

Domestic Violence Survivors Justice Act

by Karima Amin

He had abused her for six of the nine years that they had been together. He slapped, punched, and choked her. He called her the most derogatory names and isolated her from family and friends. He said he did it because he loved her. One day, while struggling with him, she stabbed him in the chest, killing him with a letter opener. Their three young children witnessed the incident. Now she's serving 20 to life. Similar scenarios are repeated everyday.

According to the website of the Correctional Association of New York, "The overwhelming majority of women in prison are survivors of domestic violence. Three-quarters have histories of severe physical abuse by an intimate partner during adulthood, and 82% suffered serious physical and sexual abuse as children." While the community has made progress in understanding and addressing domestic violence, that understanding and support tend to vanish when survivors, defending themselves or their children, get convicted of a violent crime against their abuser and end up behind bars with long sentences. When a "victim" becomes a "survivor-defendant," that person is criminalized and we ignore or forget WHY the crime was committed. We certainly don't want to excuse the crime but we need to look at the abuse that underlies the commission of the offense. Unfortunately, prosecutors, public defenders, judges and the court of public opinion often don't consider the role that domestic violence plays in a woman's decision to do what she feels may be her only choice or last resort. The DVSJA is a call for compassion in sentencing.

The Domestic Violence Survivors Justice Act is not just about women. Supporters of the DVSJA understand that men and women may be abused and not every intimate partner relationship is heterosexual. On May 20, 2011, NYS Senator Ruth Hassell-Thompson and NYS Assembly member Jeffrion Aubry moved forward with legislation, introducing the DVSJA. The DVSJA Campaign is being led by the Coalition for Women Prisoners, a statewide coalition coordinated by the Women in Prison Project of the Correctional Association of NY. While it may seem natural to support anyone who has been victimized, when it comes to survivor-defendants, attitudes change and the "tough on crime" mantra is sung loud and clear.

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