



Protecting Children Who Witness Domestic Violence:

An Innovative Approach by Sparks' City Attorney's Office to Better Prosecute Domestic Violence

BY WES DUNCAN, ESQ.

Domestic violence is a destructive crime that, if left unchecked, can destroy the fabric of a community. Unfortunately, this level of violence is not just isolated to those who directly suffer the vicious blows and indignities of their abusers. After assuming the position as city attorney in April 2022, I felt that more needed to be done to prosecute domestic violence in Sparks. To that end, we launched the “End the Silence of Domestic Violence” initiative.

Our initiative included passing city ordinances against dissuading witnesses, working with Sparks Police to re-energize their domestic abuse response team (DART), training patrol officers on best practices for working up domestic violence cases, the implementation of an early intervention model of victim collaboration at the outset of a criminal case including personally meeting with victims and fully informing them of their rights under the Nevada constitution, trauma-informed training for Sparks City



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Attorney staff, and a zero-tolerance policy for defendants who violate pre- or post-trial conditions.

Our aim in launching this initiative was to give victims of domestic violence a voice, dismantle the power and control tactics of abusers, and use all available resources to prosecute domestic violence. We wanted to make clear to domestic abusers that if they commit domestic violence in Sparks, they will be prosecuted. However, while it is well known that domestic abusers use many different tactics to manipulate and abuse their partners, our office was alarmed at the growing number of cases being prosecuted in our office where children were present to witness the abuse of loved ones. More and more, we saw children being used as pawns in the power and control dynamics of domestic violence, and worse, witnessing terrible acts of domestic violence perpetrated against their loved ones. And so, we believed our law enforcement partners and criminal prosecutors would be well served by passing an ordinance criminalizing

this behavior. We envisioned an ordinance that would protect children who witness domestic violence, give prosecutors another charge in the domestic violence context, and advance our office's domestic violence initiative.

The need for this new ordinance hit home for me during a visit I made to a local elementary school during one of my stops on my "Safer Sparks Tour." After meeting with the principal and discussing his school, he relayed a recent and terrible story about one of his students being present when his mom was attacked by her husband by being thrown on a table and punched repeatedly in the face. As we walked from classroom to classroom, he talked passionately about the toll domestic violence takes on a young, vulnerable, and impressionable mind. Once we found out the name of the defendant,

we realized our office was prosecuting the case and we had yet to contact the mother after numerous attempts at trying to speak with her. Fortunately, not only were we able to contact the mother after this visit by way of the principal, but we also ultimately secured a second domestic violence conviction against the abuser. However, to hear firsthand how domestic violence was affecting children in our city reinforced my resolve that our office must do more to protect children within their homes.

Even though children are resilient, it goes without saying that witnessing acts of violence can have long-term effects on their social, emotional, and behavioral development. According to the Child Welfare Information Gateway's *Domestic Violence: A Primer for Child Welfare Professionals*, "[c]hildren and youth who have been exposed to domestic violence are more likely than their peers to experience a range of difficulties ... includ[ing] behavioral and emotional struggles that impact their social relationships with children and adults, cognitive problems that interfere with skill development and school performance, and long-term physical and mental health problems."¹ Knowing the impact domestic violence has on children, I wanted the city of Sparks to lead the way in our jurisdiction by passing an ordinance that specifically criminalized committing domestic violence in the presence of children. This ordinance has made an immediate impact in our community, and re-affirms the reality that children are victims of domestic violence even when they are solely witnessing acts of violence.

Sadly, since enacting our ordinance in October 2022, our office has already seen 42 cases where there was probable cause to believe domestic violence was committed in the presence of children. In December, we successfully litigated a case and obtained our first guilty verdict at trial. Furthermore, by using this ordinance, we are finding innovative ways to hold abusers accountable

by using other charges when survivors of domestic violence are hesitant to go forward with the process or in cases where abusers attempt to manipulate victims of

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crime by dissuading them from going forward with the case.

City of Sparks Senior Assistant City Attorney Zadora Hightower is heartened by our new ordinance. She said, “[n]ot only is this ordinance another tool for me as a prosecutor to hold abusers accountable, it recognizes that in most domestic violence cases children are present in the home. This new law is a vehicle to help end the cycle of domestic violence by recognizing that children are often victims too.”

Senior Assistant City Attorney Ana Swanson, a former Washoe County Public Defender, also believes this new ordinance helps hold abusers accountable. She said, “this new law helps capture the level of violence in the home and is an innovative

way to prosecute domestic abusers, especially in cases where a survivor may be reluctant to come forward.”

These new ordinances, along with a slate of new laws the city of Sparks passed last year to criminalize dissuading and child abuse within the city, have allowed our jurisdiction to prosecute domestic violence more aggressively while also doing all we can to protect children. In the end, if these ordinances can positively impact the

lives of children by better holding abusers accountable, we will have done our job. My hope is that other jurisdictions will examine if adding these laws to their books will help hold abusers accountable across our state. We believe the city of Sparks is leading the charge to do just that.

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ENDNOTE:

1. Child Welfare Information Gateway. (2020). Domestic Violence: A Primer for Child Welfare Professionals. U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, page 3.



WES DUNCAN is the 17th city attorney in the city of Sparks. Prior to his current role, Duncan served as a state legislator, criminal prosecutor, First Assistant Attorney General, attorney in private practice, chief assistant city attorney and active-duty U.S. Air Force Judge Advocate. He holds the rank of lieutenant colonel in the U.S. Air Force Reserves JAG Corp.

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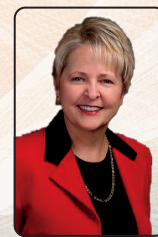
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