

RESEARCH REVIEW

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RECATANTION OF ADULT DOMESTIC ABUSE: WHAT IT MEANS FOR THE ARMY FAMILY ADVOCACY PROGRAM

Domestic abuse (DA) between adult intimate partners is of great concern to the Army as it affects readiness and family well-being. Incidents can be reported in a variety of ways, but when they are credible the Army Family Advocacy Program (FAP) is the primary point of contact for follow-on actions including, but not limited to, confirming the credibility of the report, pursuing adjudication, and offering treatment to victims and perpetrators.

After a DA incident has been reported to the FAP, the adult victim may decide to deny their initial report or refuse to participate in further proceedings. This is called *recantation*.

The purpose of this edition of *Research Review* is to present issues surrounding the importance of adult recantation in the context of the Army FAP. When an incident is recanted, many other Army organizations in addition to the FAP can become involved: military command, legal and law enforcement authorities, clinical treatment personnel and the family of the victim.

HOW RECATANTION MAY PRESENT

- Denial that the incident occurred.
- Refusal to respond to questions about the incident.
- Refusal to file an affidavit (a written statement confirmed by oath or affirmation for use as evidence in court).
- Refusal to participate in investigation or official Army legal procedures.
- Leaving the area to avoid further involvement with the authorities or the abuser.
- Refusal to participate in educational programs or clinical treatment for the effects of abuse.

RISK ASSOCIATED WITH MAKING A REPORT OF DOMESTIC ABUSE

Victims who come forward with a complaint of a DA incident face many risks. As a result, they may believe that recantation will avoid repercussions from the abuser and from the FAP and other Army authorities. However, the recantation may not end the incident for the victim or the abuser as other elements of the Army in addition to FAP become involved when an initial allegation is made. Among these are:

- The military commander of the alleged abuser and/or victim (if the victim is on active duty)
- Military legal authorities which may evaluate adjudication responsibilities
- Law enforcement authorities such as the military and civilian police and the Army Criminal Investigation Command (CID) which may conduct investigations
- Support providers (e.g., victim advocates, FAP educational support personnel, Army Community Services)
- Clinical treatment personnel

WHY DO VICTIMS RECATANT?

A victim's decision to recant can be complex and is often driven by both personal social circumstances. Principal motivations are tied to fears associated with leaving the abuser, including the impact of such a decision on *personal/family survival* and *personal safety*. Other factors that motivate a victim to recant include a *lack of understanding of the role of the FAP*, an *unwillingness to participate or fear of the Army legal system*, considerations for the *victim's social status*, and the victim's *emotional dependence on the abuser*. Each of these is considered here.

SURVIVAL AND SAFETY

- Survival: need to stay alive and be there for his/her family
- Fear of retaliation from the abuser to victim, family members, other persons, or pets
- Fear of loss of livelihood if abuser is prosecuted and separated from the Army
- Fear of loss of child custody
- Financial pressures, especially if she/he leaves the relationship
- Lack of knowledge of sources of support and safety
- Limitations due to disability
- Being elderly

EMOTIONAL DEPENDENCE ON THE ABUSER

- Belief that the abuse will stop if she/he recants
- Religious and cultural beliefs about maintaining a relationship
- Belief that the abuser's behavior is caused by stress, alcohol, problems at work, unemployment, or other factors

VICTIM'S LACK OF UNDERSTANDING OF THE DIFFERENCE BETWEEN FAP AND ARMY LEGAL SYSTEM

- Lack of understanding of the role of the FAP
- Fear that she/he will not be believed by the authorities
- Lack of support from police
- Unwillingness to participate in the legal requirements if the report is continued

For over 20 years, the Center's Family Violence and Trauma Project has published the newsletters *Joining Forces Joining Families* (JFJF) and *Research Review: Family Violence* (RR) on child maltreatment and domestic violence. The publications provide critical information to professionals working in family services, primary care, and mental health as well as those in positions of community leadership or policy development. Please visit <https://www.cstsonline.org/resources/newsletters/> for links to these newsletters, and share this information with your colleagues.

- Lack of confidence in the law to prevent further violence through protective orders
- Believing that the legal system could not help

VICTIM'S SOCIAL STATUS

- Victim does not want the personal exposure that would result from incident being brought into the open
- Lack of support and isolation from family and friends
- Being blamed for failure of the relationship
- Shame, embarrassment, and guilt

OTHER FACTORS INVOLVED IN RECANTATION DECISIONS

- Culture and race
- Substance abuse of victim or abuser
- Rural location
- Religious beliefs
- Other factors of an individual nature

POSSIBLE LEGAL PROCEDURES FOLLOWING A REPORT OF DA TO THE FAP

Legal authorities, either military or civilian, may choose to pursue prosecution or some form of military nonjudicial actions against the abuser regardless of recantation if certain conditions are met. Among these are where the event occurred (on- or off-post), whether the report is restricted or unrestricted, the strength of the



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evidence of the abuse incident through witness statements, medical evidence, social media posts, military police reports, calls to 911, and command involvement in favor of prosecution to show that the incident is being taken seriously and that there are consequences for the abuser.

MILITARY LEGAL CONTEXT OF RECANTATION

The Uniformed Code of Military Justice (UCMJ) addresses domestic violence in many subsections beginning with the definition of domestic violence in section §928b Article 128b. This definition includes committing a violent offense and threatening with intent to harm the victim. In addition, an abuser can be charged with a variety of other offenses including failure to obey an order (such as a protective order), damaging property, rape, and maiming. In addition to these specific charges, abuse can be prosecuted under a general article that includes discharging a firearm, drunk and disorderly content, and other misbehaviors.

If there is evidence that the abuser has committed any of these acts, prosecution can proceed without the victim's participation. If prosecution is pursued, the victim is once again victimized by the Army by losing control of the situation: he/she has become only a witness.

The decision to seek legal assistance can be empowering to the victim. Victims have access to free legal assistance including a confidential place in which to discuss personal issues such as divorce or child custody. The Army legal system also has special victim counselors who can work with the prosecution and provide support to the victim should the process of prosecution go forward. The legal system is usually guided by what the victim wants to do. If the recantation is successful, the victim's knowledge of the legal system is a resource that the victim can keep in mind in case of future need for services as a result of a new incident of DA or child abuse.

WHAT CAN FAP WORKERS DO WHEN A VICTIM RECANTS

- Familiarize a victim with the Army FAP processes and resources
- Acquaint victims with FAP reporting options
- Familiarize the victim with the Army legal system in cases of DA
- Counsel the victim on risks faced whether recantation occurs or does not occur

- Assist with safety planning considering known and unknown risk factors
- Provide referrals to clinical treatment for harms incurred from past violence and current incident
- Acquaint victims with avenues of support in the military and civilian communities
- Provide offers of counseling and clinical treatment to the abuser

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- National Coalition Against Domestic Violence <https://ncadv.org/>

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