Battered Child Syndrome & Child Torture

Matthew J. Torbenson
Deputy District Attorney
Milwaukee County
Who am I (not a wizard...)

• Deputy District Attorney – 2 years
• Assistant District Attorney – 12 years
• Team Captain of Child Protection & Advocacy Unit
  • Prosecute complex child abuse and child neglect cases, with specialization in:
    • Child homicides
    • Abusive head trauma
    • Inflicted burns
    • Child sexual abuse
    • Child torture
    • Complex child neglect (including medical neglect)
    • Presenting child testimony
Child Maltreatment & Torture

• The Battered Child Syndrome, Henry Kempe MD, et. al., The Journal of the American Medical Association, July 1962

THE BATTERED-CHILD SYNDROME is a term used by us to characterize a clinical condition in young children who have received serious physical abuse, generally from a parent or foster parent. The condition has also been described as “unrecognized trauma” by radiologists, orthopedists, pediatricians, and social service workers. It is a significant cause of childhood disability and death. Unfortunately, it is frequently not recognized or, if diagnosed, is inadequately handled by the physician because of hesitation to bring the case to the attention of the proper authorities.
Battered Child Syndrome

• The Battered Child Syndrome, Henry Kempe MD, et. al., The Journal of the American Medical Association, July 1962
  • PROBLEM – physicians, even when faced with significant evidence of abuse:
    • Find it difficult to believe that a caretaker could actually perform such acts; and
    • Aren’t trained in the difficult task of questioning caretakers regarding abuse;
    • Humanitarian Physician – confronted with a caretaker who sought treatment;

It is common for abuser to seek medical treatment/intervention
  • When caretaker abuse/neglect is suspected, should conduct a full skeletal survey;
  • Inform caretakers that an accurate history – help protect the child and prevent reoccurrence
Battered Child Syndrome

• The Battered Child Syndrome, Henry Kempe MD, et. al., The Journal of the American Medical Association, July 1962
  • Typically involves children under the age of three
  • “Marked discrepancy” between clinical findings and history of caretaker(s)
  • Physicians – have great difficulty in believing parents are capable of abuse
  • Full evaluation of the child/problem
Battered Child Syndrome

  • Collected data on 973 children attending well-visits; (ages 0-35 mths)
  • 203 Children had bruises documented;
  • Infants under 6 months old – 366 children evaluated – 2 had bruising; (.6%)
  • Pre-cruisers – 6 mths – 8 mths – 99 children evaluated – 4 had bruising (4%)

• Conclusion:
  “Those who don't cruise, rarely bruise!”
Battered Child Syndrome

  • Reviewed cases of 401 infants (<12mths) evaluated for abuse;
  • 3 categories – definitely abused, concern for abuse, no abuse;
  • Of 200 abused children:
    • 27% had a previous sentinel injury in medical history
  • Of 101 cases of concern for abuse:
    • 8% had a previous sentinel injury in medical history
  • Of 100 cases where abuse was ruled out:
    • No reported or documented sentinel injuries
Child Maltreatment & Torture

Child Torture as a Form of Child Abuse, Barbara Knox MD, et. al., Journal of Child and Adolescent Trauma, Vol. 7, 2014

- Child Torture victims suffer extreme physical and psychological maltreatment
- Involves intense terrorization and humiliation
- Suffer multiple abusive injuries
- Deprivation of basic human needs
- Culminating in the denigration and dehumanization of the child
Child Maltreatment & Torture

Child Torture as a Form of Child Abuse, Barbara Knox MD, et. al., Journal of Child and Adolescent Trauma, Vol. 7, 2014

1-2% of Child Maltreatment cases = child torture
Child Maltreatment & Torture


“A longitudinal period of abuse characterized by at least two physical assaults, and two or more forms of psychological maltreatment (e.g., terrorizing, isolating), resulting in prolonged suffering, permanent disfigurement/dysfunction, or death.”
Child Maltreatment & Torture

Child Torture as a Form of Child Abuse

Common Factors:

• Informal Family Placements
• Isolation (school, outside world, physical restraint, confinement)
• Intimidation (physical & psychological/emotional)
• Deprivation (food, water, sleep, basic needs)
Child Maltreatment & Torture

Child Torture as a Form of Child Abuse

- Typically both caretakers are involved
  - Failure to act out of fear
- Women are found to be perpetrators at higher rates
- Siblings are often aware and may participate
  - Coerced to participate – to avoid abuse
  - May actively participate
Torture (torture)

A Brief History
Torture (to·ru·ture)

- Torture (tor·ture) the intentional infliction of severe physical and/or psychological pain to punish, coerce, or afford sadistic pleasure
- Origin – “tortus” – Latin for “twisted”
Torture (tor·ture)

Historical Perspectives
• The Brazen Bull (Greece)
  • Size of a true bull
  • Hollow inside
  • Criminals put inside
  • Placed over fire
  • Roasted inside
Torture (torture)

Historical Perspectives
• Pear (of Anguish) – 1600’s – 1800’s
  • Used to punish blasphemers, homosexuals, women...
  • Inserted into orifice of choice and opened
  • Slowly ripped sensitive tissue open
  • Used to extract admissions – all damage was internal
Torture (torture)

Historical Perspectives
• The Barrel Pillory
  • Used on drunks
  • Worse for criminals
  • Developed in Germany
• 13th – 19th Centuries
Torture (torture)

Historical Perspectives
• “Lingchi” (slow slicing)
• “Death from 1000 slices”
• Chinese –
  • 900 AD – 20th Century
  • Vietnam
Torture (tor\cdot ture)

Purpose –
• Control person(s)/populations through intimidation and repression
• Extract information
• Obtain full/complete submission
• Break human spirit – both physically and psychologically
Purpose –
• Control (person/populations) through intimidation and repression
• Extracting information
• Obtain full/complete submission
• Break humanity – both physically and psychologically

Is it really that hard to envision these purposes being applied to children in the wrong person’s care???
(5) Engaging in repeated acts of physical abuse of the same child.

(a) Whoever commits 3 or more violations under sub. (2), (3), or (4) within a specified period involving the same child is guilty of the following:

1. A Class A felony if at least one violation caused the death of the child.
2. A Class B felony if at least 2 violations were violations of sub. (2) (a).
3. A Class C felony if at least one violation resulted in great bodily harm to the child.
4. A Class D felony if at least one violation created a high probability of great bodily harm to the child.
5. A Class E felony.
Child Torture & The Law

Child Neglect – Wisconsin State Statute § 948.21(2):

(2) Neglect: Any person who is responsible for a child’s welfare who, through his or her action or failure to take action, for reasons other than poverty, negligently fails to provide any of the following, so as to seriously endanger the physical, mental, or emotional health of the child, is guilty of child neglect:

• (a) Necessary care.
• (b) Necessary food.
• (c) Necessary clothing.
• (d) Necessary medical care.
• (e) Necessary shelter.
• (f) Education in compliance with s. 118.15.
Child Torture & The Law

Chronic Neglect – Wisconsin State Statute § 948.215:

• (a) A Class B felony if the child suffers death as a consequence.
• (b) A Class D felony if any of the following applies:
  • 1. The child suffers great bodily harm as a consequence.
  • 2. The child becomes a victim of a child sex offense, as defined in s. 948.21 (1) (a), as a consequence.
• (c) A Class E felony if the child suffers emotional damage, as defined in s. 948.21 (1) (b), as a consequence.
• (d) A Class F felony if the child suffers bodily harm as a consequence.
• (e) A Class H felony if the natural and probable consequences of the violation would be a harm.
Child Torture & The Law

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- (e) A Class H felony if the natural and probable consequences of the violation would be a harm.
There are some children who seem to be born with the title Throw Away Child. These are the children who are not loved, protected, or wanted by. These are the children who wind up abandoned, taken up by others who have no sense of love, accountability, or care for the child.
Child Torture

State v. Dennis Torres

• April 3, 2017:
  • D is 13 months old
  • D’s mother passes away
  • D moves in with father
  • No previous relationship

• April 24, 2017:
  • D admitted to CHW
  • Life-threatening child abuse
Child Torture

State v. Dennis Torres

- Grade III liver laceration
- Adrenal Hemorrhaging
- Bruising, head to toe
- Linear bruising to neck
- Rhabdomyolysis
- Severe, life-threatening physical abuse
“I beat the hell out of my son.”

“It was inhumane.”
Common Factors:

- Informal Family Placements ✓
- Isolation (school, outside world, physical restraint, confinement) ✓
- Intimidation (physical & psychological/emotional) ✓
- Deprivation (food, water, sleep, basic needs) ✓
Child Torture

State v. Jennifer Garcia

• “T”

• By age 3, T has lived with multiple different relatives;
• T’s parents constantly in/out of custody
• Spring of 2014:
  • Both of T’s parents are in custody;  
  • T is living with his paternal grandmother – ill equipped to care for a young, energetic child;
• June 7, 2014:
  • T is dropped off at Jennifer Garcia’s home....
Child Torture

State v. Jennifer Garcia

• Jennifer Garcia –
  • Latin Queen gang member;
  • Has multiple children with T’s father, all girls;
  • T is the only boy, known to be father’s favorite;
  • T’s life = evidence of father’s infidelity to Garcia

• By June 21, 2014:
Child Torture

State v. Jennifer Garcia

• Upon admission to Children’s Hospital of WI:
  • Too numerous to count bruises, abrasions, hypo-pigmented injuries
  • Subdural hematoma with resulting mass effect, including midline shift of the brain & edema;
  • Grade II liver laceration;
  • Total of 161 photos taken to document T's physical injuries
    • Many patterned injuries
    • Many suspected burn injuries
Child Torture

State v. Jennifer Garcia

- 9 year old “Savannah”
  - Witnessed Garcia beat T regularly
- June 20, 2014:
  - T asked for a cookie – in response….
  - Garcia punched T repeatedly in the head
  - T threw up
  - Garcia took T into the kitchen
  - Savannah – instructed to get Mr. Clean from bathroom
  - Savannah – retrieves Mr. Clean and upon entering the kitchen…
Child Torture

State v. Jennifer Garcia
• 9 year old “Savannah”
  • T – unresponsive
  • Garcia – put T into a bath in an attempt to revive T
  • T’s fists clenched tight to chest
  • “Decorticate Posturing”
• June 21, 2014:
  • Garcia calls her mother and friend over to concoct a story that T was dropped off at Garcia’s house injured
  • Garcia attempts to convince “Savannah” to lie
  • For hours, T remains unresponsive on the floor
Child Torture

• Fantastic Investigation by Police Department
  • Cigarette Incident – witnessed by neighbor
  • Elaborate conspiracy to cover up abuse
• Garcia is charged with:
  • 7 counts of child abuse (including two counts GBH)
  • 1 count of child neglect resulting in GBH
  • 1 count inflicting mental harm
  • 3 counts of conspiracy to intimidate a victim
Woman gets 35 years in prison for beatings, torture of 3-year-old

By Bruce Vielmetti of the Journal Sentinel

A Milwaukee woman who left her boyfriend’s 3-year-old brain-damaged and crippled after two weeks of torture and abuse was sentenced Friday to 35 years in prison.

Jennifer L. Garcia, 33, was charged in 2014 with nine counts of child abuse and four counts of witness intimidation. In July 2015, a jury convicted her of all but two counts.

The victim, who spent months in the hospital and is now living with foster parents, was left in Garcia’s care in June 2014 by his paternal grandmother; his birth parents were both in jail.
Child Torture

Common Factors:

- Informal Family Placements ✓
- Isolation (school, outside world, physical restraint, confinement) ✓
- Intimidation (physical & psychological/emotional) ✓
- Deprivation (food, water, sleep, basic needs) ✓
“Take him to the woods. Drop him there.”

- Mary Martinez
Child Torture

State v. Etter Hughes & Mary Martinez

• November 29, 2016
  • Hughes takes an unresponsive TW to the Hospital
  • TW is unresponsive, has no pulse, and a body temp of 84°F
  • TW codes multiple times over the next four hours
  • 4:45 PM – TW is pronounced deceased
  • Hughes hands a note to nurse, blaming JW for TW’s injuries

• TW is evaluated by a Pediatric Child Abuse Specialist before he passes away
Child Torture

State v. Etter Hughes & Mary Martinez

- Pediatric Child Abuse Specialist:
  - TW – extreme malnourishment
  - Ligature injuries to wrists and ankles consistent with restraint
  - Too numerous to count inflicted injuries on TW’s body
  - Hypoxic insult to abdominal organs
  - Rectal bleeding
  - Multiple open, gaping wounds
  - Linear marks around the neck
Child Torture

Pediatric Child Abuse Specialist:

“The severe malnutrition and multiple patterned injuries in various stages of healing, injuries that would have caused intense pain and suffering, and failure to seek care are consistent with cruelty and torture. The injuries are diagnostic for severe, life-threatening child physical abuse and medical and nutritional neglect with reasonable medical certainty. The severe abuse and neglect resulted in [TW]‘s death.”
Child Torture

- Multiple healed hyperpigmented looped cord injuries on upper buttocks and lower back;
- Healed hyperpigmented looped cord injury over left anterior thigh;
- Healed hyperpigmented looped cord injury over right anteriomedial, upper thigh;
- Patterned looped cord bruise beneath left scapula;
- Two separate areas of bruising to the posterior neck;
- Bruising with overlying horizontal linear abrasion over anterior left neck;
- Curvilinear healed hyperpigmented scar on abdomen;
- Healed hyperpigmented curvilinear scar on left chest;
- Right distal radial prominence with overlying deep ulceration and medial ulnar prominence with more superficial ulceration;
- Looped shaped abrasion on dorsal right arm;
- Pink bruising on the right arm;
- Deep ulceration over distal left radial prominence;
- Poorly healed laceration over the left upper arm;
- Wide, linear area of ulceration on the left buttock;
- Crusted scabs on the right posterior shoulder;
- Healed hyperpigmented loop mark to the right upper inner thigh;
- Pink bruising to the left posterior ribs;
- Healed linear hyperpigmented scar to the left lateral neck;
- Linear, scabbed, healed and ulcerated injury to the posterior left shoulder;
- Curvilinear hypopigmented scar to the posterior right neck behind the ear;
- Feet are purple in color and cool to the touch;
Child Torture

State v. Etter Hughes & Mary Martinez

• Hughes brought TW & JW up from Arkansas in August
  • JW & TW’s mother was supposed to follow, but never did
• Moved in w/ Martinez in September (You should ask how they met....)
• JW & TW were not allowed to eat food from the fridge
• JW & TW would regularly beat up each other
• Martinez resented TW & JW, would beat them regularly
  • Another child described how each were beaten until they urinated
• Hughes would tie the boys up when she left the residence
• Martinez’s son reported Hughes often beat JW & TW
Child Torture

Etter Hughes entered guilty pleas to:
- Child Neglect Resulting in Death
- Child Neglect Resulting in Great Bodily Harm
- Physical Abuse – Failure to Protect
- Physical Abuse – Failure to Protect

Mary Martinez entered guilty pleas to:
- Child Neglect Resulting in Death
- Child Neglect Resulting in Great Bodily Harm
- Child Abuse – Intentionally Cause Harm
- Child Abuse – Intentionally Cause Harm
Child Torture

Common Factors:

• Informal Family Placements ✓
• Both caretakers involved ✓
• Isolation (school, outside world, physical restraint, confinement) ✓
• Intimidation (physical & psychological/emotional) ✓
• Deprivation (food, water, sleep, basic needs) ✓
• Employed other adults/children ✓
Child Torture

State v. Corey Burns

- November 22, 2014 – 10 mth old CB admitted to CHW
  - CB is actively seizing & minimally responsive to stimuli
  - Eyes are non-reactive to light
  - Multiple, too numerous to count abrasions to chest & stomach
  - Immersion burn injuries to both legs with open lesions
  - Chronic bilateral subdural hemorrhaging
  - Burn pattern to CB’s back
Chazzidy White, CB’s mother, worked during the day

November 5, 2014 –
- Burns calls White – “accidentally burned CB during bath”
- Burns would not let White take CB to the hospital

November 14th – 16th
- White noticed CB was developing circle injuries on chin & abdomen
- Burns – circles were a rash from leg burns
- CB has stopped standing, smiling, or playing
Child Torture

State v. Corey Burns

• November 21, 2014
  • CB has a blank stare
  • CB’s body begins to shake uncontrollably

• November 22, 2014
  • White notices the burns to CB’s back
  • Burns says the injuries are from a heating vent in the wall
  • White says the pattern seems to match charcoal grill in kitchen
Child Torture

State v. Corey Burns

• Pediatric Child Abuse Specialist:

“[C.B.’s] multiple patterned injuries in various stages of healing, injuries that would have caused intense pain and failure to seek care are consistent with cruelty and torture. [C.B.’s] injuries are diagnostic for severe, life-threatening child physical abuse and medical neglect with reasonable medical certainty. The failure to seek care has resulted in even more permanent, severe, life-threatening injuries.
Child Torture

State v. Corey Burns

- Corey Burns enters pleas to:
  - Physical Abuse of a Child – Intentionally Causing Great Bodily Harm
  - Child Neglect – Resulting in Great Bodily Harm
  - Physical Abuse of a Child – Intentionally Causing Bodily Harm

Father gets 30 years for 'absolute torture' of baby girl

By Ashley Luthern of the Journal Sentinel

When a 10-month-old baby girl arrived at Children's Hospital last fall, her thighs were wasting away.

The front of her legs were covered with scalding burns, injuries so painful she simply stopped moving.

She had burns inside her mouth. Her neck and body were covered with bite marks and bruises. She had severe brain injuries, the kind that come from being violently shaken, slammed down or thrown.

And the burn on her back matched the pattern of a charcoal grill in her parents' kitchen.

On Thursday, her father, Corey Burns, was sentenced to just over 30 years in prison for "cruelty and torture," as the case was described in a medical report.

"There are no words that encompass the level of depravity and the inhumanity that
Child Torture

Common Factors:

• Informal Family Placements ✓
• Isolation (school, outside world, physical restraint, confinement) ✓
• Intimidation (physical & psychological/emotional) ✓
• Deprivation (food, water, sleep, basic needs) ✓
• Employed other adults ✓
Child Torture

State v. Maurice Snyder

• Snyder is in a relationship with Megan Scott
• Both are heroin addicts
• June 1, 2015:
  • Aiden’s father drops Aiden off to Megan Scott
  • Aiden – 3 years old, high functioning autism
  • Aiden is completely healthy – no physical injuries
• 3PM -
  • Megan Scott – takes a shower...
Child Torture

State v. Maurice Snyder

- 4PM – Megan goes outside – injuries to Aiden’s neck
- 7:00PM – Megan walks to gas station to charge phone
  - Aiden is left alone w/ Snyder
- 9:20PM – Aiden is discovered unresponsive with Snyder
  - “He tripped on a toy and fell,....”
- 10:00PM – Megan returns to the residence
  - Surrounded by police
Child Torture

State v. Maurice Snyder

- Aiden – no pulse, not breathing; intubated & transferred to CHW
- Fixed nonreactive pupils, again lost his pulse
- Occipital skull fracture
- Acute SDH, 6.6 millimeters thick on right; 5.5 millimeters on left
- Bilateral, too numerous to count retinal hemorrhages
- Swollen bowels & gall bladder
- Salter I Harris fracture
Child Torture

State v. Maurice Snyder

• At least 11 human adult bite injuries
• Diagnosed with severe, life-threatening abusive head trauma
• Bruising from head to toe, including severe abdominal bruising

• June 3, 2015 –
  • Third brain death test confirms no activity
  • Aiden is removed from life support and passes away

• Medical Examiner –
  • MOD - Homicide
Child Torture

State v. Maurice Snyder

• Snyder charged with:
  • 1st Degree Intentional Homicide
  • 11 counts of Physical Abuse
  • Obstructing an Officer

• Scott charged with:
  • Failure to Act

• DNA –
  • Snyder’s DNA (w/amylase) on bite injury to buttocks
Child Torture

State v. Maurice Snyder

• Scott is put on condition of absolute sobriety – bails out

• Snyder sets case for trial

• Month before trial....
Child Torture

State v. Maurice Snyder

• Snyder enters pleas to:
  • Second Degree Reckless Homicide
  • Physical Abuse of a Child
  • Physical Abuse of a Child
  • Physical Abuse of a Child
  • Physical Abuse of a Child

• Scott turns herself in later the same day & is released

• 15 days later.... Scott overdoses on heroin (11/30/2016)
Child Torture

State v. Maurice Snyder

- Snyder tries to withdraw his pleas – main witness is deceased
- Court denies motion

43 WSP (24 IC/19 ES)
Child Torture

Common Factors:

• Informal Family Placements ✓
• Isolation (school, outside world, physical restraint, confinement) ✓
• Intimidation (physical & psychological/emotional) ✓
• Deprivation (food, water, sleep, basic needs) ✓
Unless someone like you cares a whole awful lot, nothing is going to get better. It’s not.

—Dr. Seuss
THANK YOU

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