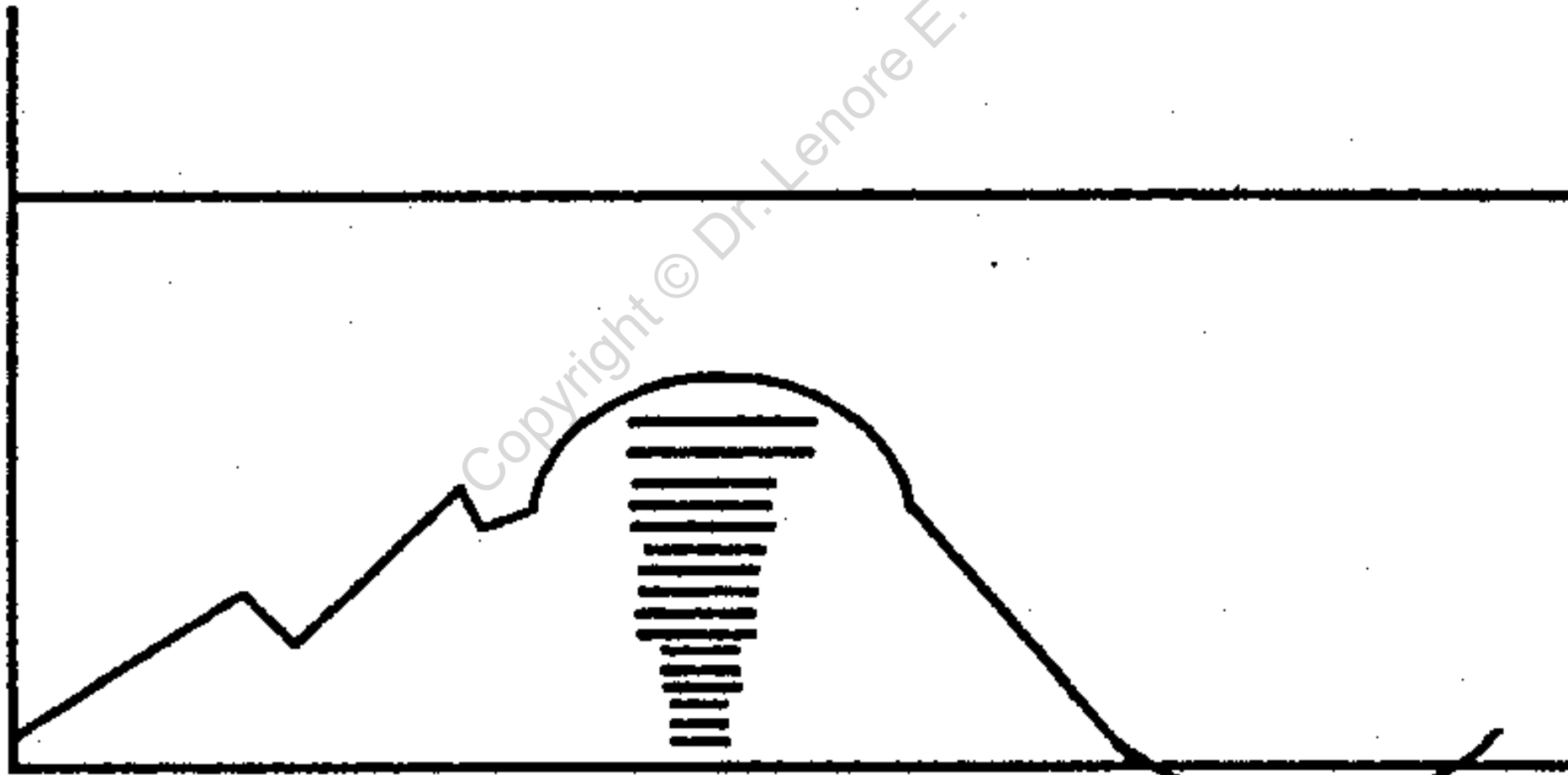
# BATTERED WOMEN WHO KILL IN SELF DEFENSE

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- ✘ Assessment of Batterer Woman Syndrome and PTSD
  - + Clinical Interview & Mental Status Exam
  - + Psychological Tests for impact on cognitive functions, personality, & trauma symptoms
  - + Fear of further harm or death at incident
- ✘ Details of abuse history and comparison with what is known about battering and battering incidents
  - + Psycho-social history
  - + Cycle of Violence Graphs

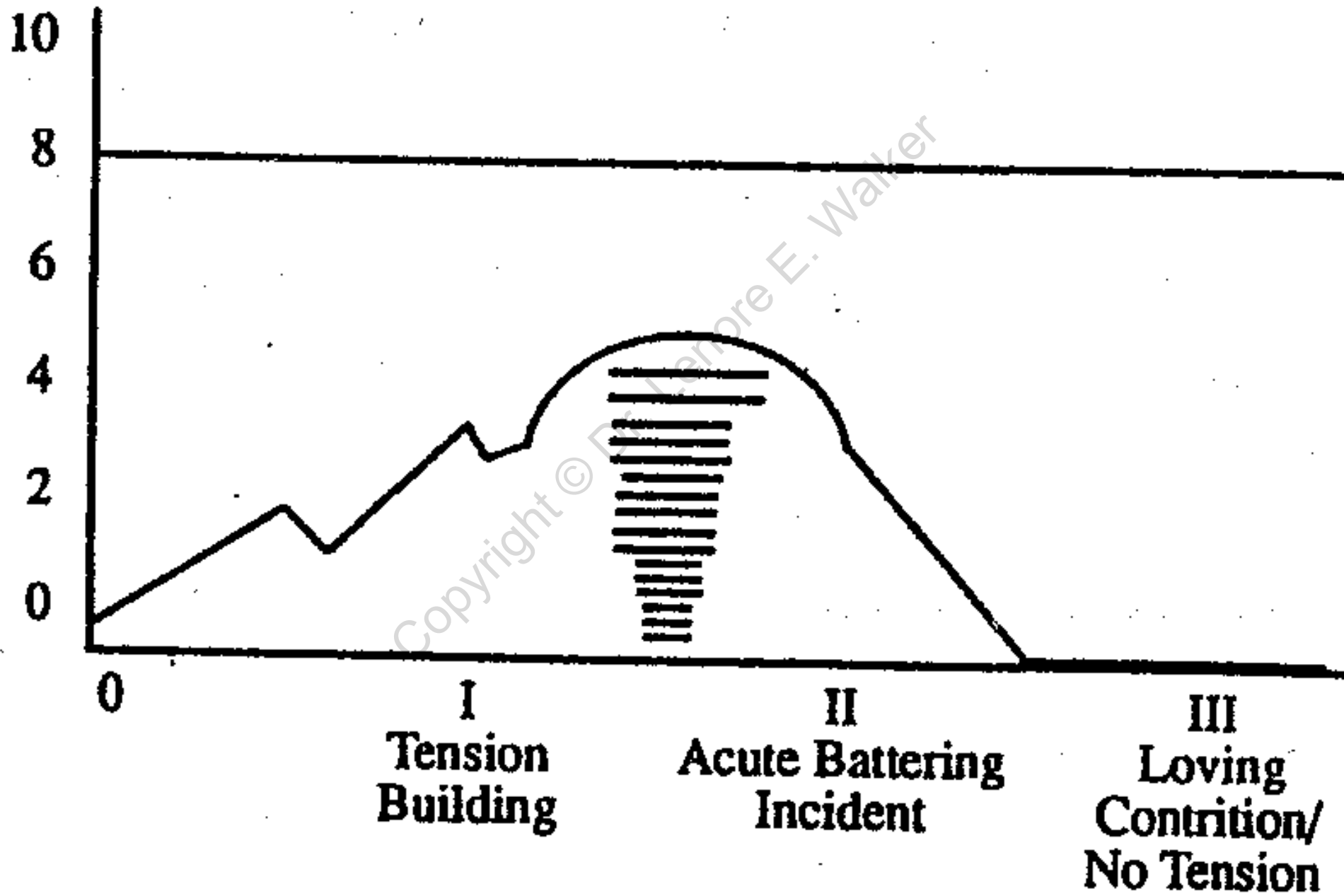
# Figure 1. Typical Cycle of Violence

n/Danger

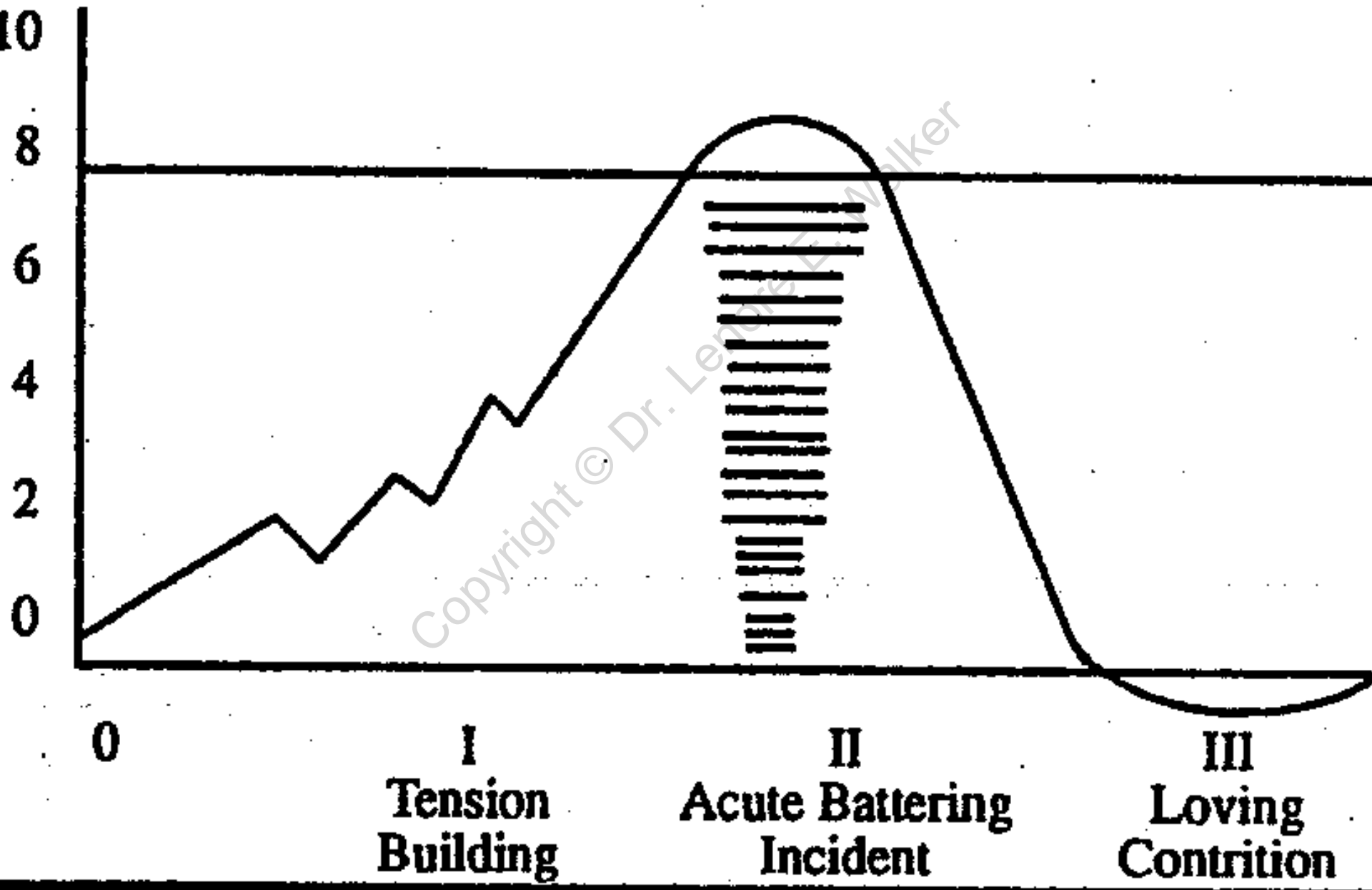


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nsion/Danger



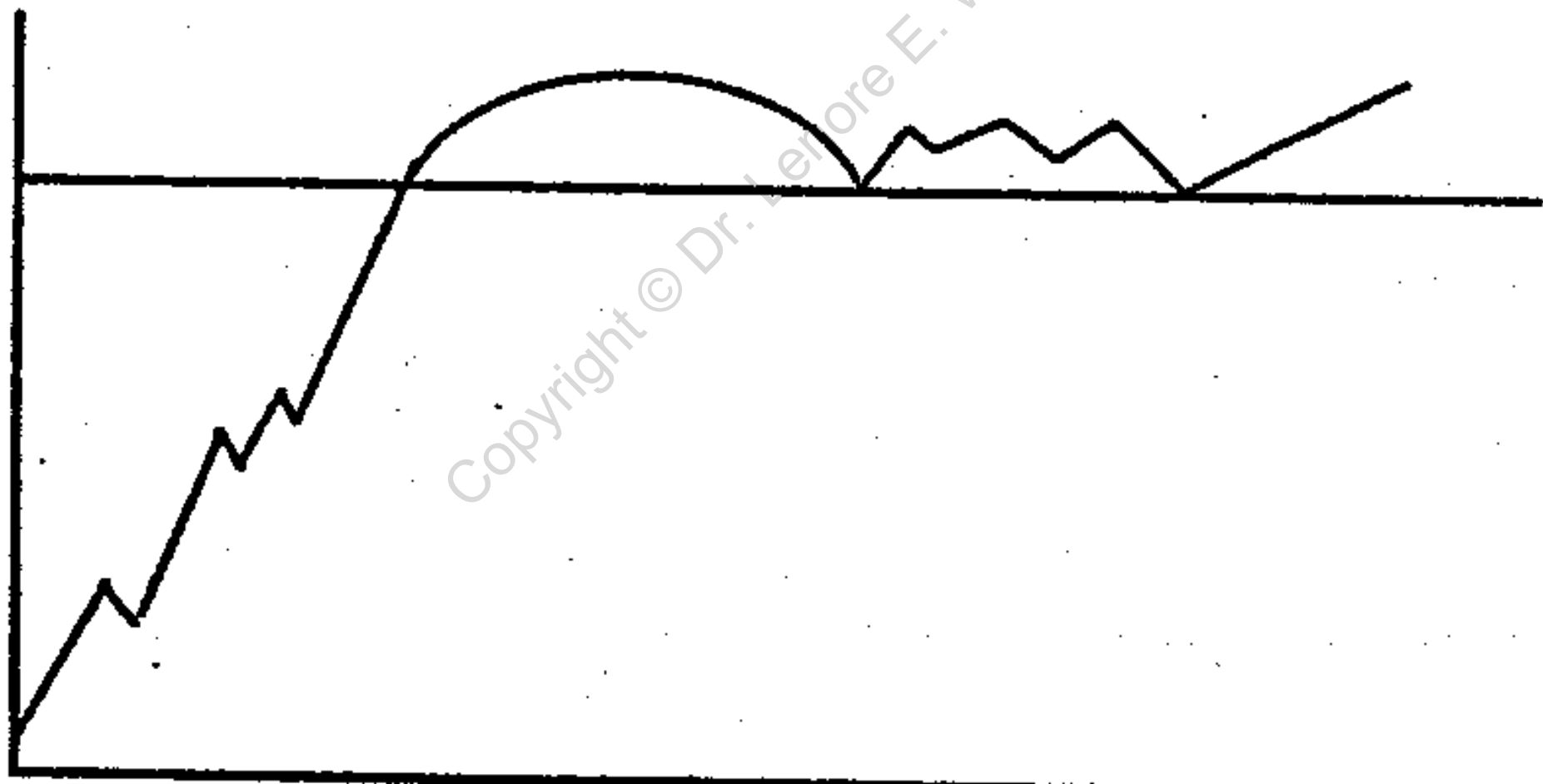
ion/Danger





# Figure 4. Life-Threatening Cycle in WH oman Believes She Could Die at Any

on/Danger



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# ABUSE HISTORY



- ✦ 4 specific battering incidents
  - ✦ Develop a timeline for relationship
  - ✦ Look for power and control issues
  - ✦ Cycle of Violence
  - ✦ PTSD Diagnosis
  - ✦ Other diagnoses
  - ✦ BWS
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# BATTERED WOMAN SYNDROME

## ✦ PTSD

1. Re-Experiencing battering or fragments of battering incidents
2. High levels of arousal and anxiety
3. Avoidance and Emotional Numbing
4. Cognitive Issues

## ✦ BWS

5. Disrupted Interpersonal Relationships
6. Body Image & Health Concerns
7. Sexual Dysfunction

# BATTERED WOMEN WHO KILL IN SELF DEFENSE

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- ✦ Review all psychological literature
- ✦ Review all case law
- ✦ Review Documents
  - ✦ Discovery for this case
  - ✦ Prior arrest records
  - ✦ Medical History
  - ✦ Witness Statements
  - ✦ Pictures

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# FORENSIC STEPS



1. Communicate findings orally to attorney and client, if possible
2. Provide materials to assist understanding
3. Request attorney share 'theory of case', evidence, and strategies
4. Write forensic report if requested
5. Be prepared for deposition
6. Be prepared for testimony at trial



# PREPARE WRITTEN REPORT

## ✦ Reason for Referral

- ✦ Very short, few sentences

## ✦ Procedure

- ✦ Dates, time, tests used, collateral interviews, documents reviewed

## ✦ Brief Relevant History (What learned from client & other sources)

- ✦ Current status (sometimes first or last in section)
- ✦ Chronological history of client adding reliability
- ✦ Abuse History

## ✦ Findings

- ✦ Behavioral Observations & Mental Status Exam

- ✦ Test Results

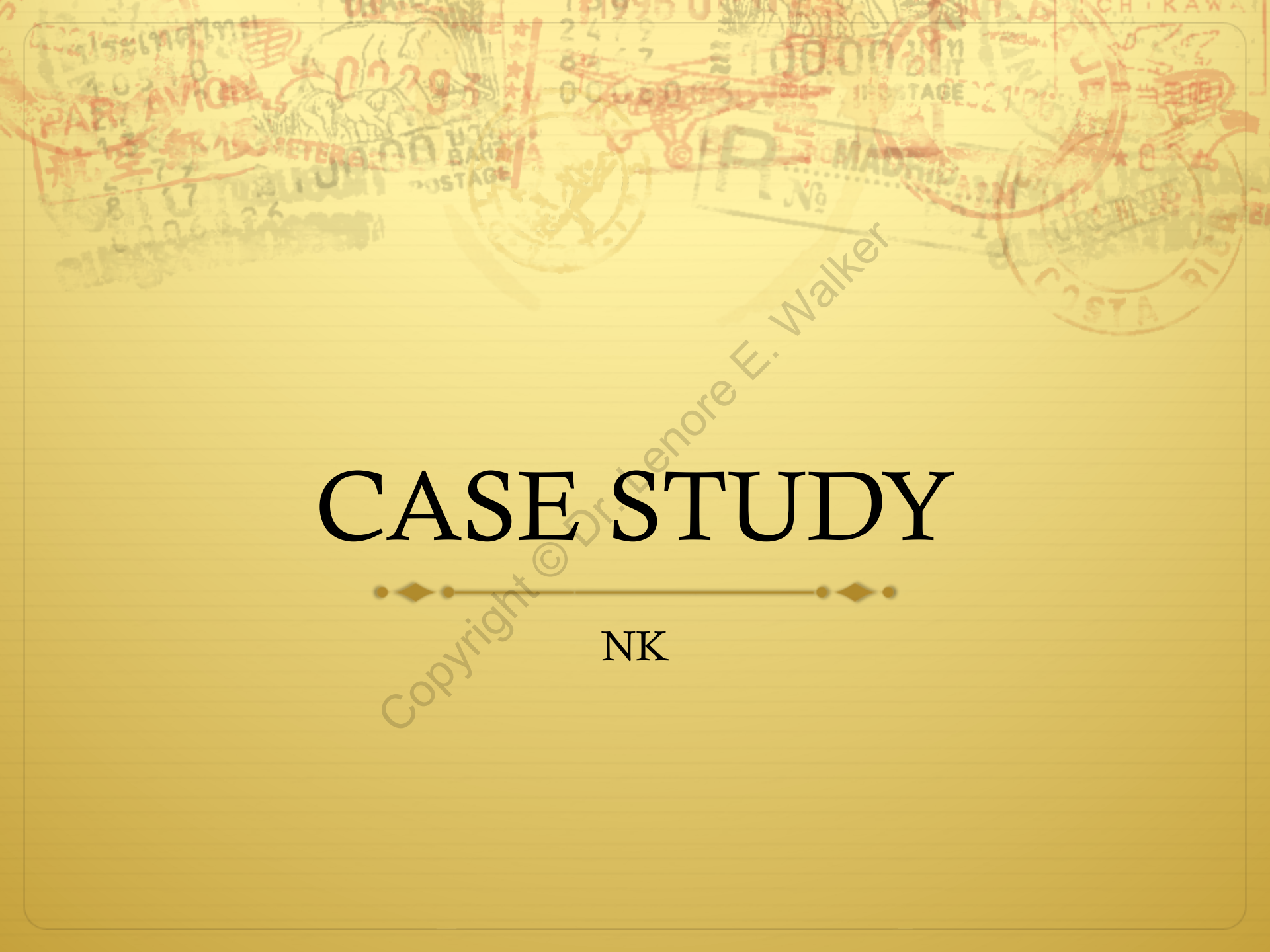
- ✦ BWS & PTSD Criteria

## ✦ Discussion (Integrate research and client's performance)

## ✦ Conclusion

## ✦ Recommendations





# CASE STUDY

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