Crimes borne of domestic abuse face long prison terms

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Survivors of domestic violence who are convicted of crimes when protecting themselves from abuse often face long prison sentences, according to a new report on the barriers to justice faced by women survivor-defendants in New York state.

The report, "From Protection to Punishment: Post-Conviction Barriers to Justice for Domestic Violence Survivor-Defendants in New York State," was released by the Avon Global Center for Women and Justice at the Cornell Law School and the Women in Prison Project of the Correctional Association of New York.

"The report released today provides comprehensive qualitative and quantitative evidence to expose the tragic and little understood reality facing survivor-defendants in their interaction with the criminal justice system in New York," said Sital Kalantry, associate clinical professor of law and faculty director of the Avon Global Center for Women and Justice at Cornell Law School.

According to the report, an estimated nine out of 10 women in New York prisons are survivors of physical and sexual abuse. Nearly all (93 percent) of women in New York's prisons for killing their intimate partners were themselves abused by an intimate partner in the past.

"New York state has an obligation under international law to respect the human rights of survivor-defendants by taking their experiences of abuse into account. The reforms recommended by the report would help New

York to realize this international law obligation and to ensure that survivors are treated with fairness and dignity," said Elizabeth Brundige, associate director of the Avon Center, adjunct professor of law and co-author of the report.

Key recommendations of the report include:

- Allowing judges to sentence domestic violence survivors convicted of crimes directly related to abuse to shorter prison terms and, in some cases, to community-based alternatives to incarceration.

- Providing domestic violence survivors currently in prison the opportunity to appeal to the courts for re-sentencing.

- Allocating funds to expand and establish more alternative-to-incarceration, court advocacy and re-entry programs specifically designed to meet the needs of survivor-defendants.

- Allowing individuals incarcerated for violent crimes, including domestic violence survivors, to earn merit time credits and expanding eligibility for temporary work release.

- Allowing individuals incarcerated for violent offenses, including domestic violence survivors, to have parole release decisions about them made not solely on the nature of the offense for which they are incarcerated but with appropriate weight given to their institutional confinement record and actual public safety risk.

The report also suggests that the DV Survivors Justice Act, a bill pending in the New York State Legislature, is an important way to address some

of the major challenges facing survivor-defendants in obtaining justice.

More than 140 people representing more than 100 organizations across the state traveled to Albany June 7 to urge legislators to pass the act.

"The DV Survivors Justice Act, which allows judges to send survivors who act to protect themselves to community-based alternative programs instead of prison, will help reverse the state's misguided and unjust practice of doling out harsh punishments to survivor-defendants instead of providing the assistance and support they need and deserve," said Tamar Kraft-Stolar, director of the Women in Prison Project at the Correctional Association of New York and co-author of the report.

Provided by Cornell University

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