

## **Intimate Partner Violence Mock Trial**

Developed in Women, Gender, and Health 207:  
Advanced Topics in Women, Gender, and Health  
Harvard T.H. Chan School of Public Health, Spring 2020

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### Trigger Warning:

This teaching example explores intimate partner violence in depth. It is highly probable that many students within your class may have personal experiences with violence that may resurface during this activity. We ask that you, the instructor, be sensitive to the different lived experiences of students that may be magnified by social structures and use your position to intentionally create a safe-space. Prior to the beginning of the activity, you could provide the contact information to your school's counseling center, give permission for students to step out of the space (as necessary), and allow students to choose the audience member role if they do not feel comfortable engaging in the material.

### Appropriate HSPH Core Courses:

The course we've selected for our teaching example is SBS 231: Community-Engaged Research Methods. This course focuses on cluster randomized trials. Engaging critically with topics of race, gender, sexuality, and their intersections would enhance discussions of formative research and engaging community stakeholders. We believe that engaging stakeholders in the very beginning stages, cognizant of how the lived experiences of individuals will contribute to their willingness to engage, is a vital part of community-engaged research and would be a well-suited addition to the course.

### Brief Background:

Current U.S. statistics estimate that 1 in 4 women (25%) and 1 in 9 men (11.1%) experience severe intimate partner violence (IPV). IPV is defined as physical violence; sexual violence; and stalking that includes injury, fearfulness, or post-traumatic stress disorder by a former or current intimate partner. The use of victim services and the contraction of sexually transmitted diseases are examples of outcomes of IPV. It is expected that every year, in the United States (US), 10 million men and women will experience intimate partner violence. IPV accounts for 15% of all violent crimes. The impact of IPV is gendered. Women between the ages of 18-24 years old are the most likely population to experience IPV, and 72% of all murder-suicides involve an intimate partner, of which, 94% of the victims are female (NCADV, 2020)

These statistics illustrate the importance of open discussion surrounding the gendered impact of intimate partner violence; however, it is also important to understand the influence of cultural differences in understandings of gender, gender roles, and complex power relations, which alters Black women's experience before, during, and after an IPV experience. The purpose of this teaching example is to bring these issues to the forefront.

### Learning Objectives for Students:

By the end of this activity, students should be able to:

- 1) Use women, gender, and health theories and a gendered analysis to understand how intimate partner violence differentially impact the lives of Black women.
- 2) Explain the social mechanisms and legal pathways employed by the U.S. criminal justice system to handle complex IPV concerns, resulting in increased susceptibility to harsher and unjust criminal punishment amongst Black women.
- 3) Complete formative research, learning through storytelling, and analysis of evidence in a mock court case setting to develop the skills to build health advocacy arguments that interact with various sectors (legal, political, etc).
- 4) Use the knowledge gained in the formative interviews and storytelling to develop larger-scale health interventions that address violence against Black women at the population-level.

### Students' Prior Knowledge:

While no prior knowledge is needed to complete this assignment, a background in key topic areas would be helpful. These topic areas include, but are not limited to intimate partner violence, violence against minority women, and the criminal justice system in the United States. Courses in Women, Gender, and Health and/or Public Health would serve the purpose of providing such a background.

### Teaching Method:

This assignment below asks students to assume a court role in a mock trial hearing at the Supreme Court of Texas. The state of Texas has high rates of IPV (see supplementary materials), with tense racial relations, making it an ideal context for our case-study. After completing background research and examining evidence, students should craft their own arguments based on their respective roles. The arguments should center around the comprehensive health impacts of violence and violence against women, aligning with the HSPH Frontier, "Overcoming Violence". In this mock court trial, there will also be a judge, jury, court reporter, and a few audience members (depending on the size of the class). These roles can be adjusted as necessary to fit the size of the class.

Skills Targeted:

- 1) Formative research, one-on-one interviews, critical evidence analyses, question guide development, argument construction
- 2) Advocate for individuals and communities using students' knowledge and expertise of how violence and its effects on health can impact groups of marginalized people
- 3) Ability to clearly link the public health and criminology sectors.

Works Cited:

1. <https://ncadv.org/statistics>
2. [https://assets.speakcdn.com/assets/2497/texas\\_2019.pdf](https://assets.speakcdn.com/assets/2497/texas_2019.pdf)

Optional Women, Gender, and Health References:

1. Pollard, T. M., Hyatt, S. B., & Panter-Brick, C. (Eds.). (1999). Sex, gender and health (Vol. 11). Cambridge University Press.
2. Tinker, I. (Ed.). (1990). Persistent inequalities: Women and world development (pp. 27-54). New York: Oxford University Press.
3. Doyal, L. (1995). What makes women sick: Gender and the political economy of health. Macmillan International Higher Education.
4. Greaves, L., Pederson, A., & Poole, N. (Eds.). (2014). Making it better: gender transformative health promotion. Canadian Scholars' Press.
5. Agozino, B. (2018). Black women and the criminal justice system: Towards the decolonisation of victimisation. Routledge.
6. Ruth Chigwada-Bailey. (2003). Black Women's Experiences of Criminal Justice: Race, Gender and Class: a Discourse on Disadvantage. Waterside Press.
7. Covington, S. S., & Bloom, B. E. (2003). Gendered justice: Women in the criminal justice system. Gendered justice: Addressing female offenders, 3-23.
8. West, C. M. (2004). Black women and intimate partner violence: New directions for research. *Journal of Interpersonal Violence*, 19(12), 1487-1493.
9. Waltermaurer, E., Watson, C. A., & McNutt, L. A. (2006). Black women's health: The effect of perceived racism and intimate partner violence. *Violence Against Women*, 12(12), 1214-1222.
10. Sabri, B., Bolyard, R., McFadgion, A. L., Stockman, J. K., Lucea, M. B., Callwood, G. B., ... & Campbell, J. C. (2013). Intimate partner violence, depression, PTSD, and use of mental health resources among ethnically diverse Black women. *Social work in health care*, 52(4), 351-369.
11. Lipsky, S., Caetano, R., Field, C. A., & Larkin, G. L. (2006). The role of intimate partner violence, race, and ethnicity in help-seeking behaviors. *Ethnicity and Health*, 11(1), 81-100.

## Assignment:

### **The Case:**

Jamiya Smith is a 25-year old Black woman who is on trial for first-degree murder of her husband. She has accused her husband of physical, verbal, and sexual assault. At the time of the murder, she states she feared for her life and currently claims self-defense. Her husband was shot in the chest on Tuesday, April 14, 2020, at 3:43 am. The single gunshot wound was fatal. After the murder, she ran upstairs to their shared child, where she began to pack their bags. The cops were called shortly afterward by a neighbor who heard the gunshot. When the police arrived, Jamiya was immediately taken into custody. The child was relocated to a temporary home until the trial concluded. Jamiya is now being held without bail for first-degree murder.

### **Evidence:**

#1: Over the course of Jamiya's 10-year marriage, police records reveal seven (7) domestic violence calls made to their shared residence. All seven times, Jamiya refused to testify against her husband so the charges were dropped. A week before his death, Jamiya filed for a temporary restraining order in which she detailed five violent attacks over the course of the past two years. On the night of the murder, her husband had violated the restraining order. Text messages state that he wanted to come to see his child.

#2: The gun is registered to Jamiya. She has stated that she originally bought a gun after she filed for the restraining order (~one week before the murder). She further explains that she always keeps it locked up, out of reach of the child, but went to retrieve the gun after her husband showed up in violation of the restraining order.

#3: Testimony from the 12-year old child was taken, but it is limited. The child shares that, "daddy hurts mommy but that he loves daddy". The mother of the victim provided testimony describing that there was no domestic violence present within their relationship and that she repeatedly witnessed Jamiya provoke the victim with her (Jamiya) violent outbursts. She believes the murder was premeditated and uses the purchase of the gun shortly beforehand as evidence. Testimony from friends of Jamiya was also taken describing the chronic abuse Jamiya endured and how Jamiya repeatedly voiced that she was afraid for her life to leave. Finally, Jamiya's mother provided testimony who shared concerns that Jamiya believed the only way she would get out of this marriage is if "one of us die" and she worried that her husband's violent behavior would be inflicted on her son as he aged.

### **Roles\*:**

1. Defendant - Jamiya Smith
2. Defense attorney
3. State prosecution

4. Jury (12 people)
5. Judge
6. Court Reporter
7. Witnesses: Jamiya's mom, Jamiya's friends, victim's mom, representative from the crime lab, representative from the local police department who responded to the call
8. Audience (who would tie the case to lessons learned in class throughout the course)

\*There should be at least 25 students to fully enact this court trial. However, if there is less, then the witnesses and audience are optional.

Assume that the defendant **is telling the truth**. This case is **not** to discredit her story and should be, instead, more about how to shed light on her story, recognize how complex understandings of health can be used in criminal advocacy, and to protect her during these criminal proceedings. Students **must** address the health background of the defendant prior to and after experiencing intimate partner violence. Students **must** also critically examine the impact on the child and community at large due to intimate partner violence.

The case can last as long or as short as you would like. Students may develop their own props as evidence and present them into discovery as "new" evidence. The jury will make the final verdict. Students are encouraged to use creativity during this trial in filling in any gaps in stories.

#### Examples of Key Health Issues:

- **Mental health issues:** PTSD, depression, anxiety, chronic stress
- **Physiological health issues:** Bodily injuries from abuse, immune & nervous system dysregulation from chronic stress
- **Case outcomes:** Court-mandated counseling, group therapy, probation, anger management, employment services, childcare subsidy, dropping the charges all together or to a lesser charge

#### Example Argument for the Prosecution:

While there are IPV reports on record and a current protection order, Jamiya could have alerted authorities when her husband started texting her to come visit their son. However, the prosecution acknowledges the mental and physical health implications of IPV and how that could have led Jamiya to suddenly react. Therefore, in this case, we want to illuminate how one of the major shifts necessary to truly conceptualize violence as a health issue (especially as violence is the main focus of all criminal proceedings) is a radical shift in the attitudes and understandings of prosecutors and judges. This case will make this shift apparent so that students can begin to understand the magnitude of cross-sector work that is necessary in order to create radical change and find true justice for victims of IPV.

Required Readings:

1. <https://www.ncjrs.gov/pdffiles1/nij/249907.pdf>
2. <http://bcrw.barnard.edu/fellows/interrupting-criminalization-research-in-action/>