

## Domestic Violence Victimization in the U.S.

- In a 2016/2017 national study, almost **1 in 2 women** in the U.S., and about **40% of men**, report having been subjected to contact sexual violence, physical violence and/or stalking by an intimate partner in their lifetime. Nearly a third of women and nearly a quarter of men report having been subjected to severe physical violence by an intimate partner during their lifetime.<sup>1</sup>
- **Two in five women (41%) and 1 in 4 men (26%)** report experiencing at least one impact from intimate partner violence in their lifetime. Among women subjected to intimate partner contact sexual violence, physical violence and/or stalking, 1 in 4 were fearful; 1 in 3 had PTSD symptoms; 1 in 3 were injured; and 1 in 8 needed medical care. Among men subjected to intimate partner contact sexual violence, physical violence and/or stalking; 1 in 13 were fearful; 1 in 7 had PTSD symptoms; 1 in 5 were injured; and 1 in 23 needed medical care.<sup>2</sup>
- **1 in 8 high school students** reported being subjected to teen dating violence (physical, sexual, or both) within the last year. Among female high school students, 15% reported having been subjected to sexual dating violence and 10% reported having been subjected to physical dating violence within the preceding 12 months. Among male high school students, 4% reported having been subjected to sexual dating violence and 6.7% reported having been subjected to physical dating violence within the preceding 12 months.<sup>3</sup>
- Across 25 years, 92% of female homicide victims killed by a male offender were known to each other, 62% of whom were killed by an intimate partner.<sup>4</sup>

- 54% of **Black women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.<sup>5</sup>
- 58% of **American Indian or Alaska Native women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.<sup>6</sup>
- Over 40% of **Hispanic women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.<sup>7</sup>
- 48% of **white women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.<sup>8</sup>
- Bisexual, gay and lesbian people are subjected to intimate partner violence (including contact sexual violence, physical violence and/or stalking) at higher rates than heterosexual people. **Bisexual women and men experienced the highest rates at 69% and 46% respectively.**<sup>9</sup>

## Criminalized Survivors At a Glance

- It is well documented that experiencing abuse is a pipeline to incarceration.<sup>10</sup>
- 86 percent of jailed women report having experienced sexual violence in their lifetime, and 77 percent report experiencing intimate partner violence.<sup>11</sup>
- Criminalized survivors are often arrested after defending themselves from their abusers or when their abusers force them to commit crimes. Survivors may also run into trouble with the law due to substance use stemming from trauma. Some survivors are criminalized for recanting reports of abuse when they feel unsafe participating in court proceedings.<sup>12</sup>
- The emphasis on mandatory arrest and prosecution in domestic violence cases brings many victims of battering into the system as defendants and has contributed to a significant increase in the proportion of girls entering the juvenile justice system.<sup>13</sup>
- Reliance on the criminal legal system as the primary response to violence against women has left many victims of battering over-policed and under-protected. This has been particularly true for many women of color, immigrant women, lesbians, transgender and non-binary people, young women, sex workers, poor women, and other low-power, marginalized people.<sup>14</sup>
- In 2022, the imprisonment rate for Black women (64 per 100,000) was 1.6 times the rate of imprisonment for white women (40 per 100,000).<sup>15</sup>

## The Realities for Criminalized Survivors

- Women often face a lack of organized domestic violence-specific services while incarcerated. Few jails have programs in place to address women's needs related to abuse and trauma.<sup>16</sup>
- The most commonly raised post-conviction issue in cases involving criminalized survivors is that trial counsel was ineffective concerning the evidence of battering and its effects.<sup>17</sup>
- Pro-arrest and mandatory arrest policies have contributed to more and more victims being arrested. Further, abuse creates and contributes to conditions that make survivors vulnerable – such as the constant threat of physical and sexual harm, economic desperation, addiction, and trauma symptomology – that can increase the likelihood of a victim being arrested.<sup>18</sup>
- While not all formerly incarcerated women come from or return to underserved communities, the many who do end up facing a surplus of rules and requirements while usually having little or no access to community resources, including appropriate social and legal services.<sup>19</sup>

# Endnotes

- 1 Ruth Leemis, et al., The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence (2022), National Center for Injury Prevention and Control, Centers for Disease Control and Prevention; [https://www.cdc.gov/nisvs/documentation/nisvsreport-onipv\\_2022.pdf?CDC\\_AAref\\_Val=https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV\\_2022.pdf](https://www.cdc.gov/nisvs/documentation/nisvsreport-onipv_2022.pdf?CDC_AAref_Val=https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf).
- 2 See fn 1.
- 3 Heather Clayton, et al. Dating Violence, Sexual Violence, and Bullying Victimization Among High School Students—Youth Risk Behavior Survey, United States, 2021. *MMWR Suppl* 2023;72(Suppl-1):66-74. DOI: <http://dx.doi.org/10.15585/mmwr.su7201a8>; Centers for Disease Control and Prevention (CDC). 1991-2021 High School Youth Risk Behavior Survey Data. Available at <http://nccd.cdc.gov/youthonline/>.
- 4 When Men Murder Women: A Review of 25 Years of Female Homicide Victimization in the United States (October 2023), Violence Policy Center, <https://www.vpc.org/studies/wmmw2023.pdf>
- 5 See fn 1.
- 6 See fn 1.
- 7 See fn 1.
- 8 See fn 1.
- 9 Jieru Chen, et al., The National Intimate Partner and Sexual Violence Survey (NISVS) 2016/2017: Report on Victimization by Sexual Identity (October 2023), National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, [https://www.cdc.gov/nisvs/documentation/nisvsreportonsexualidentity.pdf?CDC\\_AAref\\_Val=https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsReportonSexualIdentity.pdf](https://www.cdc.gov/nisvs/documentation/nisvsreportonsexualidentity.pdf?CDC_AAref_Val=https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsReportonSexualIdentity.pdf)
- 10 Melissa E. Dichter with Sue Osthoff, VAWnet, Women’s Experiences of Abuse as a Risk Factor for Incarceration: A Research Update 4 (2015), [https://vawnet.org/sites/default/files/materials/files/2016\\_09/AR\\_IncarcerationUpdate.pdf](https://vawnet.org/sites/default/files/materials/files/2016_09/AR_IncarcerationUpdate.pdf) [perma.cc/D7WX-AK84] Dana D. DeHart, Pathways to Prison: Impact of Victimization in the Lives of Incarcerated Women, 14 *Violence Against Women* 1362, 1365, 1368 (2008); Emily M. Wright, Patricia Van Voorhis, Emily J. Salisbury & Ashley Bauman, Gender-Responsive Lessons Learned and Policy Implications for Women in Prison: A Review, 39 *Crim. Just. & Behav.* 1612, 1616 (2012)
- 11 Shannon M. Lynch et al., Women’s Pathways to Jail: The Roles and Intersections of Serious Mental Illness and Trauma (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 2012), 32
- 12 Safety and Justice Challenge, Domestic Violence Peer Support Report (July 2023), <https://safetyandjusticechallenge.org/wp-content/uploads/2023/07/2023DomesticViolencePeerSupportReport.pdf>.
- 13 Battered Women’s Justice Project. (2020, February). Civil Legal System Response to Domestic Violence: Questions and Debate. [https://bwjp.org/wp-content/uploads/2023/11/CLS-Response-to-DV\\_FINAL\\_-Feb-2020.pdf](https://bwjp.org/wp-content/uploads/2023/11/CLS-Response-to-DV_FINAL_-Feb-2020.pdf)
- 14 For example, see the proceedings of the UCLA Law Review symposium, *Overpoliced and Underprotected: Women, Race, and Criminalization* (2012); Kimberlé W. Crenshaw with Priscilla Ocen and Jyoti Nanda, *Black Girls Matter: Pushed Out, Overpoliced and Underprotected* (2015); Beth Richie, *Arrested Justice: Black Women, Violence, and America’s Prison Nation* (2012); and Center for American Progress and Movement Advancement Project, *Unjust: How the Broken Criminal Justice Systems Fails LGBT People* (2016).
- 15 The Sentencing Project. (2023). Incarcerated women and girls. <https://www.sentencingproject.org/fact-sheet/incarcerated-women-and-girls/>
- 16 Malangone, D. (2020). Understanding the Needs of Criminalized Survivors, New York, NY: Center for Court Innovation. Retrieved November 28, 2022, from: <https://www.innovatingjustice.org>.
- 17 See Cindene Pezzell, The Use of Expert Testimony on Battering and Its Effects in Criminal Cases: Examining Case Law from 1994-2016, <https://www.ncdbw.org/examining-case-law-from-1994-2016>, accessed 7/10/23
- 18 Javdani, S., Sadeh, N., & Verona, E. (2011). Gendered social forces: A review of the impact of institutionalized factors on women and girls’ criminal justice trajectories. *Psychology, Public Policy, and Law*, 17(2), 161–211. <https://doi.org/10.1037/a0021957>
- 19 See, e.g., Sasha Abramsky, Toxic Prisons: New Research Shows Precisely How the Prison to Poverty Cycle Does Its Damage, *Slate* (October 8, 2010) available at [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2010/10/toxic\\_persons.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2010/10/toxic_persons.html)



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