

## **Intimate Partner Sexual Abuse:**

### **DISCUSSION GUIDE FOR FACULTY**

#### **STATE V. PETER LOGAN**

##### **Q1.**

**Is it reasonable to consider the victim's conduct in formulating a disposition?**

No. The brutality of this assault cannot be excused because of "provocation." Separation and divorce are permitted so that couples who cannot cohabit peacefully can end their marriage in a lawful and civilized manner. Resort to assault in the absence of conduct so threatening as to establish a defense of justification cannot be condoned. Mr. Logan's lack of remorse for his brutal assault and continued rationalization of his conduct bode poorly for his future conduct.

##### **Q2.**

**How much weight should be given the testimonials from people who knew Mr. Logan from a context other than his family life?**

These character witnesses carry little weight, since they evidently lacked knowledge about the circumstances taking place in Mr. Logan's home. Abusers quite often have very different public and private faces.

##### **Q3.**

**How much weight should be given the entreaties of Peter, Jr.?**

While one might assume that a child, who is present in the home so much of the time and witnesses much interaction between parents, is a reliable reporter, in fact a child can be profoundly influenced by psychological and emotional manipulation that distorts the child's ability to process accurately events he or she has witnessed. A court should be very cautious in accepting a child's characterizations of one parent or another as definitive.

##### **Q4.**

**What might explain Peter, Jr.'s loyalty to his father in the face of the brutal assault on his mother?**

Traumatic bonding results in allegiance to the abusive parent rather than the victimized one. It is not unusual for a child to identify with, and defend, the abusive parent over the victimized one. It is safer for the child to be allied with the parent who has the power.

**Q5.**

**Should you examine the personal circumstances of Ms. Logan, including whether she suffers from emotional problems, as possibly mitigating the offense?**

[over]

The court might inquire whether the district attorney's office has referred Ms. Logan to local counseling and domestic violence services. Her emotional state should not be considered as mitigating the defendant's commission of a brutal assault, however.

**Q6.**

**Is incarceration really indicated here?**

While it can be tempting to conclude that the defendant's long record of business success, community service, and good works offset the wrong done to Mrs. Logan and might support a term of probation rather than incarceration, such a result would send a wrong message to Mr. Logan, his family, other abusers, and the community. Instead, it should be emphasized that what happens in the home is of concern to the community as well, and that such crimes cannot be "privatized." The responses Mr. Logan gave to the probation officer – minimizing his own conduct, demeaning his wife, and justifying his mistreatment of her – are indicators that he will not respond well to rehabilitative efforts.

**Q7.**

**What is an appropriate disposition in this case?**

This answer is best considered in conjunction with the question just below.

**Q8.**

**If this were a case of complete stranger assault and rape, with no history between the parties, would the appropriate disposition be different?**

The outcome should not be appreciably different. Given the defendant's lack of remorse for and rationalization of his behavior, the court could conclude that he is at high risk to offend again. While incarceration will no doubt cause hardship that probation might not, there are compelling safety reasons for imposing a significant penalty upon this defendant. Moreover, while the defendant will argue that his standing in the community entitles him to leniency, in fact this only increases the harm of his conduct. Persons far beyond the family circle—children whom he has supervised in the Boy Scout troop and softball leagues, business associates, clients—are adversely affected by his dual existence. Such conduct can have a devastating impact particularly on the capacity of children to trust adults in positions of authority, since they become aware that they cannot really ever know a person, even one who seems reliable.

The defendant should be incarcerated and, optimally, the sentence imposed should include both batterer intervention and sex offender treatment. The availability of such programs will depend on resources available in your community. The court, or court administrators, can seek to influence their Department of Corrections' sex offender treatment and batterer intervention programs to require that these address intimate partner sexual abuse as part of their curricula. Similar requirements can be imposed upon community-based programs.