

YES on HB 2825



Treating survivors of domestic abuse with more dignity and fairness.

The problem

Numerous studies in the US and in Oregon, dating as far back as the 1980s, observed high rates of victimization that link domestic violence in women's lives to their entry into the criminal justice system as defendants. Oregon's sentencing laws do not adequately consider defendants' histories of victimization and the role that domestic violence played in the commission of their crimes. This results in severe and unjust accountability for survivor-defendants, criminal defendants who are survivors of domestic violence and for whom that abuse was a contributing factor in the commission of the crime.

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“Many of the 230,000 women and girls in US jails and prisons were abuse survivors before they entered the system. And at least 30 percent of those serving time on murder or manslaughter charges were protecting themselves or a loved one from physical or sexual violence.”

The New Republic

The solution

HB 2825 would require the court to consider at sentencing evidence of domestic violence and would give the court discretion to impose a lesser sentence:

- When the defendant is a survivor of domestic violence;
- When that abuse was a contributing factor to their crime; and
- When the presumptive or mandatory sentence would be unduly harsh in light of the circumstances.

Additionally, HB 2825 would allow individuals who have been convicted to petition the court for resentencing if they did not previously present evidence of domestic violence at sentencing.

Research on survivor-defendants among Oregon's women in prison

A survey of more than 140 women incarcerated at Coffee Creek Correctional Facility which took place in 2017-18 discovered the following:

65%

of the women in a relationship at the time of arrest reporting experiencing abuse in their relationship. 60% reported physical violence, 62% reported threats of harm, and 79% reported verbal abuse.

44%

of the women in a relationship at the time of arrest said the relationship contributed to their conviction.

44%

of the women in a relationship at the time of arrest said they were afraid of their partner.

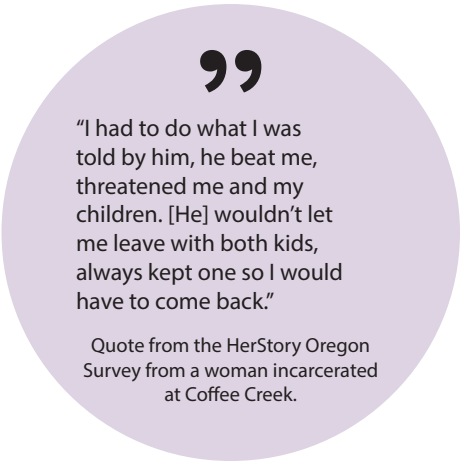
Read more findings from the survey at <https://bit.ly/2WpHbKb>

What we know

The Oregon Justice Resource Center’s HerStory Oregon Survey of women incarcerated in Coffee Creek and stories from panelists at the 2019 Women in Prison Conference revealed many heartbreaking accounts from survivors about how they were affected by domestic abuse and how it contributed to their crimes. (Read the Conference report at <https://bit.ly/2MxkHWy>). Research affirms that the stories we heard are in fact common experiences for survivor-defendants and that our current criminal legal system is unable to respond fairly and equitably. A synthesis of the research on these issues, published in 2015*, described the following direct pathways for women from victimization to crime:

- A survivor uses violence in direct response to her experience of violence or abuse, to protect herself or others, or to otherwise fight back.
- Coercion by an abusive partner to participate in crime or take the blame for crime one hasn’t committed.
- Abusive partners falsely accuse women of criminal activity and manipulate the criminal legal system to entrap women into arrest and incarceration.

* Dichter, M. in consultation with Osthoff, S. VAWnet. (2015). Women’s experiences of abuse as a risk factor for incarceration: a research update.



Case example: Zuleyma Figueroa



Zuleyma Figueroa had a house and a job she enjoyed, but an abusive relationship took her down a path that would lead to incarceration. Her girlfriend suddenly began buying expensive cars and throwing parties every weekend. She discovered that her girlfriend was involved in drug dealing. She found herself trapped in a dynamic of violence, manipulation, and control, trying to keep her partner happy. Terrorized by her girlfriend, who threatened to “disappear” her sister, Figueroa became her maid, and told her family not to contact her. She was so frightened that “I would have done anything she said. She sent people to spy on me. She broke into my house and put a gun to my head.” Figueroa was arrested for delivery of drugs in 2012. “I told them I didn’t know anything. It didn’t matter, I was sent to prison.” The abuse she had suffered in her relationship was not taken into account.

Organizations in support

