

Praxis International Rural Routes to Change

**When Victims of Battering are Charged with Crimes:  
Exploring Effective Advocacy Responses**

Wednesday, October 16, 2013

We'll begin shortly...

- Audio connection is by VoiceoverIP (VoIP) on your computer or by phone at **1-512-623-5114 code 52533#**
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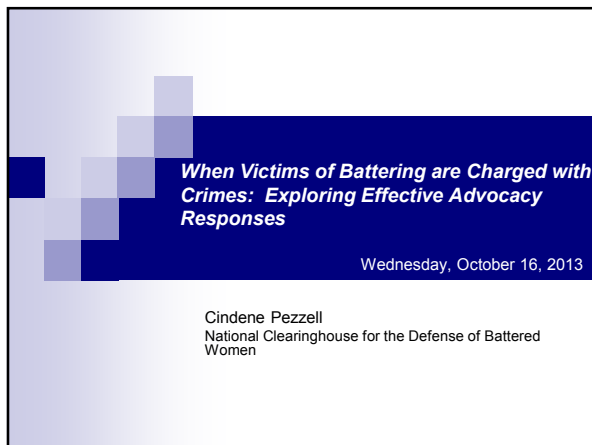
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**When Victims of Battering are Charged with Crimes:  
Exploring Effective Advocacy Responses**

Wednesday, October 16, 2013

Cindene Pezzell  
National Clearinghouse for the Defense of Battered Women

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- **Phone lines are muted**
- **If using audio only:**
  - Email comments to [maren@praxisinternational.org](mailto:maren@praxisinternational.org)
- **If using computer:**
  - "Chat" comments or questions to group via **Public Tab** on screen
  - Use **Private Tab** to ask questions or report technical problems
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  - Use initial join link from email invitation to reconnect or email [maren@praxisinternational.org](mailto:maren@praxisinternational.org) for help
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**National Clearinghouse for the Defense of Battered Women**

**Who we are, what we do**

- Assists victims of battering charged with crimes when there is a direct legal relationship between the abuse and the crime for which she is charged;
- Works with defense attorneys, expert witnesses, advocates, battered defendants & women in prison;
- Provides case-specific, specialized assistance;
- Works with victims of battering pre-arrest; pre-trial; during trial; appeals; other post-conviction; clemency;
- Works on issue of women's use of violence.
- Part of BWJP: 800/903-0111, ext. 3

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**Overview – We will explore**

- How victims of battering and abuse end up in the legal system as defendants.
- The direct and indirect consequences of arrests and convictions that can impact domestic violence survivors' safety.
- Best practice individual advocacy strategies for working with battered women charged with domestic violence-related crimes
- The role of advocates as part of legal defense teams, and
- Sources for ongoing training and support for working with battered women who are charged with crimes.

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**We know that all victims charged with crimes are disadvantaged**

- But consider increased risk to victims additionally marginalized because of race, ethnicity, culture, economic situation, sexuality, physical abilities, immigration status...

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### The language we'll be using today

- Victim: Victim of ongoing battering, sexual assault, trauma, etc. – no matter whether they are also a defendant, a complainant, etc.
- Complainant/complaining witness: person against whom a crime was allegedly committed.

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### What we are really saying is

- that battered defendants – like all defendants – should get fair trials;
- that context really matters;
- that if our goal is safety and justice for battered women, we have to think long & hard about what to do when victims of battering face criminal charges;
- that this stuff – especially when survivors use illegal violence – can be very complicated.

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### A defendant's history of abuse and their criminal case: an advocate's framework

- Regardless of the relationship between a victim's history of abuse and her/his criminal case – advocacy may be wanted and needed.

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### The need for advocacy for charged victims is great

- Most incarcerated women have experienced abuse as a child and/or adult.
- Large, government-sponsored studies have found prior abuse rates of incarcerated women to be about 50%;
- Smaller, more in depth, studies using varied (including qualitative) methodology, have found prior abuse rates as high as 95% (this is the highest found, but most are at least 70-90%);
- Experience of adulthood or intimate partner abuse has been found for anywhere from a third of incarcerated women to 85%.

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### “Collateral” consequences of arrest and conviction...

- Employment
- Custody
- Housing
- Benefits
- Education
- Status in community
- Status in the country
- What else?

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### Advocacy strategies for victim-defendants

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### A Just and Effective Response

- What do you need to do in your community to prevent inappropriate arrests and prosecutions of battered women?
- How can you improve the quality of representation battered women defendants receive?
- How can you help battered defendants get through the process?

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### Any resistance/barriers to working w/ survivors charged with crimes?

- Historical relationships w/ police & prosecutors and fears of jeopardizing those relationships;
- Fear of being accused of being biased (only supporting women; only believing women);
- "We don't work with perpetrators;"
- Funding restrictions and/or pressure from funders and/or community members.

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### What can community-based advocates do?

- Reach out to defense bar and let them know how you can help;
- Know the law; its realities and its limitations. Know the process in our own communities;
- Develop community-specific intervention strategies and protocols that can assist battered women charged with crimes;
- Work with law enforcement to help reduce the number of BW being arrested

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### Advocacy strategies, cont'd

- Identify and access BW early
  - establish contact as soon as possible after an arrest;
  - accept collect calls from battered women in jail & prison;
  - create revolving bail funds.
- If possible, consult with the defense attorney before talking with the defendant;
- Avoid discussing the facts of the case with her;
- Consult with the defense attorney before talking with the prosecutor.

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### Advocacy strategies, cont'd

- Maintain confidentiality always;
- Keep women's safety central — esp. in assault cases — and help defense counsel better understand the realities of battered women's lives;
- Continue to develop working relationships with law enforcement, jail personnel, prosecution, probation;
- Think critically about groups for arrested battered women.

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### Other key people

- Probation/Parole
- Prosecutors
- Police
- Civil Attorneys
- Jail and Prison Staff
- Expert Witnesses
- Other Service Providers
- Prisoner Rights Organizations
- Re-Entry Programs

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For more information...

**National Clearinghouse for the Defense of Battered Women**

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Tel: 215/351-0010 or 800/903-0111, ext. 3

Fax: 215/351-0779

Website: [ncdbw.org](http://ncdbw.org)

*The National Clearinghouse is also part of the Battered Women's Justice Project.*

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