



## Judicial Council of California

Tribal Court–State Court Forum

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### TRIBAL COURT–STATE COURT FORUM

#### MINUTES OF OPEN MEETING

December 11, 2025

12:15 - 1:15 p.m.

Zoom

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**Advisory Body Members Present:** Hon. Abby Abinanti, Cochair, Hon. Shama Mesiwala, Cochair, Hon. Yvette Ayala Henderson, Ms. Janet Bill, Hon. Michele Fahley, Hon. Benjamin Hanna, Mr. Christopher Haug, Hon. Jennifer Lee, Hon. Patricia Lenzi, Hon. Kristina Lindquist, Hon. Nicholas Mazanec, Hon. Karen Riess, Hon. Victorio Shaw, Hon. Gary Slossberg, Hon. Alison Tucher, Hon. Rebecca Wightman, and Hon. Zeke Zeidler.

**Advisory Body Members Absent:** Hon. Richard Blake, Ms. Laila DeRouen, Hon. Leonard Edwards, Hon. Ana España, Hon. Devin Flesher, Ms. S. Lynn Martinez, Hon. Dorothy McLaughlin, Hon. April Olson, Hon. Stephen Place, Ms. Christina Snider-Ashtari, Hon. Dean Stout, and Hon. Juan Ulloa.

**Others Present:** Ms. Vida Castaneda, Ms. Audrey Fancy, Ms. Anne Hadreas, Mr. Cyrus Ip, Mr. Ken Kenzaki, Ms. Amanda Morris and Mr. Rodney Trevino.

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:19 p.m. and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the September 18 and October 9, 2025, Tribal Court–State Court Forum meetings. Judge Kristina Lindquist moved to approve, and Hon. Rebecca Wightman seconded the motion. Justice Shama Mesiwala, Judges Jennifer Lee and Victorio Shaw, and Ms. Janet Bill abstained from voting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1–4)

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##### Item 1

##### Tribal Court-State Court Forum Ad Hoc Work Groups

Presenter: Vida Castaneda, Senior Analyst, Judicial Council of California, Center for Families, Children, and the Courts

Members of the ICWA ad hoc working group provided committee members with an update on their projects. The group is reviewing ICWA focused educational resources that are available on the courts website to ensure that they are up to date, relevant, and not duplicative. Concurrently, they are identifying areas where additional resources should be created to address current issues.

Judge Victorio Shaw provided committee members with an update on behalf of the Tribal Court Orders Enforcement ad hoc working group. The group was able to identify that a large problem with enforcing tribal court orders is law enforcement not recognizing or refusing to enforce them. At their last meeting, multiple solutions were brought forward to be considered with the group deciding to focus on creating education for law enforcement.

Justice Alison Tucher, as a representative of the DUIs on Tribal Lands working group, informed the committee that their group is delaying projects until the open attorney/committee lead staff position is filled in spring 2026.

## **Item 2**

### **Debrief of the Beyond the Bench Conference**

Presenters/Facilitators: All

Judges Patricia Lenzi and Zeke Zeidler shared their experience attending the Beyond the Bench conference held on November 18-19, 2025, and suggested topics they found were interesting and relevant to the work of the committee.

## **Item 3**

### **New Educational Opportunities**

Presenters/Facilitators: Hon. Abby Abinanti, Co-Chair, Chief Judge of the Yurok Tribal Court; Hon. Shama Mesiwala, Co-Chair, Associate Justice of the Court of Appeal, Third Appellate District

Justice Shama Mesiwala discussed an opportunity for the Forum to take part in developing training courses for new judicial officers that focus on tribal issues and services. Proposed courses will take approximately 2 years to be ready to present to the Judges College for consideration. Justice Mesiwala welcomed members who wish to participate.

## **Item 4**

### **Tribal Court-State Court Forum Mentorship to Current Law Students & New Attorneys**

Presenters/Facilitators: Hon. Abby Abinanti, Co-Chair, Chief Judge of the Yurok Tribal Court; Hon. Shama Mesiwala, Co-Chair, Associate Justice of the Court of Appeal, Third Appellate District

The cochairs facilitated conversations about future opportunities to assist the increasing number of law students who are Native or interested in Native issues to find careers in law. Members spoke about programs and panels they have been involved in at various university events and the importance of mentoring the next generation of legal professionals.

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## **A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:58 p.m.

Approved by the advisory body on enter date.

# Understanding Criminalization of Girls and Gender-Expansive Youth Impacted by Commercial Sexual Exploitation

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OCTOBER 2025

# AUTHORS

This issue brief was authored by Mae Ackerman-Brimberg and Kate Walker Brown, attorneys at the National Center for Youth Law.

This brief is part of the Vera Institute of Justice's [Strategies and Insights to End Girls' Incarceration: Lessons from the Field](#), a national toolkit compiling a decade of strategies proven effective in reducing the number of girls and gender expansive youth incarcerated across the country.

Suggested citation: Ackerman-Brimberg and M., Walker Brown. (2025). *Understanding Criminalization of Girls and Gender-Expansive Youth Impacted by Commercial Sexual Exploitation*. National Center for Youth Law. In *Strategies and Insights to End Girls' Incarceration: Lessons from the Field*. Vera Institute of Justice. <https://www.vera.org/ending-girls-incarceration-how-to>

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**The Vera Institute of Justice** is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles.

**The National Center for Youth Law** centers youth through research, community collaboration, impact litigation, and policy advocacy that fundamentally transforms our nation's approach to education, health, immigration, foster system, and youth justice. For more information about this brief, contact Mae Ackerman-Brimberg, directing attorney for the Collaborative Responses to Commercial Sexual Exploitation Initiative, at [mabrimberg@youthlaw.org](mailto:mabrimberg@youthlaw.org).

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# INTRODUCTION

The commercial sexual exploitation (CSE) of children, also known as child sex trafficking, is a primary driver of incarceration for girls and gender expansive youth.<sup>1</sup> According to the federal Trafficking Victims Protection Act of 2000 (TVPA), sex trafficking is “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for a commercial sex act . . . in which the person induced to perform such an act has not attained 18 years of age”.<sup>2</sup> A “commercial sex act” is any sex act for which “anything of value” is given or received: this can include money, food, clothing, shelter, or other items or services.<sup>3</sup> Notably, there is no requirement of force, fraud, or coercion when minors are involved—and no requirement that there be a third party trafficker.<sup>4</sup> CSE can take many forms—through street exploitation, in strip clubs and massage parlors, on internet sites, and/or through the creation of child sexual abuse material.<sup>5</sup>

Under these definitions, youth in the sex trade are victims and survivors of trafficking.<sup>6</sup> Thus, definitively, there is no such thing as a “child prostitute.”<sup>7</sup> As the next section describes, about 60 percent of U.S. states no longer allow the arrest and/or prosecution of youth under 18 for the crime of prostitution.<sup>8</sup> The TVPA also recognizes that “victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.”<sup>9</sup> However, despite these legal changes, concerted efforts to shift the language around and perceptions of impacted youth, and integration of promising practices into service arrays, girls and gender expansive youth impacted by trafficking continue to be criminalized and incarcerated.<sup>10</sup>

**Why is it happening? And what can we do? In this issue brief, you will find information on the:**

- harms of criminalization and who is most impacted;
- pathways to criminalization for youth impacted by CSE;
- current challenges and legal system gaps; and
- opportunities and interventions aimed at reducing criminalization.

## Scope of the Problem

Data is limited on the true scope of the criminalization of youth impacted by CSE due to under-identification and the quickly evolving legal landscape. In line with federal law, as of 2024, 30 states and the District of Columbia have passed non-criminalization laws that prohibit the prosecution of youth under 18 on prostitution charges.<sup>11</sup> However, that means that **20 states still allow youth experiencing CSE to be prosecuted for those charges**. In 2020 in the United States, there were 110 arrests of youth under 18 for prostitution.<sup>12</sup> As the following paragraphs will describe, many more youth are still criminalized for survival behaviors, status offenses, proxy offenses, and forced criminality.<sup>13</sup> Data also indicates that upon turning 18, youth who were previously identified as exploited and legally considered “victims” are arrested for prostitution in significant percentages.

Although their circumstances remain largely unchanged, the criminal consequences increase significantly for transition-age youth.<sup>14</sup>

**Studies show that youth impacted by exploitation have high rates of legal system contact.**

In California, nearly 40 percent of youth prosecuted as adults reported trafficking prior to their incarceration.<sup>15</sup> A 2018 study of youth on probation in Los Angeles found that girls who had been identified as CSE had significantly more arrest referrals, entrances into juvenile hall, violation hearings, bench warrants issued, and petitions filed and sustained in juvenile court than their non-CSE peers.<sup>16</sup> A 2016 study of youth involved in the sex trade in New York found that 65 percent of participants reported a prior arrest, 16 percent reported a prior prostitution arrest, and 11 percent reported a prostitution arrest in the past year.<sup>17</sup> Another study of youth engaged in survival sex in New York City found that 70 percent had been arrested at least once.<sup>18</sup> In a 2023 national survivor survey, 22 percent of survivors reported having been in the juvenile criminal legal system, and 62 percent reported having had contact with law enforcement.<sup>19</sup> Of those, 81 percent had law enforcement contact while they were being exploited, and 90 percent of those with a criminal record reported that all or some of their records were directly related to their exploitation.<sup>20</sup>

**Girls with histories of abuse, before and due to exploitation, are overrepresented in the carceral/legal system, a phenomenon known as the sexual abuse to prison pipeline.**<sup>21</sup> A study examining a nationally representative sample of youth incarcerated on prostitution charges found that while nearly all surveyed youth (94 percent) had experienced at least one type of childhood victimization, girls had significantly higher rates than boys of nearly all forms of victimization, with almost two thirds having experienced sexual abuse and half having experienced rape.<sup>22</sup> Data from Los Angeles County's Law Enforcement First Responder Protocol (FRP) for Commercially Sexually Exploited Children shows that of 561 children, 95 percent had a prior child welfare referral, with an average of 13.3 prior referrals per child; 65 percent of these referrals were for sexual abuse.<sup>23</sup>

## Harms of Criminalization on Trafficked Youth

**“In any other context our values are clear—when an adult rapes a child, the child is a victim and the adult is the criminal. When money changes hands . . . this same child is criminalized and the adults, more often than not, walk away.”**

Leslie Starr Heimov & Kate Walker Brown, “Taking Action to Protect Sexually Exploited Children,” The Imprint, November 30, 2015, <https://imprintnews.org/opinion/taking-action-protect-sexually-exploited-children/14630>.

Addressing the criminalization of youth experiencing CSE is of urgent concern. Youth with this experience face the **dual harms of victimization**: first from the trafficking itself, which can lead to long lasting physical and mental health, emotional, relational, financial, and other harms; and second from legal system contact, where the harms to all youth have been well documented: they too often experience further physical and sexual abuse, damage to physical and mental health, disruptions to education, disconnection from community, and collateral consequences such as difficulty securing public benefits, housing, and employment.<sup>24</sup> The negative impact of incarceration is exacerbated when the young person has also been victimized through trafficking because it:

- **punishes survivors for their victimization**, which increases shame and impedes healing from trauma;
- **mirrors harmful abuse and power dynamics present in trafficking**, resulting in further trauma, loss of agency, and isolation (for example, locking youth in facilities due to “safety concerns” has the effect of restricting youth movement and choice about what they can wear, do, and eat and isolating them from community and healthier relationships in ways that are similar to a trafficker’s control tactics);
- **fails to address the root causes or risk factors that led to trafficking**, leaving youth vulnerable after release to being targeted again by exploiters or returning to unsafe behaviors, such as trading sex, to meet their basic needs; and
- **removes youth from positive activities and relationships** in their communities that are protective against future exploitation and harm.

## Intergenerational Harms of Criminalization

“Overall, Family Courts and Child Protective Services (CPS) do not have an understanding of how human trafficking can affect a survivor’s experience with obtaining and keeping custody of their children, especially when the other parent is a trafficker.”

Survivor expert quoted in Sabrina Thulander and Caren Benjamin, *In Harm’s Way: How Systems Fail Human Trafficking Survivors* (Washington, DC: Polaris Project, 2023), 36, <https://perma.cc/5Q7M-4D3R>



When exploited youth are criminalized it can cause intergenerational harm. Many trafficked individuals are pregnant or parenting. A study of girls and young women participating in Los Angeles County's specialized CSE court from 2012 to 2016 indicated that 31 percent had been pregnant, and of those, 18 percent had experienced two or three pregnancies.<sup>25</sup> Another study of adults with trafficking experience found that 62 percent were parents, and of those, 44 percent had children while they were being exploited.<sup>26</sup> Thirty-five percent had children with their exploiter, and of those who had a custody battle with their exploiter, 62 percent lost custody.<sup>27</sup>

Systemic barriers create many challenges for individuals experiencing trafficking to access prenatal and postnatal care, maintaining relationships with and custody of their child(ren), and navigating parenthood, all of which are exacerbated by criminalization and incarceration.<sup>28</sup> Youth impacted by exploitation report feeling judged by service providers during their pregnancy and while parenting, and experiencing increased surveillance that could lead to legal system contact or removal of their child(ren) from their care.<sup>29</sup> Harsh restrictions on contact between incarcerated parents and their children—such as removing babies born to incarcerated parents immediately after birth, strict rules preventing parents from hugging their children during visits, limited visiting hours, or video-only visits—severely interrupt the parent-child bond and relationship building, which is detrimental to children's development.<sup>30</sup> Further, the collateral consequences of criminalization—such as limits on employment, housing, and public benefits, as well as loss of control over who parents their child(ren) if they are unable to—create further barriers to parenting. **The stigma, lack of support, and all-too-frequent family separation of exploited youth from their own child(ren) can have lasting effects for both them and their children, including increasing vulnerability of their children to future trafficking.**<sup>31</sup> Given these harms, and that these youth are defined as victims of trafficking under the law, why do we continue to criminalize survivors of CSE?

## HOW CRIMINALIZATION AFFECTS PREGNANT AND PARENTING YOUTH



Feeling judged by  
service providers



Limited visiting  
hours



Rules restricting  
physical contact



Increased  
surveillance



Risk of system involvement  
or child removal



Video only visits

# Structural Vulnerability to Exploitation and Criminalization

Commercial sexual exploitation disproportionately affects youth and communities that are already marginalized due to race/ethnicity, poverty, homelessness, immigration and nationality status, sexual orientation and gender identity, past trauma histories, and intergenerational trauma.<sup>32</sup> These effects can be heightened for youth who hold several of these intersecting identities and experiences.<sup>33</sup> Structural factors—including the government’s failure to invest in housing, schools, and social services in communities of color, combined with racial and gender discrimination and biases—increase exposure to harm.<sup>34</sup> In addition, increased law enforcement presence in communities of color, immigrant communities, and among LGBTQ+ people may make it more likely that their experiences of victimization are met with criminal justice system responses rather than support.<sup>35</sup> These same factors, which lead to overrepresentation of youth of color within school discipline, mandatory reporting, entry into the child welfare system, and the criminal legal system, also increase the risk of trafficking.<sup>36</sup> Many youth are first exposed to exploitation while unhoused, in foster system, or in juvenile hall.<sup>37</sup>

Racial and gender disparities are borne out in the data. Of youth participating in a 2023–2024 Boston-based survivor empowerment program, 63 percent were Black, Latinx, or multiracial, despite these groups collectively making up 25 percent of Massachusetts’s population.<sup>38</sup> Ninety percent were cisgender girls and 51 percent identified as LGBTQ+. Of youth identified through Los Angeles County’s FRP since 2014, about 70 percent of the total, and nearly all are girls, are Black.<sup>39</sup> A 2016 study of youth ages 13–24 involved in the sex trade in six U.S. cities found that nearly half were LGBTQ+ and 70 percent were Black.<sup>40</sup> A 2019 survey of Native American students in Minnesota found that LGBTQ+ youth were twice as likely to report having traded sex as cisgender heterosexual girls—and more than three times as likely as cisgender heterosexual boys.<sup>41</sup>

Although they are known to be at higher risk of trafficking, Black, Latinx, and Indigenous youth are less likely to be identified as victims or believed when they come forward. They are often viewed as more mature and more responsible for their actions than white youth and are more likely to be sexualized.<sup>42</sup> This adultification bias applies at early ages: “even 6-year-old Black girls are perceived as less credible (and perhaps more sexual) than 6-year-old [w]hite girls.”<sup>43</sup> This means they are considered “less traumatized by their victimization than their white peers.”<sup>44</sup> Scholars have observed that the legacy of slavery contributes to this adultification and the lack of protection for Black girls from trafficking. The severing of the parent-child relationship and the “sexual and physical exploitation Black girls experienced during slavery separated them from the characteristics associated with . . . girlhood.”<sup>45</sup> They were labeled as seductresses or prostitutes, and because they were viewed as property, were considered incapable of withholding consent to sex. Many of these same stereotypes continue today—incarcerated Black girls identified as CSE do “not enjoy the presumptions of childhood that undergird antitrafficking initiatives.”<sup>46</sup>

Similarly, patterns of violence, commodification, and marginalization of Indigenous women and girls—both historically and today—may contribute to their increased risk of exploitation and

decreased likelihood of being treated as victims.<sup>47</sup> Historical accounts indicate that the European system of prostitution and other sexual violence was imposed on tribal communities.<sup>48</sup> Forced assimilation, displacement, family separation, and ongoing intergenerational experiences of violence and trauma during the colonial period led to many current day challenges that increase risk for trafficking, including high rates of poverty, homelessness, substance use, and mental and physical health problems.<sup>49</sup> The stereotypes that justified colonization continue to fuel present day exploitation and violence, with large numbers of Indigenous women in the sex trade reporting fetishization and explicitly racist verbal abuse from their primarily white sex buyers.<sup>50</sup>

When combined, these historical and present-day factors contribute to heightened risk of girls and gender expansive youth of color being trafficked and facing criminalization related to their victimization.

## PATHWAYS TO CRIMINALIZATION

### Limitations of Safe Harbor Laws

Forty-nine states and the District of Columbia have some form of safe harbor law that limits the criminalization of survivors of trafficking for the crime of prostitution, though the type and scope of protection varies.<sup>51</sup> Thirty states and DC have non-criminalization laws that remove criminal liability from minors for prostitution-related offenses, while 20 states still permit the arrest and prosecution of children for prostitution.<sup>52</sup> Some states allow for relief from criminal liability for victims of human trafficking through affirmative defenses, diversion, mitigation in sentencing, or other alternative responses once prosecution has already been initiated and/or as post-disposition relief such as resentencing or vacating convictions.<sup>53</sup> There is significant variation among states as to the mechanisms for this relief—including whether they are mandatory or discretionary, at which stage of a proceeding they apply, and who may act to seek or carry out such relief. For example, some states require judges or prosecutors to take a particular action when evidence of trafficking is present, such as imposing the lower end of a statutorily defined sentencing range, or considering an individual's trafficking or trauma history during plea negotiations.<sup>54</sup> Others allow parties to seek relief, such as a stay in proceedings, but do not require that the court or prosecutors take the requested action.<sup>55</sup> Some require the young person to participate in programming to be eligible for relief.<sup>56</sup> In addition, some protections are specific to prostitution offenses only, while others are broader, covering a range of charges if they are “directly related” to human trafficking, occur within a certain time period proximate to trafficking, or are committed against a trafficker or abuser.<sup>57</sup> The approaches vary widely and relief is often limited or unavailable for more serious or violent felonies.<sup>58</sup> Evidence on the effectiveness of these laws in

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**30 STATES + DC  
PROTECT YOUTH  
UNDER 18  
FROM PROSTITUTION  
CHARGES**

**20 STATES STILL  
CRIMINALIZE  
YOUTH  
EXPERIENCING CSE**

reducing incarceration of trafficked youth is mixed and more must be done to support widespread implementation and assess their effectiveness<sup>59</sup>

## Criminalizing Survival and Self Defense

“We need to uplift and empower youth to be self-sufficient. . . . People want to create a solution to a problem but they don’t want to focus on the cause of the problem. If you ignore poverty and lack of equity that factor into the risk, you are not actually tackling the issue.”

Lived Experience Expert quoted in Mae Ackerman-Brimberg, Kate Walker Brown, Maria Contreras, et al., Los Angeles County Five-Year Strategic Plan to Prevent and Address Child Trafficking (Los Angeles: National Center for Youth Law, 2024), 52, <https://perma.cc/S3PP-HCYK>.

“[Y]ou gotta give her money. Or help her financially. Because right now that’s her only financial situation. That’s her only means of survival. If she feels like that is the only way she’s going to survive in this world, that’s all she is going to do.”

National Black Women’s Justice Institute, *Diversion Derailed* (Brooklyn, NY: NBWJI, 2023), 28, [https://www.nbwji.org/\\_files/ugd/0c71ee\\_20f8805b3f1245ff9edfe093cfc202d3.pdf](https://www.nbwji.org/_files/ugd/0c71ee_20f8805b3f1245ff9edfe093cfc202d3.pdf).

Exploitation, for many youth, is the means by which they meet their basic needs. Whether at the direction of a trafficker or on their own, trading sex allows them to access food, shelter, clothing—and, for many, love, belonging, and protection as well—even if that comes with harm. **Even if they are not criminalized for the sexual exploitation itself, girls and gender expansive youth often continue to be criminalized for their other means of survival**—like petty theft for stealing hygiene products (including diapers for a child), clothing, or food. Youth report resorting to these survival tactics because they are unable to get needs met through foster system placements, community organizations, or public benefits due to stigma, onerous or confusing application processes, lack of necessary documentation, or other eligibility requirements.<sup>60</sup> Charges may appear unrelated to trafficking even though there is a connection if, for example, the youth is using drugs to cope with trauma, or presenting false identification or resisting arrest out of fear.<sup>61</sup>

A number of high-profile cases in which an exploited youth acted in self-defense and killed or seriously injured a violent buyer or trafficker also highlight how survival in exploitation can intersect with criminalization.<sup>62</sup> Even with public outcry about the connection between their actions and their victimization, many of these survivors have still received long and severe prison sentences.<sup>63</sup>

# Forced Criminality

Part of a trafficking experience may also include forced criminality, when a young person is forced or coerced into committing a crime to benefit a trafficker.<sup>64</sup> Examples include selling drugs, robbing or assaulting a sex buyer, recruiting others into trafficking, or even murder. Without recognition of the dynamics of trafficking—the unshakably strong trauma bond between a young person and their trafficker, and the influence a trafficker has on a youth’s actions—youth will continue to be criminalized for their victimization.

## The “System Trap,” Status Offenses, and Safety Confinements

“Once it was time for me to be released [from juvenile hall], I was there for an additional two months because they couldn’t find me placement. Because I was a “hard to place youth,” the [Commercially Sexually Exploited Children ] label itself made it hard to get into an appropriate housing situation.”

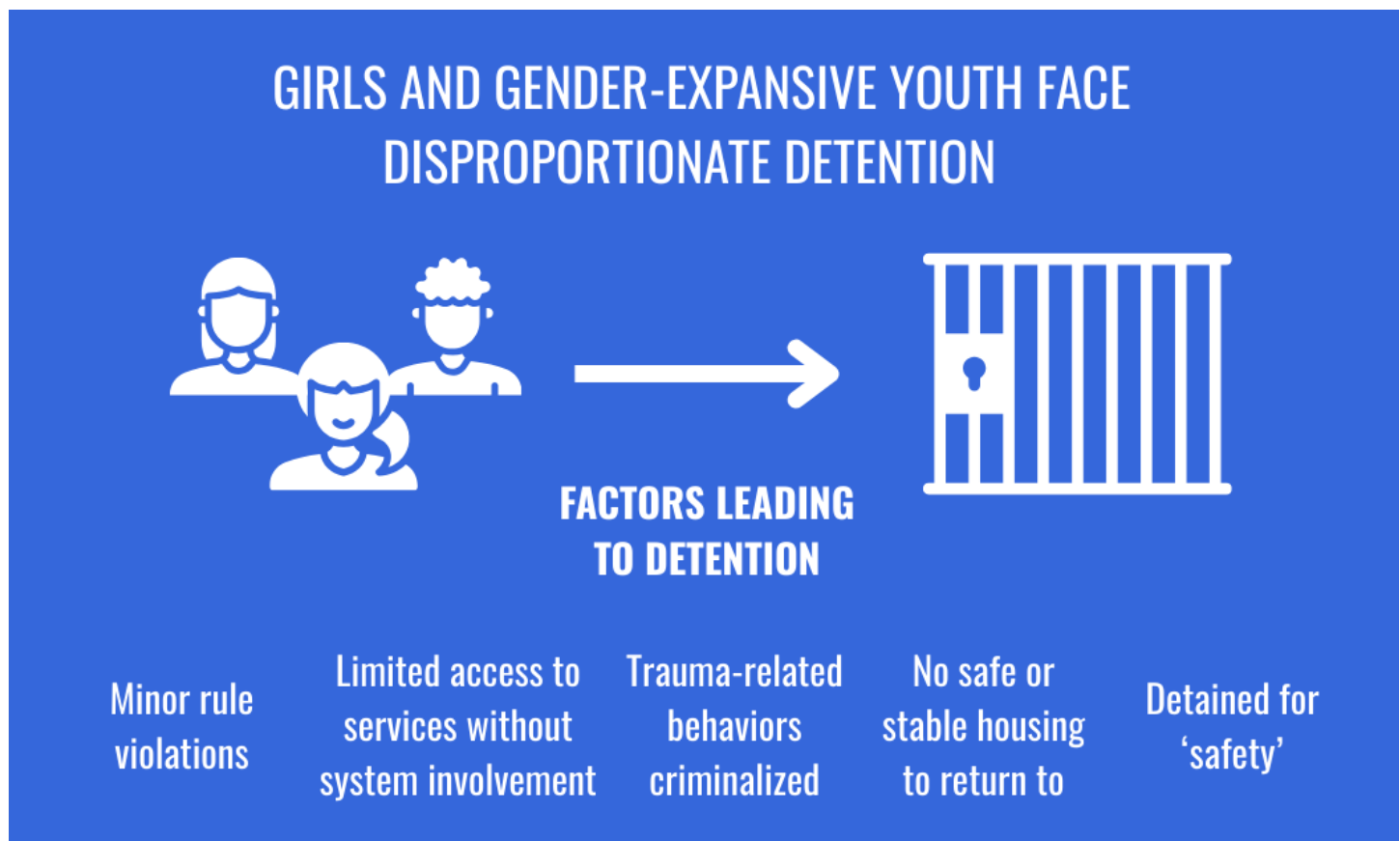
Youth quoted in Mae Ackerman-Brimberg, Kate Walker Brown, Maria Contreras, et al., Los Angeles County Five-Year Strategic Plan to Prevent and Address Child Trafficking (Los Angeles: National Center for Youth Law, 2024), 40, <https://perma.cc/S3PP-HCYK>.

“There’s a young woman who has had a lot of time absent or missing from [residential care], and a lot of experience of sexual violence when she’s been absent or missing from [care]. Because of her experience of sexual abuse and assault, whenever she’s apprehended by multiple police officers, predominantly men, her reaction is pretty violent because she’s so incredibly traumatised. And seeing then what would happen for her in terms of charges being laid, a whole raft of charges, and then the pathway into youth justice.”

Independent children’s advocate quoted in Tatiana Corrales, Claire Paterson-Young, Ian Warren et al., “Criminalising Processes At The Intersection Of Policing And Residential Care,” *Journal of Criminology* 1, no. 21 (2025).

Youth entrenched in the child welfare and juvenile legal systems are subject to increased surveillance and can face further criminalization for behaviors and actions that are manifestations of trafficking, common adolescent behaviors, or the results of trauma from system involvement, leading to a vicious cycle. Behaviors like getting into fights in a group home, with a caregiver, or in juvenile hall are more likely to lead to law enforcement involvement and to new charges being filed.<sup>65</sup> Youth are also penalized for status offenses, such as running away from home or care, curfew violations, or probation violations, like missing a required appointment.<sup>66</sup> **Indeed, girls and gender expansive youth are disproportionately incarcerated for low-level offenses**, even when risk assessments have indicated that they do not present a risk to public safety and thus do not require detention.<sup>67</sup>

These effects are elevated for youth experiencing CSE. A 2016–2018 study of girls impacted by CSE found that they reported running away from home or care at higher rates than their non-CSE peers, and that youth impacted by CSE in the child welfare system were more likely to have a placement change due to leaving care without permission.<sup>68</sup> The most common reason given for running away the first time was “abuse or other negative things happening at home.”<sup>69</sup> Others left to be with a significant other or siblings, or may have been recruited or forced to leave by a trafficker or the trafficker’s proxy.<sup>70</sup> For youth already on probation, this common experience of leaving home or care can lead to further criminalization. In some places, when a youth cannot be located by probation, a bench warrant is issued, which can lead to incarceration even if there is no other probation or law violation.<sup>71</sup> Federal law requires states to locate children missing from care, and to report on why they left and what experiences they had during the period when they were missing.<sup>72</sup> It does not require states to criminalize and incarcerate them.





Judges, probation officers, social workers, and even parents also report requesting that trafficked youth be locked up “for their own safety,” a practice known as “safety confinements.”<sup>73</sup> For youth experiencing CSE, these practices can be especially harmful because they frequently do not interrogate the underlying reasons that the youth felt compelled to leave and may deter them from seeking help or safety from a trafficking situation for fear of incarceration. Further, if the root causes of trafficking or the safety concerns are not addressed, youth returning to the community after so-called safety confinements are not any safer than they were before their incarceration. In fact, some youth report that **detention can increase their safety risk** because they are perceived as having cooperated with law enforcement or because they have lost access to supports such as housing or a job while they were incarcerated.

## CURRENT CHALLENGES AND LEGAL SYSTEM GAPS

The ongoing criminalization of girls and gender expansive youth is due, in large part, to two interacting causes: harmful and inaccurate beliefs and attitudes about impacted youth and legal system gaps. As noted, negative perceptions mean that girls and gender expansive youth experiencing exploitation are less likely to be believed when they come forward, more likely to be considered consenting participants, and therefore more likely to be criminalized for their victimization. In addition, a number of legal system gaps contribute to the ongoing incarceration of girls and gender expansive youth impacted by CSE:

- **over-reliance on law enforcement responses** to identify victims, coupled with law enforcement officers who are insufficiently trained on trauma-informed practices;
- **lack of early interventions for both youth and families**—including education about trafficking and services to address root causes, such as poverty—to avoid trafficking, prevent investigation by and entry into the child welfare system, and prevent crossover into the juvenile legal system;<sup>74</sup>
- **inconsistent or minimal screening for trafficking** in both child welfare and juvenile legal systems to identify trafficked youth and offer necessary services;<sup>75</sup>
- **insufficient collaboration among system and community-based partners** once a youth has been identified, which prevents provision of coordinated, trauma-informed services;
- **lack of safe, stable housing and placement options** in the community, leading to safety confinements;<sup>76</sup>
- **barriers to accessing services for youth and families**, such as confusing and restrictive eligibility requirements, transportation challenges, and lack of required documentation;<sup>77</sup>
- **funding, access, and eligibility restrictions** for services without formal system involvement;

- **barriers to families accessing help** for their children until severe harm, including trafficking, has occurred;
- **lack of capacity at community-based programs to serve** youth and families without system involvement because their funding is tied heavily to public agency contracts;
- **diversion programs that purportedly allow people to avoid prosecution** but still require law enforcement or system (e.g. child welfare, juvenile legal) contact, which can be harmful and traumatic in itself, as well as diversion programs that position the system or courts as gatekeepers and managers of what limited services are available, presenting limits to confidentiality and relationship-building with providers;<sup>78</sup>
- youth who remain system-involved for longer than necessary just to ensure access to services;<sup>79</sup>
- **requirements that youth self-disclose trafficking** and/or accept services focused exclusively on trafficking without accounting for their holistic needs; and
- **lack of mandated and consistent data collection** on trafficking experience and interaction with systems, such as child welfare and juvenile legal systems.

## WHY THE CRIMINALIZATION OF GIRLS AND GENDER EXPANSIVE YOUTH PERSISTS

Harmful  
Stereotypes &  
Mislabeling of  
Survivors



Barriers to Safe  
Housing &  
Services in the  
Community



Lack of Early  
Intervention to  
Address Root  
Causes



Over-Reliance  
on Law  
Enforcement  
Responses



Ongoing  
Criminalization



# INTERVENTIONS AIMED AT PREVENTING CRIMINALIZATION

Reducing incarceration of girls and gender expansive youth impacted by trafficking requires a multi-pronged, collaborative, and community-based response. Each jurisdiction must work together with stakeholders, including youth, families, individuals with lived experience, and nongovernmental organizations to understand the specific drivers of incarceration, resources available, and services and supports needed. Importantly, **legal and policy changes must be accompanied by investment in community-based supports to ensure the needs of youth and families can be met outside of the juvenile legal system.** Additionally, education, awareness building, and narrative change are essential to preventing and combatting commercial sexual exploitation of children and ending the ongoing incarceration and criminalization of impacted youth. The following list provides examples of interventions that should be considered to decrease criminalization and increase support for youth experiencing or at-risk for trafficking and their families.

## 1. Change policies to end the criminalization of survivors of trafficking, including detention for a young person's own protection.

- Expand non-criminalization laws to all 50 states through changes to state penal codes, affirming there is no such thing as a “child prostitute.” Ensure that youth cannot be arrested and prosecuted for prostitution or crimes related to their trafficking.
- Pass laws, such as Sara’s Law and the Justice for Survivors Act, that require courts and other legal system actors to consider trafficking and underlying trauma when survivors are charged with crimes and expand options for diversion, referral to specialized collaborative courts or units, affirmative defenses, sentencing relief, and clearing records and/or clearing or vacating convictions.<sup>80</sup>
- Increase screening, identification, and documentation of youth impacted by CSE in child-serving systems, including health and mental health care, juvenile legal, and child welfare systems, with clear processes for referral to services to address underlying needs.
- Prohibit and create alternatives to using detention for a youth’s own protection or due to lack of safe, stable housing options.
- Eliminate incarceration for status offenses (for example, running away) and make no-bail warrants discretionary rather than mandatory.
- End the practice of transferring child survivors of trafficking to adult criminal court when they are accused of crimes.<sup>81</sup>

## 2. Prioritize and fund low-threshold community-based services to be available without formal system involvement as preventative measures before trafficking and as interventions if trafficking has occurred.<sup>82</sup>

- Fund an array of community-based, trauma-informed, culturally responsive services that meet the self-identified needs of youth and families with a “no wrong door” approach and allow youth to remain in their communities. This array should include:
  - » meeting basic needs, including food, clothing, and hygiene products (including menstrual supplies),
  - » poverty alleviation, including support for accessing public benefits, financial literacy, and economic empowerment,
  - » housing, including both short-term and long-term options, as well as supports for caregivers to enable youth to remain at home or in their communities,<sup>83</sup>
  - » educational and vocational support,
  - » positive youth development activities,
  - » healthy relationships and mentorship,
  - » health and mental health care, including substance use treatment,<sup>84</sup>
  - » reproductive health care,
  - » support for pregnant and parenting youth, including childcare and supplies such as diapers and car seats, and
  - » legal support, including immigration, child custody, guardianship, and public benefits support.
- Ensure transition-age youth (TAY) who are typically ages 18-25 impacted by exploitation have access to the services listed above, both prior to and after the transition to adulthood. Service offerings for TAY should have a specific focus on:
  - » job training and financial literacy,
  - » education support,
  - » specialized advocacy and mentorship,
  - » transitional and long term-housing options,
  - » support during pregnancy, parenting, and child care, and
  - » legal relief, including record clearing.

- Expand the use of multidisciplinary collaborations, including multidisciplinary teams (MDTs) in which child-serving system partners, community-based partners, and youth and families do collaborative case planning and identify supportive services.<sup>85</sup> These collaborations should prioritize service-based alternatives to arrest, detention, and extended probation supervision. MDTs should be used as part of crisis response and for longer-term planning and support.
- Create and fund community-based, CSE-specific advocacy organizations, especially those with peer and survivor expert staff members, credible messengers, and those with shared lived experience.
- Expand supports to families and caregivers, such as trafficking prevention programs, economic supports, parent partner/peer mentor and coaching programs, and culturally responsive healing methods and services.
- Remove funding restrictions so system-impacted young people can stay connected to helpful services even when they move to different placements or their case closes in probation or child welfare.
- Develop alternatives to mandatory reporting that emphasize community supports and reduce overreporting of Black, Indigenous, and Latinx families and low-income families to the child welfare system.<sup>86</sup>

### 3. Invest in prevention of trafficking and system involvement of high-risk youth and families.

- Develop cross-agency and community partnerships to address the root causes of trafficking, including programs addressing poverty alleviation, child abuse, community violence, and gang intervention.
- Reduce trafficking among high-risk youth by offering trafficking prevention curriculum to youth impacted by the juvenile legal and child welfare systems, unhoused youth, and others at high risk of trafficking.
- Mitigate the intergenerational harms of trafficking and system involvement by proactively supporting youth who are pregnant and/or parenting with financial, legal, and other resources that prioritize maintaining connections between youth and their children.<sup>87</sup>

#### 4. Reduce the role of law enforcement and build capacity of schools, other first responders, and community members to respond to child trafficking.

- Create community-based, collaborative, service-based response protocols that provide alternatives to arrest when law enforcement identifies a youth at risk of or experiencing trafficking and prioritize connection to child-serving agencies, street outreach, and other community-based partners.<sup>88</sup>
- Require widespread training on trafficking for law enforcement, school staff, medical and mental health providers, and other first responders, including anti-bias training and trauma-informed practices.
- Establish procedures and safe spaces in the community for youth to go in an emergency or crisis to access help and support (for example, drop-in centers, fire stations, medical facilities, libraries, and other easily accessible locations).<sup>89</sup>
- Do not make services contingent on a survivor's self-disclosure as a victim or their cooperation in a related criminal case.

#### 5. Address discrimination, bias, and narrative change through training and public awareness.

- Invest in community education and awareness to reduce stigma and shift perceptions about youth impacted by trafficking and affirm that there is “no such thing as a child prostitute.”
- Train and support all professionals interacting with youth on trafficking, trauma-informed and survivor-centered practices, adolescent development, de-escalation techniques, anti-bias approaches, and safety planning. Professionals to be trained should include
  - » school staff,
  - » medical and mental health providers,
  - » community-based organizations to which youth and families are already connected,
  - » social workers,
  - » probation officers,
  - » foster parents and out-of-home care staff, and
  - » housing providers.

- Train legal system personnel—including law enforcement and other first responders, judges, attorneys, and other courtroom personnel—on trafficking and trauma-informed and survivor-centered practices, as well as community-based prevention opportunities, alternatives to incarceration and diversion programs, and legal relief available to survivors of trafficking.<sup>90</sup>
- Regularly collect data on the intersection of trafficking experience and youth criminalization (including arrest, charging, pleas, probation violations, incarceration, electronic monitoring, and others) broken down by race/ethnicity, gender, age and other key metrics.
- Define outcome measures in collaboration with youth and families to gauge the impact of the policy changes, programs, and services on youth, families, communities, and identify successes and unintended consequences.
- Ensure that data collection, research, and program evaluation always includes gathering qualitative information directly from youth and families.

# ENDNOTES

<sup>1</sup>Observations and uncited information in this document are derived from the National Center for Youth Law's and Vera Institute of Justice's technical assistance provided to jurisdictions nationally and from other internal documents. This information is on file with the authors.

<sup>2</sup>Under federal law, child sex trafficking is a "severe form of trafficking in persons," 22 USC § 7102(11). The Trafficking Victims Protection Act (TVPA) has been reauthorized numerous times, in 2003, 2005, 2008, 2013, 2017, 2018, 2021, and 2023 as the Trafficking Victims Protection Reauthorization Act. 18 U.S.C. § 1591.

<sup>3</sup>18 U.S.C. § 1591. Although the TVPA does not explicitly define "sex act" in general federal courts often use the definition in 18 U.S.C. § 2246(2).

<sup>4</sup>8 U.S.C. § 1591(a)(2).

<sup>5</sup>See National Child Traumatic Stress Network (NCTSN), *Facts for Policymakers: Commercial Sexual Exploitation of Youth* (Los Angeles: NCTSN, 2021), <https://perma.cc/9U2R-7ATG>; and Kate Walker, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California* (Sacramento, CA: California Child Welfare Council, 2013), <https://perma.cc/T3AN-UJGW>.

<sup>6</sup>Within this issue brief, we use the term "victim" where it is used in laws defining human trafficking crimes and the services available to those individuals. Otherwise, this brief uses the term "survivor" or other youth-centered language, such as "youth experiencing trafficking." The authors note that individuals who have experienced trafficking and other crimes use a range of terms to self-identify, including victim, survivor, thriver, lived experience expert, or others. The authors have deferred to those self-selected terms whenever possible.

<sup>7</sup>Within this issue brief, we use the term "prostitution" only in reference to state criminal codes where it continues to appear. See Rights4Girls, "No Such Thing Campaign," <https://rights4girls.org/campaign/>.

<sup>8</sup>Shared Hope International Institute for Justice & Advocacy, *Safe Harbor Laws: Legal Protections for Trafficked Children & Youth* (Vancouver, WA: Shared Hope International, 2024), <https://perma.cc/7UZ6-D5EQ>.

<sup>9</sup>22 U.S.C. § 7101(b)(19).

<sup>10</sup>Rights4Girls, "No Such Thing Campaign." One promising practice is the integration of harm reduction approaches. See California Department of Social Services, *All County Information Notice No. I-59-18: Introduction to the Harm Reduction Strategies Series Regarding Commercially Sexually Exploited Children* (Sacramento, CA: California Department of Social Services, September 14, 2018), <https://perma.cc/7JCY-UVJA>; California Department of Social Services, *All County Information Notice No. I-50-19: Harm Reduction Series – Probation Officer* (Sacramento, CA: California Department of Social Services, July 29, 2019), <https://perma.cc/5NMS-3UJF>; and California Department of Social Services, *All County Information Notice No. I-51-53: Harm Reduction Series – Juvenile Courts* (Sacramento, CA: California Department of Social Services, September 5, 2023), <https://perma.cc/A9LX-8T97>.

<sup>11</sup>Shared Hope International, *Safe Harbor Laws: Legal Protections for Trafficked Children & Youth*, 2024; and Shared Hope International, "Safe Harbor Maps," <https://reportcards.sharedhope.org/safeharbormap/>. For state-specific analysis, see Shared Hope International, *Report Cards on Child & Youth Sex Trafficking* (Vancouver, WA: Shared Hope International, 2024), <https://reportcards.sharedhope.org/>; and Justice for Youth Survivors Initiative, "50 State Survey of Laws that Reduce the Criminalization of Survivors of Gender Based Violence," <https://jysi.org/state-survey/>.

<sup>12</sup>Office of Juvenile Justice and Delinquency Prevention, "Estimated Number of Youth Arrests," archived June 5, 2025, <https://perma.cc/N5K8-A3WD>.

<sup>13</sup>Proxy or masking charges refer to the practice of charging someone with offenses that relate to the conduct or experience of exploitation but are not technically “prostitution.” These include charges like loitering, trespass, resisting arrest, or showing false identification to an officer. See Yasmin Vafa and Rebecca Epstein, *Criminalized Survivors: Today’s Abuse to Prison Pipeline for Girls* (Washington, DC: Rights4Girls and Georgetown Center on Gender Justice & Opportunity, 2023), 8, <https://perma.cc/DW7Z-FCFB>. See also Human Rights for Kids, *High Rates of Trauma of Children Prosecuted as Adults in California* (Washington, DC: Human Rights for Kids, 2021), <https://humanrightsforkids.org/publication/aces-among-children-tried-as-adults-in-california/>. Forced criminality is another form of trafficking in which people are required to perform criminal acts that benefit the person or people forcing them to commit the acts. U.S. Department of State, *The Use of Forced Criminality: Victims Hidden Behind the Crime* (Washington, DC: U.S. Department of State, 2014), <https://2009-2017.state.gov/documents/organization/233938.pdf>.

<sup>14</sup>See for example Allison Newcombe, Erin French, Mae Ackerman-Brimberg, and Kate Walker Brown, *Los Angeles Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children: What We’ve Learned: A Six Year Review* (Los Angeles: National Center for Youth Law & Los Angeles County Probation Department, 2020), 11, <https://perma.cc/3ZYF-WYST> (one in three youths identified through LA County’s First Responder Protocol as victims of commercial sexual exploitation (CSE) were arrested for prostitution after turning 18). See also U.S. Department of Justice, Federal Bureau of Investigation, “Crime Data Explorer,” <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/arrest> (showing nearly 3,000 arrests of females ages 18–21 for prostitution between 2020 and 2024).

<sup>15</sup>Human Rights for Kids, *High Rates of Trauma of Children Prosecuted as Adults in California*, 1.

<sup>16</sup>Carly B. Dierkhising and Mae Ackerman-Brimberg, *CSE Research to Action Brief: Translating Research to Policy and Practice to Support Youth Impacted by Commercial Sexual Exploitation (CSE)* (Los Angeles: National Center for Youth Law and California State University, Los Angeles, 2020), 10, <https://perma.cc/GFM8-KQEA>.

<sup>17</sup>Rachel Swaner, Melissa Labriola, Michael Rempel, et al., *Youth Involvement in the Sex Trade: A National Study* (New York: Center for Court Innovation, 2016), 50, <https://perma.cc/94BZ-BBNP>.

<sup>18</sup>Meredith Dank, Lilly Yu, Jennifer Yahner, et al., *Locked In: Interactions with the Criminal Justice and Child Welfare Systems for LGBTQ Youth, YMSM, and YWSW Who Engage in Survival Sex* (Washington, DC: Urban Institute, 2015), 1, <https://perma.cc/4PL5-B4S5>.

<sup>19</sup>Sabrina Thulander and Caren Benjamin, *In Harm’s Way: How Systems Fail Human Trafficking Survivors* (Washington, DC: Polaris Project, 2023), 26, 41–42, <https://perma.cc/5Q7M-4D3R>.

<sup>20</sup>*Ibid.*, 41.

<sup>21</sup>Malika Saada Saar, Rebecca Epstein, Lindsay Rosenthal, et al., *The Sexual Abuse to Prison Pipeline: The Girls’ Story* (Washington, DC: Rights4Girls, August 2015), <https://perma.cc/HYR5-9V7Q>; and Vafa and Epstein, *Criminalized Survivors*, 2023.

<sup>22</sup>Calli M. Cain, “Commercial Sexual Exploitation Victims Treated as Offenders: Examining the Gendered Risk Factors of Incarcerated Youth Charged with Prostitution,” *Victims & Offenders* 18, no. 3 (2023), 543, <https://doi.org/10.1080/15564886.2022.2151538> (noting that female youth also had far higher rates of polyvictimization, with 80 percent reporting three or more types of victimization, as compared to 49 percent of males).

<sup>23</sup>Newcombe, French, Ackerman-Brimberg, et al., *Los Angeles Law Enforcement First Responder Protocol*, 2020, 9. See also Carly B. Dierkhising, Kate Walker Brown, Mae Ackerman-Brimberg, et al., *Commercially Sexually Exploited Girls and Young Women Involved in Child Welfare and Juvenile Justice in Los Angeles County: An Exploration and Evaluation of Placement Experiences and Services Received* (Los Angeles: National Center for Youth Law and California State University, Los Angeles, 2018), 25, <https://perma.cc/9G4H-MMT6> (indicating that youth eventually identified as having experienced CSE had a significantly higher number of prior child welfare referrals and substantiated abuse reports than their non-CSE peers).



<sup>24</sup>For harms stemming from trafficking see Judicial Council of California, *Research Update: STAR Court Study, Initial Results* (Sacramento, CA: Judicial Council of California, 2020), <https://perma.cc/8VMS-B775> (noting that upon entering the STAR Court, 64 percent of participants reported having at least one mental health disorder and nearly 90 percent reported using one or more substances); and Jordan Greenbaum and Jeffrey E. Crawford-Jakubiak, “Child Sex Trafficking and Commercial Sexual Exploitation: Health Care Needs of Victims,” *Pediatrics* 135, no. 3 (2015), 566–574, <https://publications.aap.org/pediatrics/article/135/3/566/75479/Child-Sex-Trafficking-and-Commercial-Sexual>. For harms stemming from criminal legal system contact, including collateral consequences, see The Sentencing Project, *Why Youth Incarceration Fails: An Updated Review of the Evidence* (Washington, DC: The Sentencing Project, 2023), <https://perma.cc/DLW5-865L> (noting that between 2000 and 2015, there were documented abuses within juvenile detention facilities in 29 states and the District of Columbia); Meg Anderson, “Youth Detention Facilities Face Increased Scrutiny amid a Wave of Abuse Lawsuits,” NPR, May 17, 2024, <https://perma.cc/PS8W-ZXDJ>; Michael R. Blood and Amy Taxin, “LA County reaches \$4 billion agreement to settle sexual abuse claims at juvenile facilities,” Associated Press, July 18, 2023, <https://apnews.com/article/los-angeles-county-sexual-abuse-juvenile-facilities-37d06fa55aacbe072051546ead07a65b>; Sam Levin, “Survivors Recount Rampant Abuse at Los Angeles’ Juvenile Jails: ‘Helpless, Hopeless, Lost and Lonely,’” *The Guardian*, January 23, 2023, <https://perma.cc/48FK-HJM7>; and U.S. Department of Justice, Bureau of Justice Statistics, *National Survey of Youth in Custody, 2018: Sexual Victimization Reported by Youth in Juvenile Facilities, 2018* (Washington, DC: Bureau of Justice Statistics, 2019), <https://perma.cc/2TTN-KNL3> (finding that 6.6 percent of incarcerated girls reported sexual victimization in juvenile facilities within the prior 12 months).

<sup>25</sup>Elizabeth S. Barnert, Sarah M. Godoy, Ivy Hammond, et al., “Pregnancy Outcomes among Girls Impacted by Commercial Sexual Exploitation,” *Academic Pediatrics* 20, no. 4 (2020), 455–459. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7200271/>.

<sup>26</sup>Thulander and Benjamin, *In Harm’s Way*, 2023, 35–36.

<sup>27</sup>*Ibid.*, 36.

<sup>28</sup>Victoria Valenzuela, “‘There’s No Dignity in Giving Birth in Prison’: New Bills Would Improve Care Behind Bars,” *Bolts*, August 13, 2024, <https://perma.cc/A4TZ-4QCL>.

<sup>29</sup>Mae Ackerman-Brimberg, Kate Walker Brown, Maria Contreras, et al., *Los Angeles County Five-Year Strategic Plan to Prevent and Address Child Trafficking* (Los Angeles: National Center for Youth Law, 2024), 95–97, <https://perma.cc/S3PP-HCYK>. See also Alexis Roman and Desiree Victor, *When Young Moms Thrive: Reimagining Child Care, Community, and Young Motherhood* (San Francisco: Young Women’s Freedom Center, 2022), <https://perma.cc/MX5K-GVVW>.

<sup>30</sup>Valenzuela, “There’s No Dignity in Giving Birth in Prison,” 2024, and Nazish Dholakia, “Prisons and Jails Keep Making It Harder for Incarcerated People to Communicate with Loved Ones,” *Vera Institute of Justice*, December 13, 2022, <https://www.vera.org/news/prisons-and-jails-keep-making-it-harder-for-incarcerated-people-to-communicate-with-loved-ones>.

<sup>31</sup>See for example Joan Reid, Michael Baglivio, Alex Piquero, et al., “Human Trafficking of Minors and Childhood Adversity in Florida,” *American Journal of Public Health* 107, no. 2 (2017), 306–311, <https://pmc.ncbi.nlm.nih.gov/articles/PMC5227932/>.

<sup>32</sup>Carly B. Dierkhising, Bo-Kyung E. Kim, Mae Ackerman-Brimberg, et al., *Implementation and Assessment Guide for Specialized Units Serving Youth Experiencing Commercial Sexual Exploitation in Probation and Child Welfare Settings* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2022), 16–17, <https://perma.cc/N294-NEH5>; and Priscilla A. Ocen, “(E)racing Childhood: Examining the Racialized Construction of Childhood and Innocence in the Treatment of Sexually Exploited Minors,” *UCLA Law Review* 62, no. 6 (2015), 1586–1640, <https://perma.cc/9MKM-6MHC>.

<sup>33</sup>Cain, “Commercial Sexual Exploitation Victims Treated as Offenders,” 2023, 545 (summarizing research on prevalence and risk factors).

<sup>34</sup>Ocen, “(E)racing Childhood,” 2015.



<sup>35</sup>Swaner, Labriola, Rempel, et al., *Youth Involvement in the Sex Trade*, 2016, xi (finding that transgender females (37 percent) were significantly more likely than cisgender males (12 percent) or cisgender females (17 percent) to report a prior prostitution arrest). See also Jaclyn Diaz, “New York Repeals ‘Walking While Trans’ Law,” NPR, February 3, 2021, <https://perma.cc/KJP8-L7N5>; Erin French Nafekh, Mae Ackerman-Brimberg, Kate Walker Brown, et al., *Understanding the Commercial Sexual Exploitation of LGBTQIA2S+ Youth: What Service Providers Can Do to Build Inclusive Services and Spaces for Youth* (Los Angeles: National Center for Youth Law, 2023), <https://perma.cc/LM8B-Q6T4>; and Dank, Yu, Yahner, et al., *Locked In*, 2015.

<sup>36</sup>See Early Childhood Planning Council, *Shifting the Paradigm from Mandated Reporting to Community Supporting by Building Community Pathways* (Sacramento, CA: California Child Welfare Council, 2024), <https://perma.cc/BAT6-RGDH>.

<sup>37</sup>Ackerman-Brimberg, Brown, Contreras, et al., *Los Angeles County Five-Year Strategic Plan*, 2024, 52–53; Yaren Bilge Kaya, Kayse Lee Maass, Geri L. Dimas, et al., “Improving Access to Housing and Supportive Services for Runaway and Homeless Youth: Reducing Vulnerability to Human Trafficking in New York City,” *IJSE Transactions* 56, no. 4 (2022): 1–34, <https://doi.org/10.1080/24725854.2022.2120223>; Meredith Dank, Andrea Hughes, Geri Louise Dimas, et al., *A Survey: Understanding the Needs of Unstably Housed Youth in New York City* (New York: New York University, 2025), 29, <https://perma.cc/RLV5-FKNE> (noting that 46 percent of surveyed unstably housed youth in New York City had trafficking experiences).

<sup>38</sup>My Life My Choice, *2023/24 Impact Report* (Boston: My Life My Choice, 2024), 3, <https://perma.cc/ZDW9-W4MZ>.

<sup>39</sup>Newcombe, French, Ackerman-Brimberg, et al., *Los Angeles Law Enforcement First Responder Protocol*, 2020.

<sup>40</sup>Swaner, Labriola, Rempel, et al., *Youth Involvement in the Sex Trade*, 2016, 36.

<sup>41</sup>Katie Johnston-Goodstar, Lauren Martin, G. Nic Rider, et al., *Native+ Students Involved in Trading Sex: Data from the 2019 Minnesota Student Survey* (Minneapolis, MN: University of Minnesota and MYST Native Advisory Board, 2022), 2, <https://conservancy.umn.edu/bitstream/handle/11299/227180/UofM-MSS-Native%2B-v9%20FINAL%204-25-2022.pdf>.

<sup>42</sup>Ocen, “(E)racing Childhood,” 2015; Jamilia J. Blake and Rebecca Epstein, *Listening to Black Women and Girls: Lived Experiences of Adultification Bias* (Washington, DC: Georgetown Law Center on Poverty and Inequality, 2019), <https://genderjusticeandopportunity.georgetown.edu/report/listening-to-black-women-and-girls-lived-experiences-of-adultification-bias/>; Rebecca Epstein, Jamilia J. Blake, and Thalia González, *Girlhood Interrupted: The Erasure of Black Girls’ Childhood* (Washington, DC: Georgetown Law Center on Poverty and Inequality, 2017), <https://perma.cc/UL4D-BVB6>; and Center for the Study of Social Policy, *Shifting the Perceptions and Treatment of Black, Native and Latinx Youth Involved in Systems of Care* (Washington, DC: Center for the Study of Social Policy, 2022), 6–7, <https://perma.cc/YTN6-7MBS>.

<sup>43</sup>Deborah Alley, Gent Silberkleit, Daniel Bederian-Gardner, et al., “Race-Based Sexual Stereotypes Influence Ratings of Child Victims in Sexual Abuse Cases,” *International Journal on Child Maltreatment: Research, Policy & Practice* 2, no. 4 (2019), 300, <https://link.springer.com/article/10.1007/s42448-019-00034-5>.

<sup>44</sup>Vafa and Epstein, *Criminalized Survivors*, 2023, 15.

<sup>45</sup>Ocen, “(E)racing Childhood,” 2015, 1607.

<sup>46</sup>Ocen, “(E)racing Childhood,” 2015, 1590.

<sup>47</sup>Melissa Farley, Nicole Matthews, Sarah Deer, et al., *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota* (St. Paul, MN: Minnesota Indian Women’s Sexual Assault Coalition and Prostitution Research & Education, 2011), 22, <https://perma.cc/U5E3-4GH3>; Alexandra Pierce, *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota* (Minneapolis, MN: The Advocates for Human Rights, 2009), 29, <https://perma.cc/7ARL-8K3T>; Urban Indian Health Institute (UIHI), *Our Bodies, Our Stories: Sexual Violence among Native Women in Seattle* (Seattle: UIHI, 2018), 2, <https://www.uihi.org/projects/our-bodies-our-stories/>; Amnesty International, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (New York: Amnesty International, 2006), <https://perma.cc/8LNX-2JV5>; and Robert Nonomura, *Trafficking at the Intersections: Racism, Colonialism, Sexism, and Exploitation in Canada*, Learning Network Brief No. 36 (London, ON: Centre for Research & Education on Violence Against Women & Children, 2020), 12–14, <https://perma.cc/62QM-Q222>.

<sup>48</sup>Farley, Matthews, Deer, et al., *Garden of Truth*, 2011, 14.

<sup>49</sup>Ibid., 15–18, 28–30.

<sup>50</sup>Ibid., 32.

<sup>51</sup>Georgetown Center on Gender Justice and Opportunity, *Trend Analysis: State Laws That Protect Victims of Sexual Violence* (Washington, DC: Georgetown University Law Center, 2025), <https://perma.cc/6M65-E6HG>. Hawai'i is the only state without a safe harbor provision; however, under Hawai'i law, if a minor "engage[s] in sexual conduct with another person for a fee," it is considered to be a violation, not a crime, and the young person will be subject to the jurisdiction of the family court. Supplemental Commentary on HI Rev. Stat. § 712-1200.

<sup>52</sup>Shared Hope International, *Safe Harbor Laws*, 2024.

<sup>53</sup>Shared Hope International, *Report Cards on Child & Youth Sex Trafficking*, 2024; and Georgetown Center on Gender Justice and Opportunity, *Trend Analysis*, 2025.

<sup>54</sup>See for example Cal. Penal Code § 1170(b)(1) ("[U]nless the court finds that the aggravating circumstances outweigh the mitigating circumstances that imposition of the lower term would be contrary to the interests of justice, the court shall order imposition of the lower term if any of the following was a contributing factor in the commission of the offense: (A) The person has experienced psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence. (B) The person is a youth, or was a youth as defined under subdivision (b) of Section 1016.7 at the time of the commission of the offense. (C) Prior to the instant offense, or at the time of the commission of the offense, the person is or was a victim of intimate partner violence or human trafficking.") and Cal. Penal Code § 1016.7(a) ("[T]he prosecutor shall consider during plea negotiations, among other factors, the following circumstances as factors in support of a mitigated sentence if any of the following were a contributing factor: . . . (3) Prior to the instant offense, or during the commission of the offense, the person is or was a victim of intimate partner violence or human trafficking.").

<sup>55</sup>See Del. Code tit. 11, § 787 (h)(2023) ("A party to a juvenile delinquency proceeding in which a minor is charged with loitering, or an attorney guardian ad litem or court-appointed special advocate appointed in a proceeding under § 901 et seq. of Title 10, may file a motion on behalf of a minor in a juvenile delinquency proceeding seeking to stay the juvenile delinquency proceedings. Such motion may be opposed by the Attorney General. The Family Court may consider such a motion and, in its discretion, may stay the juvenile delinquency proceeding indefinitely.").

<sup>56</sup>See Del. Code tit. 11, § 787 (h)(2023) ("Upon such motion [to stay proceedings], the Department of Services for Children, Youth and Their Families and/or the Family Court may identify and order available specialized services for the minor that, in the opinion of the Department of Services for Children, Youth and Their Families or Family Court, are best suited to the needs of the juvenile. So long as the minor substantially complies with the requirement of services identified by the Department of Services for Children, Youth and Their Families and/or ordered by the Family Court, the Attorney General shall, upon motion, nolle prosequi the stayed charges no earlier than 1 year after the stay was imposed. Upon motion of the Attorney General that the minor has not substantially complied with the requirement of services identified by the Department of Services for Children, Youth and Their Families and/or ordered by the Family Court, the Family Court shall lift the stay for further proceedings in accordance with the regular course of such proceedings.").

<sup>57</sup>Vafa and Epstein, *Criminalized Survivors*, 2023, 21. See for example OK HB 2210(b)(1) (2024) (sentencing relief for minors convicted as an adult for an offense where the person against whom the offense was committed trafficked or abused the minor within 90 days prior to the offenses); and Wyo. Stat. Ann. § 6-2-708(a) ("a victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking"). See also Justice for Youth Survivors Initiative, "50 State Survey."

<sup>58</sup>Georgetown Center on Gender Justice and Opportunity, *Trend Analysis*, 2025.

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<sup>69</sup>Dierkhising, Brown, Ackerman-Brimberg, et al., *CSE Girls and Young Women Involved in Child Welfare and Juvenile Justice in Los Angeles*, 2018, 50.

<sup>70</sup>*Ibid.*, 7, 10.

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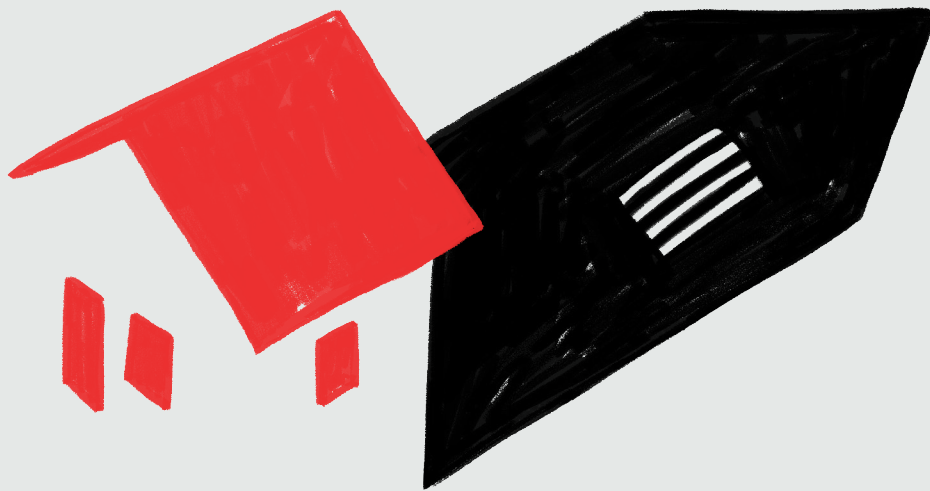
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<sup>90</sup>Judicial Council of California, *Harm Reduction and Commercial Sexual Exploitation of Children and Youth: Bench Cards* (Sacramento, CA: Judicial Council of California, 2023) (on file with authors). See also Kate Walker Brown, Mae Ackerman-Brimberg, and Allison Newcombe, *Strategies to End Commercial Sexual Exploitation of Youth: A Toolkit for Collaborative Action* (Oakland, CA: National Center for Youth Law, 2020), 20, <https://perma.cc/3RHL-Q99D>.

# FATAL PERIL



## UNHEARD STORIES FROM THE IPV-TO-PRISON PIPELINE

and Other Voices Touched by Violence

Revised  
November 2024

Stanford  
LawSchool

Stanford Criminal  
Justice Center



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A note about our project's name: Regilla is the first known victim of intimate partner homicide. A Roman woman who was married at the age of 15 to Herodes, she was kicked down the stairs when she was eight months pregnant with her sixth child. The circumstances of her death were mysterious but have been pinned to her husband's servicemen. Regilla's brother charged Herodes with murder, but a Roman court acquitted him.

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## **DISCLAIMER**

This project was approved by the California Department of Corrections and Rehabilitation's Research Oversight Committee (ROC) process, application number 2102-052-ROC. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the California Department of Corrections and Rehabilitation. Any errors of omission or commission are the responsibility of the authors.



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# Executive Summary

The women's rate of incarceration in the United States has grown twice as fast as that of men in recent decades. Research has established that many incarcerated women have histories of abuse throughout their lives, including intimate partner violence (IPV), and that this abuse may contribute to their criminalization. Gender-based violence results in an array of negative physical and mental health consequences, with intimate partner homicide (IPH) as the most severe outcome.

For women who are arrested, convicted, and sentenced for actions like homicide arising out of their own victimization, the law generally fails to account for domestic and intimate partner violence even when this abuse is supposed to be considered as a mitigating factor. Unfortunately, little scholarship has examined the linkage between gender-based violence and women's experiences as defendants ensnared in a broad and powerful criminal legal system.

The overarching purpose of our project was to understand how people experiencing gender-based violence are criminalized for actions they took to survive abuse. While IPV exists for people of all genders, we focused on women given their disproportionate rates of severe and lethal intimate partner abuse. We also centered our study on people convicted of the most serious of offenses and serving the longest sentences—murder and manslaughter.

Specific objectives were to:

- (1) Quantify the prevalence of IPV and the potential lethality of the abuse;
- (2) Describe the nature of the relationship between the survivor-defendant and the decedent as it relates to the circumstances of the offense; and
- (3) Identify the extent to which the criminal legal system accounts for IPV.

## Methodology

This descriptive, cross-sectional study sought to understand the abuse-related pathways that led to murder and manslaughter convictions among cisgender women and transgender people incarcerated at two correctional facilities within the California Department of Corrections and Rehabilitation: the Central California Women's Facility and California Institution for Women. Respondents completed an anonymous, self-administered survey that was collected in-person in July and November 2023.

The survey included questions on demographics, experiences with the criminal legal system, information about the person who was killed ("the decedent"), two open-ended narrative questions, and validated scales assessing the presence and severity of IPV in the year prior to their conviction: the *Composite Abuse Scale (Revised) Short Form (CAS<sub>R</sub>-S)*, physical injury items from *Conflict Tactics Scale-Revised (CTS-2)*, and a modified version of the *Danger Assessment (DA)*, which measures IPH risk.

Analyses included descriptive statistics, chi-square tests of association, and experiences of abuse stratified by decedent type. The analytic approach for the open-ended responses included qualitative description with thematic analysis to analyze the relationship between respondent's experience of abuse and the event that led to their conviction, and to understand various dimensions of gender, race, and income inequality respondents faced navigating the criminal legal system.

## Key Findings

A total of **649 persons were included in the sample, representing 58.2% of the population** of people incarcerated for murder or manslaughter in California's women's prisons. Out of the 649 respondents, a total of 537 respondents (82.7%) provided narrative responses.

The average age of the sample was 45.9 years old (SD=12.9) and largest percentage of respondents identified as white/Caucasian (32.5%), followed by Latino or Hispanic (28.1%) and Black or African American (16.6%), which aligns with the demographics at the two prisons. The majority (79.3%, n=510) received an indeterminate or "years to life" sentence making them eligible for release by the California Board of Parole Hearings at some point. Life without parole (LWOP) and juvenile life without parole (JLWOP) sentences were the next largest (18.5%, n=119) sentence category. Eight respondents (1.2%) received a determinate (i.e., a set number of years) and six were sentenced to death. The average sentence length for those receiving indeterminate life sentences was 25.0 years to

life (SD=21.0). The average sentence length for those serving determinate sentences was 11.3 years (SD=8.2).

## Intimate Partner Violence and Homicide Risk

There were 625 respondents in a relationship the year prior to their incarceration who completed the Composite Abuse Scale.

**Among them, 74.2% of respondents (n=464) were 'IPV positive'.** An additional 8.6% of respondents (n=54) reported some abuse but did not meet the IPV threshold, referred to as 'sub-threshold IPV'. Finally, 107 (17%) respondents fell into the 'no IPV' category, meaning they did not endorse any Composite Abuse Score item (i.e., true zero).

Of the 464 IPV positive respondents, 87.1% were physically abused, 72.2% were psychologically abused, and 72.0% were sexually abused in the year before the offense.

**About 66.4% of IPV positive respondents (n=308) were in extreme danger of being killed by their partner the year before the offense, according to their Danger Assessment (DA) score.** In comparison to the general population, our respondents' past year IPV incidence rate is tenfold higher than for women in the U.S. (7.3% vs. 74.2%, respectively) and is even still greater than the national lifetime IPV rate of 47.4%, as reported in the National Intimate Partner and Sexual Violence Survey.

Narrative responses detailed physical, sexual, and psychological abuse, stalking, and coercive control from intimate partners and abusive non-partners, as well as cumulative violence they endured throughout their lives.

Respondents also described the ways they tried, but often failed to obtain help from the criminal legal system, and unsuccessful attempts to escape severe abuse. About 45.9% attempted to leave their partner after living together and 48.3% reported their partner avoided being arrested for domestic violence a year before the killing. Other rates of violence IPV positive respondents experienced in the year before the offense took place include:

### **Physical Violence**

- 85.6% reported that their partner shook, pushed, or grabbed them and 72.0% were hit with a fist or object, or kicked or bit by a partner.
- 59.9% reported ever being strangled (“choked”) by their partner. Of those who reported ever being strangled, 78.1% (217 of 278) were choked more than once or had passed out, blacked out, or felt dizzy, suggesting a probable traumatic brain injury (TBI).
- 51.9% reported their partner ever used or threatened to use a weapon against them, and 63.9% (154 of 241) of these respondents indicated the weapon was a gun.
- 31.5% reported ever being beaten or injured by their partner while pregnant.
- 58.2% reported that the physical violence increased in frequency and severity the year before the killing.
- 70.5% reported having a sprain, bruise, or cut from their partner and 50.0% indicated that they needed to see a doctor because of an injury from their partner but did not seek medical care.

### **Psychological Violence**

- 86.2% reported their partner told them they were crazy, stupid, or not good enough.
- 78.0% reported their partner blamed them for causing the violent behavior.
- 73.1% reported their partner displayed violent and constant jealousy.
- 72.2% reported their partner controlled all or most of their daily activities.
- 70.7% reported that their partner followed or spied on them, left threatening messages, destroyed their things, or made unwanted calls to them in the year before the killing.
- 40.9% reported their partner ever threatened or tried to commit suicide.
- 24.4% reported their partner threatened to harm the respondent’s children the year before the killing.

### **Sexual Violence**

- 59.3% reported their partner made them perform unwanted sex acts.
- 63.8% reported that their partner forced them to have sex when they did not want to do so.

### **Decedent Categories and Relationship to Intimate Partner Violence Exposure**

We identified eight categories that characterize the respondent’s relationship to the decedent: stranger (28.5%), intimate partner (20.6%), child (14.5%), friend (13.1%), acquaintance (9.1%), relative or family member (7.7%), multiple decedents (3.9%), and other close, nonintimate relationships (2.6%).

**Notably, we did not find a statistically significant association between the level of danger on the Danger Assessment and decedent category.** In other words, no matter who was killed, respondents were in potentially lethal abusive relationships. However, there was a statistically significant association between decedent and IPV exposure. A larger proportion of strangers (38.3%) were killed by respondents with no IPV than IPV positive (25.9%) and sub-threshold IPV (25.9%) respondents. A larger proportion of intimate partners (23.7%) and children (16.2%) were killed by IPV positive respondents than no IPV (14.0%, 9.3%, respectively) and sub-threshold IPV (14.8%, 11.1%, respectively) respondents. A larger proportion of relatives and family members (20.4%) were killed by respondents with sub-threshold IPV than IPV positive (6.3%) or no IPV (8.4%) respondents.

### **Women Who Killed Their Intimate Partners**

Among the 134 respondents whose decedent was an intimate partner, pathways to their offense included defense of oneself and one's children, financial strain, and jealousy that contributed to a sense of fatal peril—a belief that the respondent's life was in danger. This sense derived from an accumulation of their partner's threats and attempts to kill the respondent, her children, and other loved ones. They also reported that they felt constrained by failed attempts to seek help from the criminal legal system and their experiences navigating coercive control that made it impossible to escape their abusive partner. A portion of these women reported that they were also commercially sexually exploited by their abusive partner, and

described how stigma surrounding sex work was used against them in the criminal legal system. Finally, mental health, substance use, and infidelity exacerbated by IPV were other pathways that led to the death of an intimate partner.

### **Women Who Killed Others**

We found evidence of two pathways to incarceration among the 94 respondents whose decedent was a child: (1) indirectly, where the respondent was implicated in a killing their partner committed, and (2) directly, where the respondent participated in an act that resulted in the killing of a child. About 78.9% of respondents whose decedent was a child (75 of 94) were IPV positive and 60.0% were in extreme danger of IPH. Respondents described circumstances contributing to the offense including: fatal peril, coercive control, accidental killings related to IPV, and mercy killings wherein the respondent described killing their children before attempting to die by suicide but survived. Some respondents relayed being unable to seek help prior to, during, and immediately after the child's killing or were absent or unconscious when their partner killed their child. Respondents described believing their partner's abusive behavior would change, an inability to recognize violence and potentially lethal abuse, and the stigma uniquely ascribed to mothers experiencing IPV.

Pathways to the killing of other decedent types, including strangers, family or relatives, friends, acquaintances, and other nonintimate relationships, were also linked to IPV. A few respondents reported that their partner forced them to kill or coerced them to commit



crimes where another person was killed. IPV indirectly contributed to some accidental deaths including motor vehicle homicides, mental health crises, and other accidental killings. Other respondents acted in defense of oneself or others from an active attack (i.e., physical or sexual assault), persistent stalking, or years of familial abuse. In many instances, these respondents were also experiencing IPV, illustrating how the diffuse effects of domestic and family violence contribute to criminalization and incarceration.

### **Unfair Treatment in Court**

About 50.4% of all respondents (N=649) reported that they believe they were treated unfairly in court because of their gender, 50.7% believed they were treated unfairly in court because of their race, and 57.1% believed they were treated unfairly in court because of their income. A larger proportion of IPV positive respondents believed they were treated unfairly by the court because of their gender ( $p<0.01$ ) and income ( $p<0.01$ ), compared to no IPV and sub-threshold IPV respondents, which was statistically significant. There was no association between race and IPV exposure ( $p=0.3$ ). Respondents described unfair treatment at trial due to gender, racial, and socioeconomic bias and harmful courtroom stereotypes that triggered beliefs about culpability. Respondents also reported challenges related to preparation and communication with defense counsel, and unfair or harsh treatment by judges, prosecutors, and police, which the respondents ascribed to a lack of understanding of IPV or bias.

### **Evidence of Intimate Partner Violence at Trial**

About one-quarter of respondents (26.6%, 143 of 537) reported their lawyer argued the killing was justified or excused because of self-defense, stand your ground, provocation, domestic violence, or another reason. There was a statistically significant association between intimate partner vs. non-intimate partner decedents and whether the respondent's lawyer argued the killing was justified; a larger proportion of respondents whose decedent was a non-intimate partner (66.4%) argued the killing was justified compared to respondents whose decedent was an intimate partner (33.6%). No other statistically significant associations were found.

About one-quarter of respondents said their defense counsel introduced evidence of abuse the day of the killing and a history of abuse. About one-third of respondents reported that a judge prevented their lawyer from presenting evidence of abuse the day of the killing and a history of abuse. Psychological evaluations were submitted to the court more frequently than expert witnesses giving testimony about abuse at trial (39.6% vs. 21.6%, respectively). Some respondents whose co-defendant was an abusive intimate partner were too afraid to testify or speak openly about violence leading up to the offense. Other respondents with co-defendants reported disparate treatment in plea discussions, trials, and sentencing.



## **Regret, Responsibility, and Healing**

Although respondents were not systematically asked about regret or remorse, many raised these themes in describing and reflecting on their role in the offense. Many respondents across decedent categories expressed their feelings of responsibility for their actions, and several noted they have improved their understanding of abusive relationship dynamics, the circumstances that led to the offense, and have attempted to heal from some of the trauma that contributed to them being in prison.

## **Moving Forward**

The results presented in this study are stark and deeply distressing. They reveal that a high percentage of people incarcerated in California's women's prisons for murder or manslaughter offenses report having experienced significant and potentially lethal IPV in the year preceding their offenses. We have no reason to believe that our findings on the prevalence of violence among this population would differ in other jurisdictions. Indeed, IPV rates could be higher elsewhere, as California law provides more opportunities than the law of many other states for a survivor-defendant's experience of IPV to be raised as a factor warranting leniency. Given similarities across states in homicide liability and national trends in IPV, we believe our findings have significant policy and practical implications across the United States.

Three major takeaways emerge from this study.

**1. We need to listen to the stories of IPV survivors.** Their accounts contribute to the notion that violence is a contagion, and that potentially lethal abuse extends beyond the person experiencing violence by creating circumstances that increase homicide risk for those surrounding her as well. This information is necessary to enhance the understanding all criminal legal system actors have of those who get ensnared in its system.

**2. The criminal legal system inconsistently screens for IPV and should make broader use of IPV screenings like the Composite Abuse Scale and lethality assessment tools like the Danger Assessment.** Our understanding is that this study is the first time both the Composite Abuse Scale and Danger Assessment were used with a population who is incarcerated. All decision-makers—police officers, probation officers (who commonly prepare pre-sentence recommendations for judges), prosecutors, defense attorneys, sentencing judges, corrections officials, and parole board members (who determine a person's suitability for parole release)—could benefit from the information provided by these tools. The use of the Danger Assessment to predict IPH has been well documented in DV shelters, DV high risk teams, law enforcement and emergency room settings, and for special populations such as same sex female relationships and immigrant women.

**3. Our results suggest that TBI may be common in women prosecuted for and convicted of homicide.** The criminal legal system must account for how TBI-producing injuries affect survivor-defendants' ability to remember details, how well they can

communicate those details, how convincing they sound, whether their demeanor matches listeners' expectations, and whether they appear properly remorseful. Corrections officials should assess and make accommodations for incarcerated people with TBIs that address myriad long-term outcomes, including problems with balance, vision changes, headaches, sensitivity to light and sound, poor memory and cognitive deficits, and other symptoms.

This study focused on the criminal legal system's response to IPV-related homicides, when the offense and abuse have already occurred and intervention is too late. We highlight the need to develop a comprehensive prevention system to address and prevent IPV at multiple levels, including individuals, communities, policies and legislation, and culture.

Finally, a single study cannot answer the range of research questions needed to create a just and fair criminal legal system for people experiencing violence. Our study raises but does not tackle additional questions about the treatment of criminalized survivors by the criminal legal system. We identify future areas of research that can build upon our findings and help to create a criminal legal system that helps, not harms, survivors of abuse. ●

## PART I.

# Introduction



The size of the United States corrections system is well known. Indeed, it is commonly referred to as a system of “mass incarceration” because of its enormity compared to other Western countries, and its pace of growth in the last 60 years.<sup>1</sup> In 1972, U.S. residents were incarcerated in prisons and jails at a rate of 161 per 100,000 people; by 2007, the rate had quadrupled to 767 per 100,000 people.<sup>2</sup> While incarceration rates have declined by more than 20% in the last decade,<sup>3</sup> the U.S. still holds more than 1.8 million people in federal and state prisons and local jails,<sup>4</sup> and it has one of the highest incarceration rates in the world.<sup>5</sup>

The rate of incarceration of women in the U.S. has grown twice as fast as that of men in recent decades.<sup>6</sup> In 2022, more than 87,000 women were incarcerated in state and federal prisons,<sup>7</sup> and another 92,900 women were detained in local jails on any given day.<sup>8</sup> Between 2021 and 2022 alone, the number of females in prison grew by five percent.<sup>9</sup>

It is well established that most women incarcerated in the U.S. have “experienced some form of abuse throughout their lives.”<sup>10</sup> These experiences have profound effects on survivors’ lives, including their physical and mental health and risk of future offenses. In the 1980s feminists and domestic violence (DV) advocates fought to strengthen the criminal legal system’s response to DV, thinking that was the most effective way to protect survivors of abuse. As a result, the criminal legal system and scholarly community are more engaged in DV issues today than they were in the 1980s.<sup>11</sup>

An unintended consequence of this earlier activism is that survivors themselves have become ensnared in a broad and powerful criminal legal system apparatus.<sup>12</sup> The most

poignant example is among criminalized survivors—the phenomenon where victims of gender-based violence are arrested, convicted, and sentenced for actions arising out of their own victimization.<sup>13</sup> Unfortunately, the law generally fails to account for survivors’ experiences of DV and intimate partner violence (IPV), even when this abuse is supposed to be considered as a contributing or mitigating factor.<sup>14</sup>

Although there has been a significant amount of scholarship analyzing different perceptions—as well as differing real-life case outcomes—between women and men who are charged with homicide,<sup>15</sup> few have scrutinized the linkage between women experiencing gender-based violence and their experiences as defendants in the criminal legal system.

## Purpose and Research Questions

The overarching purpose of this project was to better understand the pathway through which people experiencing violence are criminalized for actions they took to survive abuse.<sup>16</sup> While IPV exists for people of all genders, we focused on women given their

disproportionate rates of severe and lethal abuse. We also centered our study on people convicted of the most serious of offenses and serving the longest sentences—murder and manslaughter.

In particular, we sought to answer the following research questions:

- (1) How prevalent is recent IPV among persons convicted of murder and manslaughter?
- (2) Was the abuse that survivor-defendants experienced potentially lethal?
- (3) What was the nature of the relationship between the survivor-defendant and the decedent?
- (4) Are there specific pathways or decedent types that lead to women’s imprisonment for murder or manslaughter?
- (5) To what extent did the criminal legal system account for IPV in the prosecution and sentencing of survivor-defendants?

## Why California

We chose to center this study in California for several reasons. First, California has an extremely large prison population—second only to the Texas correctional system in the United States.<sup>17</sup> More than 90,000 people are incarcerated in California’s 33 correctional facilities.<sup>18</sup> Of the nearly 3,750 people who are incarcerated in California’s women’s prisons,<sup>19</sup> more than 1,000 are incarcerated for murder or manslaughter offenses.<sup>20</sup> And like other prison systems in the U.S., California’s prison population does not represent the racial demographics of its general population. Although 6.5% of individuals residing in California are Black,<sup>21</sup> 27.7% of California’s overall prison population is Black, and Black women comprise approximately 24.1% of

the State’s women’s prison population.<sup>22</sup> Moreover, despite comprising 40.3% of California’s population,<sup>23</sup> 45.9% of California’s prison population is Hispanic<sup>24</sup> and Hispanic women constitute about 36.3% of California’s women’s prison population.<sup>25</sup>

Second, there were logistical reasons to focus California as well. There are two main women’s correctional facilities in the state.<sup>26</sup> This allowed for data collection to be targeted and manageable.

Also, California is a state that boasts progressive criminal justice policies, making it a ripe venue for assessing the effects of such reforms. On its face, California’s Penal and Evidence Codes and corresponding regulations recognize the unique circumstances stemming from IPV. For instance, as a result of changes made in 1991, the California Evidence Code permits the introduction of expert evidence on intimate partner battering and its effect in homicide cases.<sup>27</sup> Additionally, the presence of IPV is identified as a factor “tending to show suitability” when an incarcerated individual appears before the California Board of Parole Hearings to determine parole release.<sup>28</sup> Examining whether survivors have been able to avail themselves of the range of policies designed to acknowledge and account for their abuse was of interest.

Finally, the survivor advocacy community in California is robust and inspiring. Many statewide reforms that have been promulgated in the last 50 years have been driven by incarcerated and formerly incarcerated survivors and their allies.

And in response to such advocacy, numerous government stakeholders have endeavored to understand how IPV survivors experience the criminal legal system.

## Significance of the Title

We titled the report “Fatal Peril” to reflect the agonizing predicament in which so many of our respondents found themselves: They believed that they had a harrowing choice between their lives and the lives of another—an intimate partner, a child, a relative, or a stranger—and any action or inaction they took had grave consequences.

The subtitle both refers to the inspiring and difficult stories we gathered from more than 600 people incarcerated at two women’s prisons in California. This project was an endeavor to collect untold stories from a group of people who are locked away, marginalized, and who often have had no or limited opportunity to tell their stories—even at their own trials. Their stories deserve and need to be heard. The subtitle also acknowledges that a consistent pathway exists for those who are experiencing IPV that too frequently ends in incarceration.

## Terminology

The language used to discuss the criminal legal system influences our perceptions of it and the people criminalized within it.<sup>29</sup> We believe in centering the lived experiences of the people who participated in our study.<sup>30</sup> Therefore, to the extent possible, we use respondents’ own words to describe their feelings, experiences, hopes, and disappointments about their circumstances.

Respondents in this study—and the broader population of people with similar lived experiences of IPV—are referred to as survivors and survivor-defendants,<sup>31</sup> which is consistent with Stanford Criminal Justice Center’s previous report, *Great Weight: A Review of California Board of Parole Hearing Transcripts to Assess Frequency and Consideration of Intimate Partner Violence among Women Convicted of Homicide Offenses*.<sup>32</sup> We also have favored behavior-based descriptors (e.g., persons using or experiencing violence) over words like “victim” and “abuser,” which can be stigmatizing, derogatory, and alienating.<sup>33</sup> However, we note that these terms may obscure experiences of victimization and/or imply directionality of violence.<sup>34</sup> Further, when speaking about the events which led to the respondents’ incarceration, we have avoided using the word “crime,” which often fails to capture the nuance of these events, their causal factors, and the complex roles of the people involved. When directly referring to the respondents’ conviction, or the categories of offenses for which they are convicted, we have sometimes used the legal terminology for that conviction and/or theory of liability.<sup>35</sup>

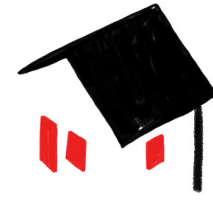
Occasionally, the language respondents used deviates from the framework we have outlined above. Recognizing that storytelling is an important tool for survivors to reclaim autonomy, we preserved the language respondents used to share their stories, and this decision is not intended to minimize their own victimization or further a dichotomized “victim/offender” narrative.

Additionally, this report refers to respondents as women, but we acknowledge that this label does not accurately reflect the gender identity of all persons surveyed. As discussed in [Part IV.G. Limitations](#), we did not ask respondents about their gender identity, though we are aware that cisgender women and transgender people participated in the study.

Finally, as explained in [Part IV.G. Limitations](#), our presentation of findings and themes reflects the experiences, opinions, and feelings of those we surveyed, and may not represent all persons incarcerated at the time nor the opinions of the decedent's friends, families, or loved ones. Some of our respondents were convicted decades ago and have spent many years in prison. The laws by which they were convicted may have since changed and beliefs about IPV have progressed to reflect a more nuanced and deeper understanding of abuse, its causes, and effects. We hope the narratives shared in this report bear witness to the experiences of incarcerated survivors, and lead to necessary discussion and action on important but often overlooked issues. ●

## PART II.

# Background on Intimate Partner Violence



This part defines and describes intimate partner violence, its characteristics and prevalence, frameworks for understanding the interpersonal contexts in which it occurs, and how survivors seek help.

## A. Definitions and Types of Intimate Partner Violence

According to the World Health Organization, IPV “refers to behaviour within an intimate relationship that causes physical, sexual or psychological harm, including acts of physical aggression, sexual coercion, psychological abuse and controlling behaviours. This definition covers violence by both current and former spouses and partners.”<sup>36</sup>

Characteristics and outcomes of IPV vary based on the unique interpersonal context of power and control within the intimate relationship.

At its most extreme, IPV can result in homicide. Indeed, nearly half of all murdered women in the United States were killed by a current or former intimate partner.<sup>37</sup> Intimate partner homicide (IPH) is defined as “the intentional killing of one’s current or former partner.”<sup>38</sup> More women are killed by intimate partners than men (40-50% women compared to 5-8% of men), despite the fact that, in general, more men are the victims of homicide.<sup>39</sup> Most of the literature on IPH in the U.S. is from the early 2000s, and it shows that the dynamics of IPH and IPV are different from other forms of homicide.<sup>40</sup> IPH and near-lethal violence is associated with predictable risk factors such

as prior IPV, threats to kill, and gun ownership, among others.<sup>41</sup> Below, we describe various types of IPV and highlight known risk factors of IPH and near-lethal IPV.

## Physical Violence

Physical violence is one of the most visible and recognized forms of IPV.<sup>42</sup> It refers to the intentional use of physical force to injure, harm, or exert control over a partner.<sup>43</sup> Examples of this force include hitting, slapping, punching, and kicking; pulling hair, biting, and scratching; pushing and shoving; more severe and deadly acts of physical violence, such as burning with heat or chemicals; strangulation (colloquial term: “choking”) via hands, arms, knees or ligature (e.g., belt, rope, etc.); and using or threatening to use a weapon or other object (e.g., gun, knife, bat, screwdriver, hammer, etc.) to inflict serious physical harm.<sup>44</sup> Physically restraining or imprisoning a partner from moving freely, such as leaving a room or house, is also considered physical violence. The National Intimate Partner and Sexual Violence Survey (NISVS) indicates that nearly 75% of abused women will be injured from physical violence (e.g., bruises, scratches, cuts, black eyes, broken bones, etc.).<sup>45</sup>



Risk factors for IPH include severe and escalating violence, such as threats to kill, threat or use of a weapon, and non-fatal strangulation.<sup>46</sup> Additionally, estrangement or separation from a partner is a risk factor for both escalating abuse and IPH.<sup>47</sup> Separation, including actual or perceived attempts and threats to leave, is thought to increase lethality because it signals a loss of control over one's partner.<sup>48</sup> Homicide among abused women who leave their partners usually occurs within 12 months following separation.<sup>49</sup> Physical abuse can also escalate in severity and intensity during pregnancy,<sup>50</sup> and IPH is the leading cause of death among pregnant women in the United States.<sup>51</sup>

## **Sexual Violence**

Intimate partner sexual violence (IPSV) is the use of force, coercion, or manipulation to engage in sexual activity without consent and is often used to establish and maintain power and control.<sup>52</sup> Sexual violence can include: (a) unwanted sexual contact, such as fondling, touching, or kissing; (b) forced sex, such as vaginal, anal, and oral penetration with a penis, fingers, or other objects; (c) sexual coercion, which refers to leveraging power, fear, or guilt to coerce a partner into perform degrading or uncomfortable sex acts; and (d) sexual exploitation, such as forced participation in pornography, trading or selling sex, or sexual slavery.<sup>53</sup> IPSV is likely underreported due to shame, secrecy, and stigma around victimization, as well as common cultural attitudes that question the legitimacy of partner rape.<sup>54</sup> Indeed, IPSV has historically occurred under an umbrella of male sexual proprietariness, or the patriarchal notion that men are entitled to control women's bodies.<sup>55</sup>

According to one estimate, nearly half of all women experiencing police-involved IPV also experienced some type of IPSV, with more than a quarter reporting forced sex by the abusive partner.<sup>56</sup> Forced sex is a risk factor for IPH and near-lethal violence.<sup>57</sup>

## **Reproductive Control**

Reproductive coercion is a tactic used by some abusers to gain or maintain power and control over an intimate partner. It includes: (a) pregnancy coercion, including attempts to sabotage birth control by manipulating condoms or other contraceptive methods; (b) forced pregnancy; and (c) forced pregnancy termination.<sup>58</sup> In some cases an abusive partner weaponizes religious and/or cultural norms around pregnancy and contraception as tools for power and control.<sup>59</sup> The prevalence of reported reproductive coercion in community samples within the U.S. has ranged widely from 14 to 74% depending on the context of the research, but studies have found that women who are younger and Hispanic or Black are most likely to experience this type of abuse, which is also correlated with IPSV, religious abuse, and risk of femicide.<sup>60</sup> Unintended pregnancies are also associated with higher risk of IPV.<sup>61</sup>

## **Psychological and Emotional Violence**

Psychological and emotional violence refers to actions and behaviors used to harm the other partner's mental and emotional state through tactics, such as threats, intimidation, isolation, or manipulation.<sup>62</sup> Examples can include: (a) verbal abuse like derogatory name calling, belittling, or yelling and screaming in a way to intimidate and control

a partner; (b) manipulation, such as lying, deceiving, or “gaslighting” a partner to create confusion or doubt that undermines a one’s perception of reality, memory, or sanity; (c) isolation, including restricting social interactions including with family and friends; and (d) other efforts to control, including monitoring or controlling methods of communication, clothing, and actions, as well as possessiveness and jealousy.<sup>63</sup> Emotional abuse perpetrated by someone known to the victim can result in even more severe negative mental health outcomes (e.g., anxiety and depression) due to its ability to create unique feelings of shame, betrayal, and powerlessness.<sup>64</sup>

## Coercive Control

Scholars are increasingly shifting their focus towards coercive control,<sup>65</sup> a form of psychological abuse aimed at “degrad[ing], isolat[ing], and depriv[ing] a person of their rights to physical security, dignity, and respect.”<sup>66</sup> Although this method of abuse varies in its particulars,<sup>67</sup> it generally consists of three main elements: (1) intentional or goal-oriented abuse; (2) a negative perception of controlling behavior by the recipient of abuse; and (3) the abuser’s ability to obtain control by making a credible threat and capitulating the target to this threat.<sup>68</sup> Women experiencing coercive control are more likely to report high levels of fear, isolation, and danger and may use violence against their partners as a result.<sup>69</sup> However, it is important to note that in some cases of IPH involving coercive control, prior use of physical violence was not reported.<sup>70</sup> Partners who control most or all of a person’s daily activities is a risk factor for IPH.

## Stalking

Stalking involves a persistent and escalating pattern of behavior intended to intimidate, harass, and instill fear that significantly affects the target’s sense of safety and well-being or the safety of others. While there is no standard legal or sociological definition of stalking, most definitions include unwanted, repeated, nuisance behaviors resulting in severe emotional distress.<sup>71</sup> Stalking tactics vary but can include a combination of behaviors, including: (a) efforts intended to surveil, track, follow, or spy either in-person, online, or through cameras and global positioning system (GPS) devices; (b) unsolicited contact via phone, mail, email, social media, etc.; (c) unwanted invasion of privacy, such as showing up unannounced or in places they should not be like home, work, school, etc.; (d) leaving letters, flowers, gifts, or strange and intimidating items for the target to find; and (e) other types of intimidating or sabotaging behaviors, such as cyberbullying or spreading rumors online.<sup>72</sup> The lifetime prevalence of stalking in the U.S. is estimated to be between 12-16% of women and 4-7% of men.<sup>73</sup> Most victims know their stalker,<sup>74</sup> which can include current or former partners, as well as acquaintances, friends, and co-workers.<sup>75</sup> In fact, one study estimated 43.4% of female stalking victims were targeted by a current or former intimate partner.<sup>76</sup> Women stalked by a current or former spouse or cohabiting partner also reported physical violence (81%) and sexual assault (31%) by that partner.<sup>77</sup> Moreover, according to one study, approximately 85% of attempted and 76% of completed IPH victims were stalked in the prior 12 months.<sup>78</sup>

## Economic and Financial Abuse

In the context of IPV, economic and financial abuse refers to behaviors that control a partner's ability to acquire, use, and maintain financial resources.<sup>79</sup> This type of abuse is often employed as a form of coercive control, as it increases dependence on the abusive partner and difficulty for leaving the relationship.<sup>80</sup> Tactics can include controlling or withholding money, monitoring spending, preventing or sabotaging employment (i.e., employment sabotage), and exploiting financial resources, such as stealing money or intentionally incurring debt.<sup>81</sup> Economic and financial abuse has been referred to as an “invisible” form of IPV, though it is well-documented that IPV contributes to women's financial risk and poverty, even after a relationship has ended.<sup>82</sup>

## Other Factors that Increase Homicide Risk

Other factors associated with an increased risk of IPH include whether the abusive partner is unemployed, jealous or possessive, has avoided arrest for IPV or domestic violence, has a non-biological child living in the home, uses alcohol or drugs, and threatens suicide.<sup>83</sup> The presence of a gun in the home increases IPH risk fivefold.<sup>84</sup> Divorced or separated and never married people are slightly more likely to be killed by partners than their married counterparts, and Black women as well as male victims are more likely to be killed by their dating partners than by spouses.<sup>85</sup> Additionally, there is some evidence to suggest that transgender women experience unique IPH risks due to their complex social and structural vulnerability (e.g., high rates of poverty, homelessness, substance use, mental illness,

engagement in sex work, citizenship status, gender disclosure and relationship stigma).<sup>86</sup>

## B. Intimate Partner Violence Frameworks and Theories

Theories and frameworks for understanding IPV are helpful for developing effective intervention and legal responses, as they aim to accurately identify the context, power dynamics, and motivations behind survivors' behaviors.

### Johnson's Typologies of Intimate Partner Violence

One conceptualization of IPV includes four typologies that characterize control and coercive control in a relationship.<sup>87</sup> The most commonly occurring typology is (a) *situational couple violence*, also called “common couple violence,” which includes bidirectional physical violence because of periodic escalation of conflict, rather than a high need for coercive control over a partner.<sup>88</sup> Men and women tend to be equally affected by situational couple violence.<sup>89</sup>

The next typology is (b) *intimate terrorism*, which is less common and includes one partner's physical violence and coercive control over another using degradation, deprivation, and fear tactics (e.g., emotional abuse, threats, intimidation, monitoring, and control of economic resources).<sup>90</sup> Women are disproportionately victimized by intimate terrorism, which is often reported by women seeking shelter services.<sup>91</sup> Identifying a relationship dynamic as intimate terrorism or mutual violent control draws attention to the increased risk for serious injury and even death.<sup>92</sup>

The other two typologies include (c) *mutual violent control*, a rare type of IPV where both partners engage in physical violence and high-impact controlling behaviors, and (d) *violent resistance*, which is when a victim of intimate partner terrorism fights back against an abusive or controlling partner, often defensively to protect oneself or others from attack.<sup>93</sup> Though violent resistance is seriously understudied, it provides a framework for understanding and assessing the circumstances within which women experiencing fear caused by violence or coercive control may themselves behave violently.<sup>94</sup> It is important to note that several studies show that women rarely kill, and when they do it is done as a last resort to protect themselves or their children from an abusive partner.<sup>95</sup>

## Entrapment

Entrapment theory considers the social context of an abusive relationship, particularly how an abuser restricts their partner's autonomy and agency within the broader context of equally restrictive cultural institutions that may limit opportunities for survivors who are already vulnerable or marginalized, such as women of color, women with disabilities, transgender women, or immigrant women.<sup>96</sup>

Specifically, entrapment theory considers: (1) the survivor's experience of cultural vulnerability or marginalization, and resulting lack of power or opportunity, that exacerbate an abuser's ability to exert coercive control; (2) the survivor's immediate community and the efficacy of the agencies charged with assisting them; and (3) the effect of an abuser's coercive and controlling behavior on the survivor's ability to access help.<sup>97</sup>

Research suggests that the ongoing pattern of abuse, control, and terror resulting from coercive control and entrapment may be associated with mental health disorders, such as post-traumatic stress disorder (PTSD), which can lead to cognitive difficulties related to decision-making and overall executive functioning.<sup>98</sup> In this way, the efforts needed to escape and/or recover from a dangerous relationship are compounded.

## C. Intimate Partner Violence Prevalence and Outcomes

The National Crime Victimization Survey showed that between 2003 and 2012, IPV constituted 14.6% of all types of violent victimization, most commonly against females compared to males (82% vs 18%, respectively).<sup>99</sup> According to the NISVS, lifetime prevalence of contact sexual violence, physical violence, and stalking victimization by an intimate partner in the U.S. was 47.3% for women and 44.2% for men; however, women experience higher rates of severe physical abuse than men (32.5% vs. 24.6%, respectively),<sup>100</sup> and nearly half of all IPV victims are women, compared to 10% or less of men.<sup>101</sup> IPV is likely underreported<sup>102</sup> given inconsistent definitions and reporting practices, as well as reluctance to report among survivors.<sup>103</sup>

IPV affects women across all racial and ethnic backgrounds but is higher among minority women.<sup>104</sup> For example, multiracial women face a 63.8% lifetime risk of sexual or physical violence and/or stalking by an intimate partner; American Indian or Alaska Native women face a 57.7% risk; and Black women face a

53.6% risk.<sup>105</sup> Compared to white women, Black women experience more physical and sexual violence<sup>106</sup> and have the highest risk of IPH.<sup>107</sup> Immigrant women of color experience language barriers, economic insecurity, and fears about deportation that can increase their risk of IPV, constrain their help-seeking abilities, and put other family members in danger.<sup>108</sup>

Other disparities exist. Late adolescence and young adulthood is associated with higher risk of IPV.<sup>109</sup> 45.2% of female IPV survivors report that their first victimization occurred between the ages of 18 to 24, while another 27.1% report they were first victimized by an intimate partner before age 18.<sup>110</sup> Data from the U.S. Centers for Disease Control and Prevention (CDC) shows that female students, racial and ethnic minorities, and students who identified as lesbian, gay, bisexual, or questioning faced higher rates of dating and sexual violence.<sup>111</sup> Furthermore, literature suggests that the rate of IPV among sexual and gender minorities (e.g., bisexual, same-sex relationships, transgender) may be comparable to or greater than heterosexual women.<sup>112</sup>

Predictors of IPV victimization and perpetration include adverse childhood events (ACEs), such as: physical, emotional, or sexual abuse and neglect; witnessing domestic violence; and growing up in a household with substance misuse, mental health problems, or instability due to parental separation or incarceration of a parent, sibling or other member of the household before age 18 years.<sup>113</sup> According to recent CDC estimates, about 62% of adults in the U.S. had experienced at least one type of ACE before age 18, and 17.3% reported

they had experienced four or more types of ACEs.<sup>114</sup> The long-term effects of ACEs include increased risk for chronic diseases, mortality, and negative mental health outcomes like PTSD.<sup>115</sup> ACEs are also associated with risky health behaviors (e.g., substance use, unprotected sex), lower levels of educational attainment, and higher rates of unemployment and poverty.<sup>116</sup> There is significant overlap in risk factors for early life adversity and reduced life chances in adulthood.<sup>117</sup> In fact, incarcerated women are more likely to report a higher number of ACEs compared to non-incarcerated women.<sup>118</sup>

## Outcomes

IPV is a serious public health issue that has societal, individual, and economic costs and contributes to negative health outcomes for survivors and families.<sup>119</sup> Some negative health outcomes of IPV include poorer overall physical health, chronic pain, digestive problems, and sexually transmitted infections.<sup>120</sup> IPV during pregnancy also results in adverse effects on maternal and fetal health, including an increased risk of preterm birth, low birth weight, fetal injury, and elevated risk of maternal death.<sup>121</sup> Moreover, children born to mothers who experienced abuse during their pregnancies are more likely to experience developmental delays, behavioral problems, and poor health outcomes.<sup>122</sup>

Traumatic brain injury (TBI) is a potentially dangerous and debilitating long-term health impact for IPV survivors. TBI refers to “an alteration in brain function, or other evidence of brain pathology, caused by an external force.”<sup>123</sup> Episodes of insufficient oxygen, called “hypoxic” or “anoxic injury,”

caused by strangulation can also lead to TBI.<sup>124</sup> It is estimated that women in the U.S. may cumulatively withstand approximately 1.6 million instances of TBI from IPV every year.<sup>125</sup> IPV-related injuries associated with elevated TBI risk include strangulation to unconsciousness or altered consciousness, blows to the head, neck, or jaw, and other blunt force trauma resulting in a concussion (e.g., shaking, slamming into hard surfaces, falling).<sup>126</sup> One systematic review of brain injuries among IPV victims showed that between 23 and 72% were hit on the head or strangled five or more times.<sup>127</sup> Repeated head trauma can lead to long-term physical, cognitive, behavioral, and emotional outcomes, including headache disorder, memory loss, aggression, impaired judgment, and degenerative dementia.<sup>128</sup>

The short- and long-term consequences of TBI in abused people remain understudied,<sup>129</sup> suggesting healthcare professionals and criminal legal system actors (e.g., law enforcement, attorneys, judges, and corrections officials) may lack sufficient knowledge to understand the significance of TBI on a person's behavior. However, deficits in short- and long-term memory, including forgetting information, conversations, and instructions within seconds or minutes of being told, pre/post-injury amnesia, and changes in affect (e.g., disorientation, anxiety, frustration, anger) associated with brain injuries<sup>130</sup> likely shape how these survivors progress through the entire criminal legal system.

According to the NISVS, 71.3% of abused women experience symptoms of PTSD.<sup>131</sup>

Other emotional effects include depression, anxiety, self-harm, suicidality, and sleep disorders.<sup>132</sup> Substance use disorders (SUDs), including legal or illegal drugs, alcohol, and medication misuse, is widely reported by people experiencing abuse<sup>133</sup> and is correlated with adverse physical and mental health conditions.<sup>134</sup> A larger proportion of abused women have SUDs compared to their non-abused counterparts.<sup>135</sup> Additionally, lesbian and bisexual cisgender women who experience multiple types of violent victimization, known as polyvictimization, also have higher rates of SUDs than their heterosexual counterparts.<sup>136</sup>

## D. Help-Seeking

Help-seeking in the context of IPV refers to the actions and strategies people experiencing violence use to obtain support, protection, and resources to address abuse. Help can come from informal sources, such as friends, family, and spiritual advisors, or formal supports, such as law enforcement, the criminal legal system, domestic violence advocacy services (e.g., shelters, counseling, etc.), or healthcare providers.<sup>137</sup> The decision to seek help is based on individual, relational, and cultural factors. Generally, people who experience severe IPV are more likely to seek some form of help.<sup>138</sup> Prior research found that women who experience IPV are more likely to seek help from informal than formal sources,<sup>139</sup> and in many cases wherein formal help is sought, it is preceded by informal support.<sup>140</sup> When IPV survivors do seek formal support, research shows they are less likely to be abused thereafter,<sup>141</sup> even if the police notification does not lead to an arrest.<sup>142</sup>



With regard to formal help seeking, some research suggests survivors experience a violence threshold or a “breaking point”<sup>143</sup> commonly after severe violence, injury, and fear for their life.<sup>144</sup> However, IPV severity can be an imprecise predictor of help-seeking.<sup>145</sup> It may be more likely that a woman’s perception of her abuse, or lack thereof, will be the primary determinant of whether she seeks any help.<sup>146</sup> For example, some people do not identify as a victim of abuse<sup>147</sup> either because they are too accustomed to violence to recognize they are being abused<sup>148</sup> or their self-perception does not match an “ideal victim”, who is assumed to be feminine, helpless, and passive.<sup>149</sup> These individuals may not consider seeking help.

A recent systematic review identified six barriers to formal help seeking.<sup>150</sup> These barriers include: (1) a lack of awareness of available resources, which was particularly relevant for racial/ethnic and sexual/gender minority groups; (2) access challenges, which refer to difficulties, such as location, time, language barriers, and accommodations for people with disabilities; (3) the consequences of disclosure, such as real or perceived fears of escalating abuse, potential harm to one’s partner or family, fear of being “outed” if lesbian, gay, bisexual, transgender, queer/questioning, and other identities (LGBTQ+), or risk deportation if undocumented; (4) lack of material resources, such as loss of financial or emotional support; (5) personal barriers, including cultural beliefs about the family, feelings of hopelessness, self-blame, or stigma associated with being a “victim” of IPV,<sup>151</sup> and other concerns related to mental health and substance abuse; and (6) system failures,

including institutional distrust, marginalization, discrimination, or the fear of not being believed.

Barriers to help-seeking manifest differently. For instance, financial dependence on a partner is a barrier for women of lower socioeconomic status who may not have the means to leave,<sup>152</sup> whereas women with resources to leave an abusive relationship<sup>153</sup> may be deterred by stigma and the desire to protect their status or reputation.<sup>154</sup> One study found that income was positively associated with police notification but negatively associated with seeking mental health services or going to shelters.<sup>155</sup> The availability of culturally appropriate resources may also affect help-seeking behavior. For example, Black transgender women face less stigma and discrimination from formal supports that are LGBTQ+ focused or employ LGBTQ+ peers.<sup>156</sup>

Seeking help from law enforcement is usually the first and sometimes only help-seeking behavior about half of abused women utilize.<sup>157</sup> Yet women of color may be reluctant to seek formal support from law enforcement due to systemic discrimination.<sup>158</sup> Some research shows that Latina women are less likely and Black women are more likely to call the police—despite being more likely to face criminal charges due to gendered and racist understandings of IPV<sup>159</sup>—with the theory being that Black women have fewer informal help-seeking avenues.<sup>160</sup> Research shows that the police’s failure to arrest a partner is common.<sup>161</sup> One study found that only 39.5% of abusive partners were arrested, and surprisingly, that the survivor’s homicide risk did not predict their partner’s arrest.<sup>162</sup>



Arrest policies with regard to IPV vary from state to state. Three broad approaches are common: (a) discretionary arrest, which offers guidelines for arrest that officers can decide on a case-by-case basis; (b) mandatory arrest, which requires an officer to make an arrest if there is probable cause to believe that abuse occurred;<sup>163</sup> and (c) preferred arrest, where IPV arrest is desired when appropriate and written justification is required if no arrest was made.<sup>164</sup> The latter two policies were championed by women's rights advocacy groups as ways to increase DV-related arrests and deter abuse. They have had mixed results. Some research suggests they increase IPV-related arrests, but overall reporting<sup>165</sup> and arrest rates remain low.<sup>166</sup>

Worryingly, mandatory arrest laws can dissuade survivors from calling the police to prevent their abuser from being arrested.<sup>167</sup> Some scholars argue that they fail to deter abusive behaviors or repeat offenses and, therefore, fail to protect abuse survivors.<sup>168</sup> Others contend that mandatory arrest laws disempower women because they fail to consider the survivors' preferences regarding arrest, and perpetrate a pathologized view of survivors as incapable of leaving their abusers, ignoring the myriad barriers to leaving.<sup>169</sup> Consequently, some researchers have found higher incidences of IPV in states with mandatory arrest laws than in states without;<sup>170</sup> however, other research shows the opposite result.<sup>171</sup>

Another unintended effect of these laws is that survivors become ensnared in the criminal legal system.<sup>172</sup> Research shows mandatory arrest laws result in increased arrests of

survivors of abuse in so-called “dual arrests,” where both the abuser and survivor are arrested and face legal consequences.<sup>173</sup> The incidence of dual arrest appears to be higher among marginalized populations, such as women of color or members of the LGBTQ+ community.<sup>174</sup> The practice of dual arrest, as state-perpetuated harm, may only further entrap victims of IPV and leave them with no other reasonable source of protection but to take matters into their own hands and to commit violent acts of self-defense.<sup>175</sup> ●

## PART III.

# Background on the California Criminal Legal System



This part describes the California laws that are relevant to a person arrested or convicted of homicide offenses generally, including liability arising from aiding and abetting someone else in the commission of such an offense. It offers an overview of self-defense law, and it explains the mechanisms that can lengthen a person's sentence, such as enhancements, and those that can lessen it, such as evidence of IPV. It also addresses pertinent rules about the admissibility of evidence.

## A. Homicide Law

### Murder and Manslaughter

Prosecutors can charge individuals for homicide offenses under various provisions of the California Penal Code.<sup>176</sup> The two main categories of homicide offenses are murder and manslaughter, which are distinguished by the presence of “malice,” a legal term generally referring to causing a death intentionally or with extreme recklessness, and without even a partial excuse.<sup>177</sup> Malice is a requirement for murder but not manslaughter.<sup>178</sup> The California Penal Code imposes longer sentence lengths for individuals convicted of murder than those convicted of manslaughter.<sup>179</sup>

### Murder

Murder is the “unlawful killing of a human being, or a fetus, with malice aforethought.”<sup>180</sup> Malice can be express, i.e., a manifestation of one's “deliberate intention” to kill, or implied from the circumstances.<sup>181</sup> First-degree murder, which generally encompasses premeditated or

particularly egregious killings, is defined as a “deliberate and premeditated killing”; a killing performed with destructive devices, weapons of mass destruction, torture, poison, or lying in wait; or a killing committed in “perpetration or attempt to perpetrate arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking,” and several other enumerated crimes.<sup>182</sup> Under the last category—known as the felony-murder rule—an individual who does not actually commit the homicide can in some circumstances<sup>183</sup> be charged with first-degree murder for aiding and abetting the perpetration or attempted perpetration of a certain felonies specified by statute.<sup>184</sup>

### *First-Degree Murder*

A person convicted of first-degree murder in California may be sentenced to death, imprisonment for life without parole (LWOP), or imprisonment for 25 years to life.<sup>185</sup> They will receive a mandatory LWOP sentence and be eligible for a death sentence if the trier of fact finds at least one “special circumstance” identified in California Penal

Code § 190.2.<sup>186</sup> Special circumstances include prior convictions for first- or second-degree murder,<sup>187</sup> killings of police officers,<sup>188</sup> and murders committed during the commission (or attempted commission) of certain felonies, such as robbery and carjacking.<sup>189</sup>

As of January 2024, 20 women were serving death sentences in California.<sup>190</sup> Additionally, in 2023, there were 174 women serving LWOP sentences in California prisons.<sup>191</sup>

### ***Second-Degree Murder***

All other forms of murders not defined in California Penal Code § 189(a) are second-degree murders.<sup>192</sup> Unlike first-degree murder—with the notable exception of felony murder—second-degree murder does not require premeditation. Accordingly, second-degree murders are killings perpetrated intentionally, but without premeditation or in the course of a felony enumerated in § 189(a).<sup>193</sup> Second-degree murder is distinguishable from voluntary manslaughter, discussed below, by its malice requirement.<sup>194</sup> Second-degree murder can be unpremeditated murder with express malice,<sup>195</sup> or implied-malice murder.<sup>196</sup>

The standard sentence for second-degree murder is 15 years to life imprisonment.<sup>197</sup> However, in addition to sentencing enhancements (discussed below), the court must increase the term of imprisonment if the victim was a peace officer (25 years to life sentence),<sup>198</sup> or if the homicide was perpetrated by intentionally shooting a firearm at another person from a motor vehicle “with the intent to inflict great bodily injury” (20 years to life sentence).<sup>199</sup>

## **Manslaughter**

Manslaughter is an unlawful killing without malice.<sup>200</sup> California recognizes three types of manslaughter: voluntary manslaughter, involuntary manslaughter, and vehicular manslaughter.<sup>201</sup>

### ***Voluntary Manslaughter***

Voluntary manslaughter is a killing perpetrated in response to provocation or “upon a sudden quarrel or heat of passion.”<sup>202</sup> Additionally, an individual who has an imperfect self-defense claim (i.e., they had a good faith, but unreasonable, belief that they had to use lethal force) can be convicted of voluntary manslaughter.<sup>203</sup> Both “heat of passion,” or provocation, and imperfect self-defense are considered mitigating factors that, because of their effect on the defendant’s mental state, make the homicide “less blameworthy than murder.”<sup>204</sup> To prove the offense of voluntary manslaughter, the prosecution must establish: “(1) a human was killed; (2) the killing was unlawful; (3) the perpetrator of the killing either intended to kill the alleged victim or acted in conscious disregard for life; and (4) the perpetrator’s conduct led to an unlawful killing.”<sup>205</sup> The presence of provocation in a voluntary manslaughter offense nullifies the presence of malice that is required for murder.<sup>206</sup> But provocation only lowers the culpability of a defendant’s mental state—it does not eliminate it. An individual who is convicted of voluntary manslaughter is punished by a term of three, six, or 11 years in prison.<sup>207</sup>

The historical context of “heat of passion” killings is worth brief discussion. Just as in other areas of American law, homicide law

has primarily focused on men and was largely developed by male judges, legislators, and lawyers—all of whom “bring with them their male perspectives, which are often influenced by societal gender stereotypes.”<sup>208</sup> The heat of passion category of homicide offense dates back to 18th-century English property law (women were treated as their husbands’ property<sup>209</sup>) which let a man assert a defense to a murder charge when he “killed his wife after catching her in an adulterous act.”<sup>210</sup> Breaking from the norm that defendants typically had to have experienced some form of *physical* provocation to rely on this doctrine, common law allowed defendants to claim that they committed a killing in a heat of passion based on merely “the sight of adultery.”<sup>211</sup> These men were “treated as lacking the requisite malice,” and there may even have been “a degree of culpability . . . assigned to the victim as the provoker,” to justify a reduced sentence.<sup>212</sup> This doctrine also served to soften “the harshness of the mandatory death penalty” that attached to homicide offenses at the time, yet it has endured long after England and many American states abolished capital punishment.<sup>213</sup> While the bases for provocation have developed over the past few centuries, the doctrine’s historical “lack of protection for women” defendants endures.<sup>214</sup>

### ***Involuntary Manslaughter***

Involuntary manslaughter is a killing that lacks both intent and malice. It only requires the prosecution to show that the defendant caused the death of another person, either recklessly or with criminally culpable negligence.<sup>215</sup> An individual who is convicted of involuntary manslaughter faces a term of imprisonment for two, three, or four years.<sup>216</sup>

## **B. Accomplice Liability, including Failure to Protect Laws**

In California, a person who did not directly commit a homicide may nonetheless be convicted of murder or manslaughter under a theory of aiding or abetting, also known as accomplice liability.<sup>217</sup> California’s accomplice liability statute—California Penal Code § 31—applies to “[a]ll persons connected in the commission of a crime,” including those who are not present when the crime is committed,<sup>218</sup> so long as they have “both knowledge of the perpetrator’s criminal purpose and the intent of encouraging or facilitating commission of the offense.”<sup>219</sup> Before 2018, a person could be held liable as an accomplice for the “natural and probable consequences” of the offense, i.e., “not only of the offense[s] [s]he intended to encourage or facilitate, but also of any reasonably foreseeable offense committed by the perpetrator [s]he aids and abets.”<sup>220</sup> However, the California legislature abolished this theory of murder liability to require the prosecution to show that a person who did not commit the killing acted with “intent to kill” or “reckless indifference to human life.”<sup>221</sup> In 2021, the legislature extended this rule to accomplice liability in manslaughter and attempted murder cases.<sup>222</sup>

Similarly, a person can be prosecuted for failing to protect a child in their custody or care if they “willfully cause[] or permit[]” the child to be in a situation where their “person or health is endangered.”<sup>223</sup> Failure to protect (FTP) liability usually requires that a child was “exposed to” abuse or harm which the defendant “failed to prevent,” and it requires

the defendant have a “legal duty to protect the child” as well as “actual or constructive notice of the foreseeability of the abuse.”<sup>224</sup>

In addition to this statutory provision, California has a common-law rule for an individual’s failure to protect their children, derived from *People v. Rolon*.<sup>225</sup> Under this rule, a parent can be criminally liable if they “knowingly fail[] to take reasonable steps to stop an attack on his or her child,” and “the purpose of the nonintervention is to aid and abet the attack.”<sup>226</sup> For instance, a woman could be held responsible for the death of her child even if it was her partner who committed the act of killing, as long as the prosecutor can establish that she could have foreseen the abuse and failed to prevent it.

A related legal offense category is child maltreatment fatalities, which describe child deaths resulting from “recurrent child abuse, neglect, or factitious disorder by proxy,”<sup>227</sup> and may include those caused by “infant abandonment, starvation, medical neglect, drowning, home fires, being left alone in cars, and firearms.”<sup>228</sup> California Penal Code § 273a punishes:

[a]ny person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered.<sup>229</sup>

California courts have upheld convictions under this statute for child deaths resulting

from starvation,<sup>230</sup> leaving a child in a car,<sup>231</sup> drowning,<sup>232</sup> medical neglect,<sup>233</sup> and fires.<sup>234</sup>

## C. Self-Defense Law

A person who causes a death while acting in self-defense, defense of another, or defense of habitation may avoid criminal liability for the death, on the ground that the homicide was justified.<sup>235</sup> California Penal Code § 197 defines justifiable homicide as the killing of someone in self-defense or defense of another if the assailant attempts to kill or severely injure someone.<sup>236</sup> Justifiable homicide also includes the defense of habitation, property, or person if the assailant intends or attempts to commit violence to a person within the defendant’s dwelling.<sup>237</sup>

To establish a claim of self-defense, the defendant must show two things: (1) they actually perceived that they were in grave, imminent danger and had to use lethal force to avoid that danger; and (2) their perception was objectively reasonable under the circumstances.<sup>238</sup> Here, the term “imminent” means that the danger must appear “immediate and present and not prospective or even in the near future,” i.e., it appears that it “must be instantly dealt with.”<sup>239</sup> If the defense raises a claim of self-defense, or “if there is substantial evidence” supporting a theory of self-defense that is not inconsistent with the defense’s theory of the case, the court must instruct the jury on self-defense.<sup>240</sup>

Similarly, if a person uses force intended or likely to cause death or grievous injury within their residence, they are *presumed* to have a “reasonable fear of imminent peril of death or great bodily injury” to herself, their family, or

a member of their household when that force is used against another person—outside of their household and family—who “unlawfully and forcibly enters,” or “the person using the force knew or had reason to believe that an unlawful and forcible entry occurred.”<sup>241</sup> This presumption of objective reasonableness does not apply in cases where the decedent was part of the family or household.

California law also provides a legal defense of “imperfect self-defense” to a defendant who acts under a sincere but *unreasonable* fear of grave harm or death. Imperfect self-defense will not result in an acquittal, but rather it can mitigate a murder offense to a manslaughter offense.<sup>242</sup>

## Duress Defense

Duress, though not a defense to a murder charge itself in California, can be invoked when the murder charge is based on accomplice liability<sup>243</sup> or a felony-murder theory of liability.<sup>244</sup> (Legislation in 2018 greatly restricted prosecutors’ ability to charge murder and attempted murder on such a theory.<sup>245</sup>) To prevail on a defense of duress, the defendant must have believed that, due to threat or menace, their or someone else’s life would be in “immediate danger” if they refused to commit the crime, and that belief must be reasonable.<sup>246</sup> Just as in self-defense claims, the defendant’s belief that there existed a grave threat must be reasonable, which the factfinder evaluates by considering the totality of the circumstances.<sup>247</sup> In addition, if there is “substantial evidence” of this defense that is not inconsistent with the defendant’s theory of the case, the court must instruct the jury on a duress defense.<sup>248</sup>

## D. Sentencing Law

California criminal statutes often provide for three lengths of imprisonment for a given offense, which are referred to as the “lower,” “middle,” and “upper” terms. Unless there are aggravating circumstances, the court can only impose the lower or middle term, but it has discretion to choose between the two.<sup>249</sup>

## Sentencing Enhancements

In addition to the sentence lengths set out in the statute for a given crime, a defendant may be punished with certain sentencing enhancements (i.e., added terms of imprisonment) depending on the circumstances of the offense.

## Gun Enhancements

Under California Penal Code § 12022, the court must impose an additional and consecutive year of imprisonment on a person who is found to be armed with a firearm in the commission of a felony or attempted felony (unless the firearm is an element of the underlying offense).<sup>250</sup> This enhancement applied to any “principal” in the crime, even if they are not personally armed with a weapon.<sup>251</sup> If the defendant *uses* a firearm during the commission of a felony or attempted felony, § 12022.5 imposes an additional sentence of three, four, or 10 years of imprisonment.<sup>252</sup> However, if a person intentionally inflicts great bodily injury or causes the death of another person—other than an occupant of a motor vehicle—by discharging a firearm from a motor vehicle in the commission of a felony or attempted felony, the court must extend their sentence by five, six, or 10 years.<sup>253</sup> Under California



Penal Code § 12022.53, if an individual uses a firearm in the commission of a killing, for which they are convicted of murder, the court is instructed to impose an additional imprisonment term of 25 years to life.<sup>254</sup> However, under California Penal Code § 1385, a court has the discretion “in the interest of justice” to strike or dismiss an enhancement at the time of sentencing or “any resentencing that may occur pursuant to any other law.”<sup>255</sup>

### **Gang Enhancements**

California Penal Code § 186.22 requires the court to add a consecutive term of imprisonment to a defendant’s sentence if they are convicted of a “felony committed for the benefit of, at the direction or, or in association with a criminal street gang, with specific intent to promote, further, or assist in criminal conduct by gang members.”<sup>256</sup> Individuals convicted of murder or voluntary manslaughter are subject to an enhancement of five years.<sup>257</sup>

California statutory law also provides for sentencing enhancements for gangs and guns.<sup>258</sup> For example, under California Penal Code § 12021.5, the court must extend the sentence of an individual who is convicted for a street gang crime and carries a firearm (loaded or unloaded) on her person or in her vehicle during the commission of that crime.<sup>259</sup>

### **Enhancement for Crimes Against Children**

California Penal Code § 12022.95 applies to individuals convicted of willfully causing or permitting a child to suffer, or inflicts thereon “unjustifiable physical pain or injury,” resulting in the child’s death, or individuals convicted of

having care or custody of a child who willfully causes or permits the child to be injured or harmed, resulting in the child’s death. If proven to be true, or if a defendant admits to this conduct, a defendant will receive a four-year enhancement for each violation of such conduct.<sup>260</sup>

### **Three Strikes Law**

California’s “Three Strikes” law, approved by the State’s voters in 1994, originally required courts to impose a sentence of 25 years to life on any defendant convicted of a felony who had two prior convictions for “serious” or “violent” crimes, defined by California Penal Code §§ 1192.7(c) and 667.5(c).<sup>261</sup> The law also provided for a sentencing enhancement for an individual’s second “strike,” wherein a person convicted of a felony would be subject to a doubled term of imprisonment if they were previously convicted for a violent or serious felony.<sup>262</sup>

In 2012, California voters enacted the Three Strikes Reform Act, also known as Proposition 36, which narrowed the application of the 1994 Three Strikes law to (1) eliminate life sentences for individuals convicted of non-serious and non-violent crimes, and (2) provide a way for individuals who were sentenced to life under the 1994 Act for minor crimes to petition the court for a reduced sentence.<sup>263</sup> This resentencing provision is not automatic.<sup>264</sup>

Despite the 2012 reform, many people who are incarcerated today were sentenced under the original Three Strikes law. One study found that approximately 36% of individuals imprisoned in January 2022 had their sentence enhanced by the Three



Strikes law.<sup>265</sup> The law's enduring effects fell disproportionately on Black individuals—who are already overrepresented in California's prison population.<sup>266</sup> For example, in January 2022, Black individuals comprised 45.1% and 32.6% of those incarcerated under the third-strike and double-sentence enhancement, respectively, despite comprising 24.6% of the non-strike enhancement prison population.<sup>267</sup> Those serving time under the Three Strikes sentencing enhancements were overwhelmingly male—only 0.6% of those serving time for a third-strike enhancement in January 2022 were female.<sup>268</sup> In 2023, 728 women were imprisoned for a second-strike conviction, and 29 women were imprisoned for a third-strike conviction.<sup>269</sup>

## **Intimate Partner Violence Mitigation**

Defense counsel can seek to mitigate or reduce a client's sentence by introducing evidence of IPV.<sup>270</sup> This is particularly important in plea bargain cases, where there was no trial to introduce IPV-related evidence. Plea deals are highly common in California courts; although the State does not release offense-specific data, approximately 96.5% of felony convictions in California are resolved by plea bargain.<sup>271</sup> Among federal homicide offenses, approximately 85.5% of convictions resulted from plea deals.<sup>272</sup> However, even in cases that go to trial and result in guilty verdicts, IPV evidence remains a valuable tool for mitigating sentence length. Unlike the trial context, where the defense seeks to show that the defendant is not guilty, at the sentencing stage, the defense is aiming to mitigate the punishment their client will receive for the convicted offense by offering important

contextual information.<sup>273</sup> This distinction bears on questions of relevance, which in turn will affect the admissibility of IPV-related evidence, as described in the following section.

California Penal Code § 1170(b)(6) provides that the court, unless it finds the existence of aggravating circumstances that outweigh mitigating circumstances, must impose the lower term sentence if psychological, physical, or childhood trauma; IPV; or human trafficking was a contributing factor in the commission of the offense.<sup>274</sup> The judge may also consider whether the person was a youth, defined as “under 26 years of age,”<sup>275</sup> at the time of the offense.<sup>276</sup> This provision was made effective on January 1, 2022, and it is retroactive.<sup>277</sup>

If the prosecution requests a sentencing enhancement, such as those mentioned above, IPV evidence can provide a basis to strike this additional punishment under California Penal Code § 1385(c)(2). As long as it is not precluded by another provision of § 1385, the court may strike a sentencing enhancement if doing so would further justice.<sup>278</sup> In exercising its discretion, the court may consider whether the offense “is connected to prior victimization or childhood trauma.”<sup>279</sup> This provision was made effective on January 1, 2022, and it applies only to sentences occurring after that date.<sup>280</sup>

## **Sentence Recall and Resentencing**

IPV evidence can also be introduced when a court recalls and resentsences an individual. For example, under California Penal Code § 1170(d)(8)(C), on the defendant's motion, the court has discretion to resentence an

individual to a lesser term of imprisonment if they were under the age of 18 at the time of the offense, were sentenced to an LWOP term, and served at least 15 years of the sentence.<sup>281</sup> One of the factors that the court may consider when making this determination is whether the defendant “is or was a victim of intimate partner violence or human trafficking” before or at the time of the offense.<sup>282</sup>

Although more recent resentencing code amendments are not age-limited,<sup>283</sup> laws like § 1170(d)(8)(C) that are limited by the individual’s age at the time of the offense will not affect many survivors’ sentences. The number of women who are convicted for homicide before turning 18 years old is low,<sup>284</sup> even in relation to the generally low prevalence of women<sup>285</sup> and minors who are convicted for such offenses.<sup>286</sup> While more than one in four girls first experience IPV before age 18,<sup>287</sup> approximately 72.9% of women experiencing IPV were first victimized after turning 18 years old.<sup>288</sup>

Additionally, after the California Legislature amended accomplice liability for first-degree felony murder and eliminated second-degree felony murder in 2019,<sup>289</sup> it proceeded to enact California Penal Code § 1172.6, which provides a pathway for individuals convicted under the outdated first- or second-degree murder (or attempted murder as of 2022) statute to vacate their conviction and be resentenced.<sup>290</sup> Although this provision does not specifically take IPV into account, one of the pathways to criminalization for survivors is through the felony-murder rule.

## E. Evidence Law

Judges ultimately control what evidence is introduced at trial. Evidence must always be relevant to be admissible, meaning that it “ha[s] any tendency in reason to prove or disprove any disputed fact” that bears on the case.<sup>291</sup> Even if evidence is relevant, the judge retains discretion to exclude it if she believes that its probative value is significantly outweighed by the probability that it will “necessitate undue consumption of time” or “create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury.”<sup>292</sup>

### Intimate Partner Violence-Related Evidence

Defendants can introduce evidence of IPV to substantiate claims of perfect or imperfect self-defense, duress, or to demonstrate the existence of provocation or an inculpable state of mind. Under California Evidence Code § 1107, enacted in 1991 and clarified by the California Supreme Court in 1996,<sup>293</sup> evidence introduced in criminal cases, by either the prosecution or defense, is admissible if it pertains to:

intimate partner battering and its effects, including the nature and effect of physical, emotional, or mental abuse on the beliefs, perceptions, or behaviors of victims of domestic violence, except when offered against a criminal defendant to prove the occurrence of the act or acts of abuse which form the basis of the criminal charge,<sup>294</sup>

or if the court determines that it is otherwise relevant.<sup>295</sup> Similarly, California Evidence Code § 1107.5 allows for evidence related to human trafficking.<sup>296</sup> Courts have admitted

evidence of and testimony regarding battered woman's syndrome (BWS) and PTSD offered by defendants.<sup>297</sup> In addition, evidence that a survivor-defendant experienced IPV has been admitted when offered by the defense in a FTP case, as "it is characteristic of [IPV victims] to fail to protect children in her care, . . . to lie to protect her batterer, and accept responsibility for [his] actions."<sup>298</sup>

In *Ake v. Oklahoma*, the U.S. Supreme Court held that an indigent defendant is entitled to a psychiatric evaluation if their mental state at the time of the offense was a "significant factor" in their case.<sup>299</sup> However, due to a general lack of understanding of IPV, courts may be reluctant to find that survivor-defendants fall within this category. Moreover, many people who have experienced IPV require trauma-specific treatment that courts may fail to recognize, leading to insufficient evaluations.<sup>300</sup>

## Expert Testimony

Expert witnesses can discuss the physical, emotional, or mental effects of IPV on the behaviors or perceptions of survivors, and experts can offer their opinion as to whether the specific survivor-defendant actually experienced IPV.<sup>301</sup> Under California Evidence Code § 801, expert testimony must be based on specialized knowledge, and California state courts, unlike federal courts, permit experts to state conclusions regarding the defendant's mental condition, even if it is part of the defense.<sup>302</sup> California Evidence Code § 1107 expressly provides that expert testimony on IPV and its effects is admissible,<sup>303</sup> and § 1107.5 allows for expert testimony related to human trafficking.<sup>304</sup> Such testimony is relevant to the

defense's case because it contextualizes the survivor-defendant's actions, or failure to act, and can offer an empirically grounded rebuke to gender biases or stereotypes of abusive relationships.<sup>305</sup>

## Self-Defense Claims

In general, defense counsel can explain IPV and its effects, both generally and in the defendant's specific case, to jurors and the court as a way to contextualize the defendant's subjective beliefs at the time of the killing as well as the reasonableness of her conduct. This background is particularly important to countering potential biases or misconceptions of IPV,<sup>306</sup> and its proper introduction would require the court to instruct the jury on IPV.<sup>307</sup>

In 1996, the California Supreme Court's decision in *People v. Humphrey* held that evidence of IPV and its effects is relevant to determine whether the survivor-defendant feared imminent danger,<sup>308</sup> which is required for the survivor-defendant to prevail on perfect or imperfect defense.<sup>309</sup> Specifically, this evidence can "establish the defendant's actual, subjective perception that [they were] in danger and had to kill . . . to avoid that danger."<sup>310</sup> The *Humphrey* Court recognized that "imminence" should be contextualized in IPV contexts because as "violence increases over time, and threats gain credibility, a battered person might become sensitized and thus able reasonably to discern when danger is real and when it is not."<sup>311</sup> Accordingly, California courts allow juries to consider "[a]ll surrounding circumstances" of the homicide, "including prior assaults and threats" made by the abuser, to determine "whether the accused

perceived an imminent threat of death or great bodily injury.”<sup>312</sup> Therefore, IPV evidence could be introduced to bolster a claim of self-defense by showing the connection between the survivor-defendant’s experiences of IPV and a “heightened sense of danger,” leading her to “believe[] it was necessary to defend herself” on the day in question.<sup>313</sup>

The *Humphrey* Court also found that IPV evidence is relevant to determine whether a survivor-defendant’s belief that she had to use lethal force was objectively reasonable.<sup>314</sup> The reasonableness inquiry requires the jury to consider the homicide in context of the defendant’s particular experiences.<sup>315</sup> Expert testimony on IPV is therefore relevant to the reasonableness inquiry because it can demonstrate that the survivor-defendant, “from experiences with the batterer, may be better able to predict whether force is reasonably necessary.”<sup>316</sup> Courts accordingly have recognized that more than the “snapshot” of time when the homicide occurred could be considered to determine reasonableness; rather, the survivor-defendant’s “past experiences” can inform a jury’s understanding of whether the survivor-defendant reasonably anticipated harm.<sup>317</sup>

## **Duress**

Evidence of IPV, including expert testimony on IPV and its effects, can be used to support a duress defense<sup>318</sup> by showing that the survivor-defendant’s participation in a homicide stemmed from an “intense fear of imminent death or harm” from her abuser.<sup>319</sup> Here, expert witnesses could opine that, given the context of IPV, the survivor-defendant’s belief that she would be “killed if she did not comply with [the

abuser’s] orders,” was reasonable, which in turn would allow the defense to receive a jury instruction on duress.<sup>320</sup> Researchers contend that defense attorneys who “demonstrate the proximity of IPV and its influence” on the alleged criminal conduct have a stronger chance of both having expert testimony on IPV admitted and prevailing on a duress defense.<sup>321</sup>

## **Credibility**

Although a strong showing of credibility is not itself a defense, IPV survivor-defendants often must demonstrate their credibility to counter potential misconceptions and biases. Survivor-defendants may testify at their trials, but their credibility can be challenged by preconceived notions of abusive relationships.<sup>322</sup> Expert testimony is particularly useful here, which in turn helps a jury understand the circumstances of the homicide and determine whether the survivor-defendant’s actions were objectively reasonable. For example, expert testimony is useful to explain to juries why a woman in an IPV situation does not alert the police or leave her abuser, or why survivor-defendants may make “inconsistent statements or act in ways that appear counterintuitive” to those who do not understand IPV and its effects.<sup>323</sup> Additionally, expert testimony on IPV can provide “relevant information about the tendency of victims of domestic [or intimate partner] violence later to recant or minimize the description of that violence.”<sup>324</sup>

## **Psychological and Psychiatric Diagnoses**

Defense attorneys often rely on mental health experts, such as psychologists and psychiatrists, to demonstrate that the survivor-

defendant suffers from a mental disorder as a result of their experiences with IPV. Some scholars argue that testimony on PTSD may be more advantageous for self-defense claims than BWS because it “more accurately explain[s] the various types of battering phenomena, including memory lapses, aggressive episodes,” and other conduct that may conflict with a stereotypical view of BWS victims as “helpless.”<sup>325</sup>

Defense counsel could introduce evidence on PTSD to substantiate their claims of self-defense and bolster the survivor-defendant’s credibility. Although there is disagreement about the utility of relying on PTSD diagnoses for IPV survivor-defendants,<sup>326</sup> PTSD offers defense counsel a “reliable and useful diagnosis,” whose empirical backing could be valued by a jury.<sup>327</sup> PTSD is a “psychiatric disorder that may occur in people who have experiences or witnessed a traumatic event, series of events, or set of circumstances.”<sup>328</sup> Experts can provide the trier of fact with background scientific and psychological information to explain how survivor-defendants could develop symptoms from trauma of a single occurrence of battering, or how prior violence could lead to hypervigilance.<sup>329</sup> Experts can bolster a claim of self-defense by explaining that PTSD is inconsistent “with initiating violence against another person,”<sup>330</sup> which indicates that the survivor-defendant was not the initial aggressor. Alternatively, PTSD evidence can be introduced to show that the survivor-defendant was in a dissociative state, which would support a state of mind defense.<sup>331</sup>

## Traumatic Brain Injury

Defendants can also call expert witnesses, such as neurologists, to testify about TBI. However, it appears that defense attorneys rarely raise this issue,<sup>332</sup> which may be related to the difficulties diagnosing TBI and to insufficient recognition of its link with IPV.<sup>333</sup>

Formal diagnosis of TBI is accomplished through ante- or post-mortem brain scans, such as magnetic resonance tomography (MRI) or computed tomography (CT); however, mild TBIs, which comprise about 70-90% of all TBIs,<sup>334</sup> may not be detected on scans. More commonly, mild TBI is diagnosed by clinical criteria and neuropsychological testing (i.e., Glasgow Coma Scale assessing awake, alert, and orientation), usually within 24 hours of the injury. As discussed in Part II.C. Intimate Partner Violence Prevalence and Outcomes, TBI severity is defined by length of loss of consciousness, alteration in consciousness (e.g., dizzy, dazed, difficulty thinking) or post-trauma amnesia (e.g., no memory of events before or after the event). Further complicating diagnosis is that health effects of IPV and TBI manifest in similar symptoms, such as disruptions in cognitive functioning, anxiety, depression, and sleep disorders, making it difficult to differentiate between the two issues.<sup>335</sup> Moreover, due to the complex relationship dynamics of IPV, women in abusive relationships do not always seek medical attention until their injuries rise to severe levels, where the cumulative effects of multiple TBIs may be overlooked.<sup>336</sup>

Individuals who experience TBI encounter distinct challenges in the criminal legal system. For instance, a symptom of TBI is confabulation, or the “unintentionally inaccurate retrieval and recollection of information,”<sup>337</sup> which can lead an individual to appear as though they “accurately remember information and events, given the degree of confidence and the plausibility of personal memories,” despite the fact that their “accounts may be based on distorted or completely false information.”<sup>338</sup> Often, confabulating individuals will be able to accurately speak to some aspects of their story, but “unintentionally generate false information to ‘fill in the gaps.’”<sup>339</sup> Additionally, individuals with TBIs may have social-cognition problems that not only impede their ability to understand their legal rights but also can impair their ability to “demonstrate empathy”<sup>340</sup> or lead them to present themselves as irritable or uncooperative,<sup>341</sup> which can adversely affect jurors’ perception of the survivor-defendant. Therefore, expert testimony about TBI would provide the trier of fact with important context about the survivor-defendant’s behaviors and affect. ●



## PART IV.

# Methodology



This part describes the study design, measures, analysis, and limitations. The study design and approvals process occurred over a three-year period. The study protocol was planned with careful attention to minimize re-traumatizing respondents and to protect anonymity. Multiple stakeholders provided input on all components of the study, including research questions, the survey instrument, measures, analysis, and synthesis of findings.

## A. Purpose of the Study

The overarching purpose of the study was to better understand the abuse-related pathways that led people to be convicted of murder and manslaughter. Specific objectives were to:

- (1) Quantify the prevalence of IPV and the potential lethality of the abuse;
- (2) Describe the nature of the relationship between the survivor-defendant and the decedent as it relates to the circumstances of the offense; and
- (3) Identify the extent to which the criminal legal system accounts for IPV.

## B. Design, Setting, and Sample

This descriptive, cross-sectional study focused on the experiences of people, including cisgender women and transgender people, who were incarcerated for murder or manslaughter at two correctional facilities within the California Department of Corrections and Rehabilitation (CDCR): the Central California Women's Facility (CCWF) and California Institution for Women (CIW). Respondents completed an anonymous, self-administered survey that was collected in-person in July and November 2023. The

study protocol was approved by the Stanford University Institutional Review Board, the State of California Health and Human Services Agency Committee for the Protection of Human Subjects, and the CDCR Office of Research.

In 2023, approximately 1,116 people were incarcerated at CIW and CCWF for murder or manslaughter, representing the target population.<sup>342</sup> Those who were eligible for the study were: (a) at least 18 years old at the time of the survey; (b) of any gender (e.g., cisgender, transmen assigned female at birth, transwomen assigned male at birth, and non-binary); (c) incarcerated for murder or manslaughter; and (d) identified their relationship to the person who was killed ("the decedent"). Respondents could have any sentence type (e.g., determinate number of years, indeterminate years to life, life without parole (LWOP), juvenile life without parole (JLWOP), or death sentence). A history of IPV was not required. Respondents were excluded from the study if they were incarcerated for attempted murder or if there was a non-valid response to the question asking their relationship to the person who was killed (i.e., missing or unable to determine from the narrative responses).



In total, 687 persons responded to the survey. After excluding 38 ineligible respondents (11 people convicted of attempted murder and 27 people who did not list a relationship type), a total of 649 persons were included in the sample, representing 58.2% of the population of people incarcerated for murder or manslaughter at the two women's prisons in the State of California.

## C. Data Collection Procedures

Recruitment for the study was primarily through prison contacts. First, an informational flier was distributed to the Inmate Advisory Councils through the Public Information Officers at each prison. Word-of-mouth notice came from our proctors whose professional work involves outreach with people who are incarcerated.

Prior to survey administration, a representative of the prison identified and provided a ducat to every person with a murder or manslaughter conviction (ducats are permission slips with an appointment time used by CDCR). Potential respondents were escorted by correctional officers or allowed to meet personnel in the survey administration areas, where our proctor team greeted them and told them about the study. Those who were interested in hearing more about the study were taken to a private area where they were consented individually (respondents could refuse upon hearing the consent). Those who consented and enrolled in the study were taken in a large group room in the visiting center or a smaller classroom/office to take the survey, which were monitored by proctors who could answer questions.

The survey was administered over four days in July and two days in November of 2023. It was available in paper (including large font format) or via electronic tablet and in both English and Spanish languages. A total of 120 people (18.5%) opted for the paper version, whereas 529 people (81.5%) used the tablet. A total of 32 (4.9%) surveys were taken in Spanish. No incentives were offered for participation.

The proctor team included a Spanish translator, three formerly incarcerated survivors who had served life sentences that were commuted by California Governor Jerry Brown, Regilla Project team members, and Stanford students. Proctors were trained on data collection procedures, informed consent, and surveying vulnerable or traumatized populations by senior study personnel with over a decade of data collection experience. Additionally, proctors obtained certification in human subjects research as part of the IRB requirements. Proctors were given a script and watched senior study personnel approach, consent, and survey respondents.

## D. Survey Instrument and Development

The anonymous survey was approximately four pages long and included questions on demographics, experiences with the criminal legal system, information about the person who was killed and the offense, two validated scales on IPV, and two open-ended narrative questions ([see Part XII. Appendix 1](#)). Questions were written at the fifth grade reading level. We developed the study survey in consultation with a range of stakeholders including formerly incarcerated survivors and experts in gender

violence, criminology, and the criminal legal system. Stakeholders ensured the questions were understandable, appropriate, and minimized re-traumatization to the extent possible.

The demographic questions included current age, race/ethnicity, highest level of education, year of conviction, and length of sentence. Other conviction-related questions included whether they were convicted of assisting in a killing committed by a partner/ex-partner, had a trial or plea bargain, the judge's gender, type of lawyer (public defender/court-appointed or privately paid), adequacy of representation, and whether they were treated unfairly

because of their gender, race, or income and an open-ended narrative explaining why they felt this way.

Respondents were asked about their relationship to the decedent. Options included: spouse or ex-spouse, dating partner or ex-partner, parent/stepparent, in-law, sibling, your child/stepchild, other family member, stranger, male friend, female friend, neighbor, or "other" with the option to specify the relationship. We recoded these responses and other responses using information gleaned from narratives into one of the following eight decedent relationship categories:

Relationship Categories	Definition
Acquaintance	Includes neighbors, employers, co-workers, clients, staff/caregivers, drug dealers, and individuals known of, such as a rival gang or friend of a friend
Child	Includes all minor children (both relatives and non-related children), unborn fetuses, and may include individuals over 18 if the respondent referred to them as a child
Friend	Male or female friend, family friends, and other relationships the respondents defined as a "friend"
Intimate Partner	Includes former or current spouses or dating partners, including relationships resulting in a shared child ("baby daddy") or consensual sexual relationships ("friends with benefits")
Other Non-intimate Relationship	Includes roommates and partners-in-common (e.g., paramours or extramarital partners, a respondent's boyfriend or their spouse's girlfriend, etc.)
Relative or Family Member	Includes adult blood relatives (e.g., parent, grandparent, aunt, uncle, etc.), relatives through marriage, such as in-laws and former in-laws, or other family relationships identified by the respondent ("like a daughter to me")
Stranger	Includes persons unknown or tangentially known to the respondent, such as stalkers, rapists, or persons "just met"
Multiple Decedents	Responses with more than one decedent type selected and multiple decedents were described in the narrative responses. Decedents could have any relation to the respondent, including 10 respondents whose decedent was a former or current intimate partner plus others

Next, respondents were instructed to list the decedent's gender if that person was a partner or ex-partner. Then, a series of yes/no items addressed the following questions: whether the decedent ever hurt or abused the respondent physically, sexually, or emotionally; whether the respondent's lawyer submitted or their judge prevented their lawyer from submitting evidence of abuse (e.g., domestic violence or battering) that occurred the day of the killing or prior to the killing to establish a history or pattern of abuse; and if an expert witness testimony or psychological evaluation was submitted to the court. Respondents were also asked if their lawyer argued that the killing was justified/excused due to a self-defense or related reason, like stand your ground, provocation, or other similar reason.

We included standardized measures to assess the presence and severity of IPV in the year prior to the controlling conviction. First, the *Composite Abuse Scale (Revised) Short Form (CAS<sub>R</sub>-SF)* or CAS, a 16-item, brief self-report measure of IPV experiences across three domains: psychological, physical, and sexual abuse. CAS is valid and reliable in a variety of settings.<sup>343</sup> We used the assessment to categorize IPV exposure into one of three groups: (a) no IPV (true zero on all items), (b) IPV positive (one or more of the following thresholds: >1 physical abuse item, any sexual abuse, >4 psychological abuse, or were choked), and (c) sub-threshold IPV (endorsed an item but did not meet IPV thresholds). The response options were modified to fit the particularities of our population, namely, changing it from past year violence frequency (1-never to 5-daily) to a binary response (yes/no) indicating violence in the year prior to

the offense. This change was made because respondents were likely incarcerated in the preceding 12 months and that it may be difficult to recall the frequency of violent events many years ago. This modification meant that the IPV exposure cut-off values were stricter than originally intended.

Additionally, we examined five physical injury items from the *Conflict Tactics Scale-Revised (CTS-2)* which were included to better understand injury severity.<sup>344</sup> These questions included whether their partner inflicted an injury resulting in sprain/bruise, physical pain, or a broken bone as well as an injury requiring doctor care, or an injury that should have been seen by a doctor.

Finally, if any CAS or CTS-2 item was endorsed, then respondents also took a modified version of the *Danger Assessment (DA)*, which measures IPH risk.<sup>345</sup> The 20-item DA was modified so that the questions were in the past tense and referenced "the year before the killing" rather than "in the past year" as respondents were likely incarcerated the prior year. The DA was scored using the weighted scoring system, in which respondents are categorized into one of four danger levels: (a) variable danger (0-7), (b) increased danger (9-13), (c) severe danger (14-17), and (d) extreme danger (18 and above). We also added four items from the *Danger Assessment for Immigrant women (DA-I)*;<sup>346</sup> these items were excluded from the score calculation. One item, "did you have a child that was not his" was accidentally omitted from the survey, so we used the narrative responses to ascertain this information, which increased the danger level for two

respondents (one from variable to increased danger, one from increased to severe danger). We anticipate this omission underreported IPH risk to a minor degree, given that most of the sample were already in the two highest levels of danger (see [Part V. Quantitative Results, Table 6](#)).

The last question on the survey was an optional, open-ended item that read, “If the events that led to your conviction were the result of IPV or self-defense, we are interested in knowing more about your experience. Please tell us your story below.” Because we did not ask respondents pointed questions in the narrative prompts, each respondent answered differently. For instance, some respondents focused on childhood trauma or help-seeking experiences, whereas others focused on the specifics of the day when the offense took place. The survey format did not allow us to ask follow-up or clarifying questions in response to the information the respondents shared.<sup>347</sup> The narrative responses were provided in the same format as the rest of the survey (hand-written on paper or typed into a tablet). Any identifying information in the narrative responses was redacted.

## E. Quantitative Analysis

Descriptive statistics (frequency/percentage, mean/standard deviation) were used to characterize all responses (i.e., demographic characteristics, violence assessments, decedent relationship, sentencing, and unfair treatment in the criminal legal system). Bar charts were used to better illustrate time-related variables including year of conviction

and sentence length. Chi-square tests of association (two-tailed,  $\alpha=0.05$ ) were used to assess differences violence and criminal legal outcomes by demographic characteristics and decedent relationships. In instances where the data did not meet the assumptions of the chi-square test (i.e., more than 20% of cells containing less than five expected counts), a chi-square test using Monte Carlo simulation with 10,000 replications was used. Bivariate analyses examining demographics by relationship to the decedent categories were depicted with 100% stacked bar charts to better demonstrate the relative proportions of different subgroups within each category and to compare these proportions across categories.

## F. Qualitative Analysis

The goals of the qualitative analysis were to (1) describe the experiences and real lives of women incarcerated for murder or manslaughter, and (2) examine their actions and circumstances from an interdisciplinary violence lens to identify notable patterns and themes. We used this lens (3) as a standpoint from which laws, policies, and practices within the criminal legal system can be evaluated in its fairness and response to criminalized survivors.

### Analytic Approach

We utilized a qualitative description approach to analyze the two open-ended narrative responses. This approach seeks to first, describe the events from the respondents’ perspective without the imposition of an interpretive lens.<sup>348</sup> We organized these descriptions by decedent categories (e.g.,

intimate partner, child, family member or relative, stranger, etc.), and characterized the abuse and violence they experienced, circumstances of the killing, and experiences in the criminal legal system. Moving beyond the literal description of the data,<sup>349</sup> we analyzed and synthesized respondents' experiences detailing how, if at all, abuse and violence could explain pathways to murder and manslaughter. Feminist legal standpoint theory helped shed light on the dimensions of gender, race, and income inequality that respondents faced navigating the criminal legal system and other nuances of unfair treatment.<sup>350</sup>

## Sample

Out of the 649 respondents, a total of 537 unique respondents (82.7%) provided narratives, including 460 explaining why they felt they were treated unfairly in court because of their gender, race, or income and 369 providing narratives for the prompt asking them to share if the events that led to their conviction were the result of IPV or self-defense (292 respondents shared narratives for both prompts and 112 respondents did not provide any narrative whatsoever).

## Technique

An initial codebook was developed by two senior study team members using a random selection of cases that included a variety of relationship categories. These codes focused on identifying various behaviors among courtroom actors (e.g., defense, prosecution, judge, jury, etc.), evidence of abuse across the life course, details of the offense, and other unique case details (e.g., mental health, pregnancy, children, injuries, etc.). Student

coders were trained on the codebook and how to code the narratives. Coders immersed themselves in the data, reading and re-reading each narrative multiple times, which led to the discovery of new codes. Team members discussed whether new codes applied to other subsamples and consolidated all codes into major themes and sub-themes. The codebook is included in [Part XII. Appendix 2](#). Every narrative was read and double-coded by two authors. Discrepancies between coders were identified and returned to both coders to address. Codes that could not be resolved were left to a senior study team member to decide. At the end, we achieved 100% agreement on all codes.

Once the coding process was complete, the research team participated in several group discussions where we collectively identified prominent themes and the frequency with which each theme surfaced in the interviews. Research team members divided the write-up of major themes among themselves. They then examined the relevant code families, re-read the relevant transcript portions, and used a combination of hand-coding and Nvivo qualitative coding software. Once literal descriptions of the narratives were complete, authors with subject matter expertise interpreted the findings into themes.<sup>351</sup>

Any counts or percentages presented as part of the qualitative analysis represent the number of respondents who responded to the narrative question and self-reported information within that theme. In other words, counts presented as part of the qualitative analysis are not representative of the total population and should be interpreted with caution. For readability and clarity, quotes

have been edited lightly to remove spelling, grammar, and typing errors. Bracketed information is provided to add context or to preserve anonymity. Respondent race is identified in themes where racial identity was highly relevant to understanding the respondents' response or treatment in the criminal legal system.

## G. Limitations

Findings in this report should be considered in light of study limitations. First, cross-sectional, descriptive studies like ours offer a snapshot of persons currently incarcerated. Any associations found do not imply causation as the temporal sequence of events cannot be established, nor can the design control for confounding factors that may explain the results. By design, the study focused on only those currently incarcerated for murder or manslaughter, and it lacks a comparison group of persons convicted of attempted murder or other offenses.

Asking respondents to remember incidents that happened years ago increases the risk of recall bias, where respondents do not accurately report or remember information. This point may be relevant in a highly traumatized population, some of whom may have brain injuries that affect their memory. We assume all responses were truthful and, because the study was anonymous, we cannot externally verify any responses or ask follow-up questions to clarify information.

Another limitation of this study is that it only includes those who were incarcerated at the time of the survey, not all murder or

manslaughter cases in California. While surveying over 58% of the population is a strength of the study, findings only refer to those currently in this setting and may not be generalizable to persons already released or elsewhere in the United States. Although all persons incarcerated for murder or manslaughter were invited to participate, some may have declined because they had active cases they did not want to jeopardize, were advised by their lawyers not to speak about their case, or felt that participating would not benefit them individually, which may introduce selection bias. Participation may have been hampered by ongoing activities or because respondents were not compensated.

Other limitations include the ways that we modified the CAS and DA. As described above, we changed the wording and scoring for our population. Changes to the CAS made the IPV exposure cut-off values stricter than originally designed, which was desired as a more permissive assessment may have increased false positive conclusions. Additionally, the omission of one DA item may have underreported IPH risk to a minor degree. Our study was the first to administer the CAS and DA with an incarcerated population,<sup>352</sup> and both measures were developed with nonincarcerated people; however, there is no reason to suspect use in our population introduces measurement error.

Literacy challenges are another limitation. We kept the survey at a fifth grade reading level and piloted it with formerly incarcerated people to ensure it was understandable and non-triggering. Nevertheless, a few questions were awkwardly worded, and the skip patterns



were difficult for some non-IPV respondents using the paper version of the survey.

Relatedly, respondent gender was not asked in the survey despite there being transgender and non-binary people at the study sites. Gender was not an inclusion/exclusion criterion, and all genders could participate. Other important questions, such as information pertaining to co-defendants, education at the time of the offense, sentencing enhancements, and participation in groups/programming at the prisons, were not asked but could have revealed valuable information.

Most of our survey questions did not lend themselves to multivariate analyses or hypothesis testing. Among the bivariate analyses we could perform, some contained too small of sample sizes and violated assumptions of the test. We used a Monte Carlo simulation with 10,000 replications to overcome this limitation. It is also important to note that some information, such as association between judge gender and sentence length or comparisons of sentence length by IPV exposure, are inherently biased as our sample was inclusive of only those currently incarcerated and not everyone charged with murder or manslaughter in the State.

Limitations that threaten the trustworthiness of qualitative research like respondent reactivity and researcher bias were not concerns in this study as respondents were not interviewed. Response bias, a limitation related to the respondent's subjectivity, was present as we relied on their memory of events and could not verify the information. Respondents had to

type or write their responses, which may have deterred some from participating or limited what they were willing to disclose. While our final narrative question was very open-ended ("share your story") and yielded a variety of relevant and less relevant responses, our large sample size enabled information redundancy or saturation. As discussed above, all narratives were coded by at least two research team members, and we achieved 100% agreement on all codes, increasing our confidence that we captured the most salient themes. To increase rigor, we engaged in peer debriefing, and triangulated qualitative themes with quantitative findings and literature.

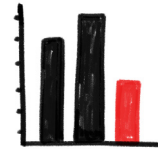
## H. Presentation of Findings

Part V. summarizes the quantitative survey findings for the entire sample of eligible respondents, including analyses stratified by IPV exposure on the CAS. Parts VI. through X. focus on different aspects of the open-ended narrative prompts explaining why respondents believed they were treated unfairly by the criminal legal system due to their gender, race, or income and to share their experience if the events that led to the killing were the result of IPV or self-defense. Throughout the presentation of findings, we include relevant literature not previously presented elsewhere. Frequencies and percentages presented in Parts VI. through X. reference results reported in Part V. Quantitative Results or specific decedent types reported in Part XII. Appendices 3 through 7. For brevity, these percentages exclude missing responses, which can be found in the respective tables. We also estimate the percentage of respondents who reported a given theme in

their narrative response. However, these rates should be interpreted with caution as they reflect only those who elected to discuss a given theme and may not be representative of the feelings and experiences of all respondents. As discussed above, all quotes have been redacted to preserve anonymity. Every respondent was issued a randomly generated ID that is not linked to their identity in any way. To create an additional layer of confidentiality, respondents were reassigned new respondent IDs for each chapter to ensure they cannot be tracked chapter to chapter. ●

## PART V.

# Quantitative Results



This part includes the quantitative analysis for the total sample of 649 respondents. First, we describe the demographic characteristics of the sample, their experiences with IPV, and relationship to the decedent, which is stratified by exposure to IPV. The section concludes with experiences in the criminal legal system, evidence of IPV at trial, and unfair treatment in court.

## A. Sample Demographic Characteristics

### Age Categories

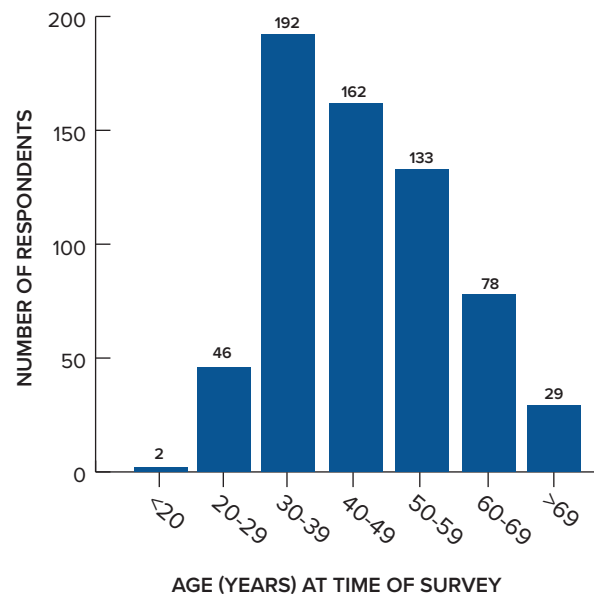
The average age of the sample at the time of the survey was 45.9 years old (SD=12.9). About 30% of all respondents (N=649) were between 30 and 39 years at the time of the survey, followed by 25.2% of respondents between 40 to 49 years of age. At the extremes, two (0.3%) respondents were under the age of 20, and 28 (4.5%) respondents were 70 years or older at the time of survey. [See Figure 1.](#)

This distribution largely reflects the age demographic trends of the two prisons in 2023 where approximately 38% of the population were between 30 and 39, 21% were between 40 and 49, and 1.8% were 70 and above.<sup>353</sup>

[Figure 2](#) shows the age distribution at time of conviction for all respondents (N=649).<sup>354</sup> The largest majority (44.3%) of respondents were between 20 and 29 years at the time of their conviction.

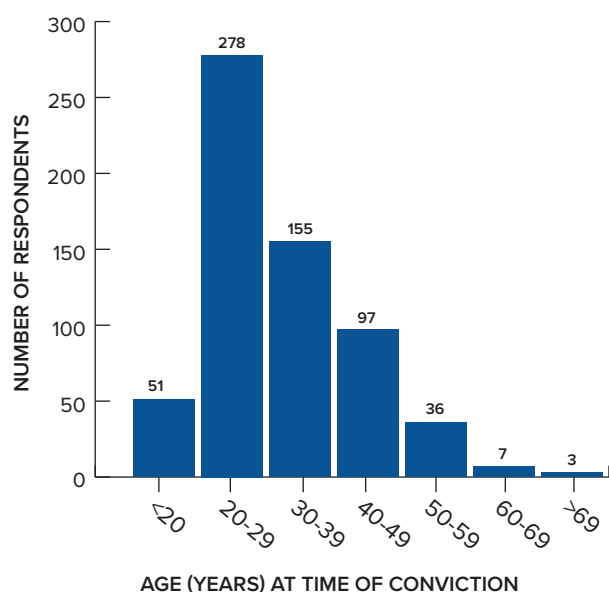
**Figure 1: Age Distribution at Time of Survey (2023)**

Note. A total of seven respondents had missing values for age.



**Figure 2: Age Distribution at Time of Conviction**

Note. A total of 22 respondents had missing values for age at time of conviction.



## Race and Ethnicity

The largest percentage of respondents identified as white/Caucasian (32.5%), followed by Latino or Hispanic (28.1%) and Black or African American (16.6%).<sup>355</sup> See [Table 1](#).

Table 1: Race and Ethnicity of the Total Sample (N=649)		
What is your race or ethnicity?	N	%
White/Caucasian	209	32.5
Latino or Hispanic	181	28.1
Black or African American	107	16.6
Mixed	77	12
Asian/Pacific Islander	35	5.4
American Indian or Alaska Native	22	3.4
Some other race	13	2
Missing	5	

Note. Percentage excludes respondents with missing values.

Compared to the general population of CIW and CCWF in 2023, our sample has lower proportions of Hispanic (36% vs. 28.1%) and Black (24% vs. 16.6%) respondents.<sup>356</sup> However, our survey offered more racial categories for respondents to select from, which may account for the discrepancy since more than 20% of our sample identified as a race other than white, Black, or Hispanic.

## Education Level at Time of Survey

As shown in [Table 2](#), more than 81.4% of all respondents (N=649) completed high school or attained a general education diploma (GED) or higher at the time of the survey. The remaining 18.6% did not complete high school, of which 5.1% (n=33) completed 8th grade or less. These data likely do not indicate the respondents' education at the time of the offense, as they may have completed educational opportunities offered at CCWF and CIW during their incarceration.<sup>357</sup>

**Table 2: Education Level at Time of Survey for the Total Sample (N=649)**

What is the last grade of school you completed?	N	%
Did not complete high school	120	18.6
Completed high school or GED	169	26.1
Some college or completed vocational school	173	26.8
Completed college or graduate school	184	28.5
Missing	3	

Note. GED = General Education Diploma; Percentage excludes respondents with missing values.

## Year of Conviction

Figure 3 shows the distribution of respondents' reported year of conviction. The median year of conviction was 2011 (IQR=15). The earliest year of conviction was 1979 and the latest was 2022. This distribution aligns with expectations, as many of the people convicted in the 1980s, 1990s, and early 2000s may have completed their sentences or were released by the California Board of Parole Hearings or the Governor's Office, having been found suitable through parole and/or clemency processes. Others may have passed away.

## Sentence Length

Table 3 shows sentence types for all respondents (N=649). The majority (79.3%, n=510) received an indeterminate or "years to life" sentence making them eligible for release at some point. Life without parole (LWOP) and juvenile life without parole (JLWOP) sentences were the next largest (18.5%, n=119) sentence category. Eight respondents (1.2%) received a determinate sentence (i.e., a set number of years<sup>358</sup>), and six were sentenced to death.

The average sentence length for those receiving indeterminate life sentences was 25.0 years to life (SD=21.0). The average sentence length for those serving determinate sentences was 11.3 years (SD=8.2). The minimum sentence length was two years and the maximum indeterminate sentence was over 100 years.

It is worth noting that the sentence length for indeterminate sentences does not equate to the number of years that an incarcerated person serves; rather it indicates the

approximate time when the individual appears before the Board of Parole Hearings to determine suitability for release.<sup>359</sup> Typically an individual in California is not found suitable for release at their initial parole hearing.<sup>360</sup>

**Table 3: Sentence Types for the Total Sample (N=649)**

Type of Sentence	N	%
Indeterminate	510	79.3
Determinate	8	1.2
LWOP and JLWOP	119	18.5
Death	6	0.9
Missing	2	

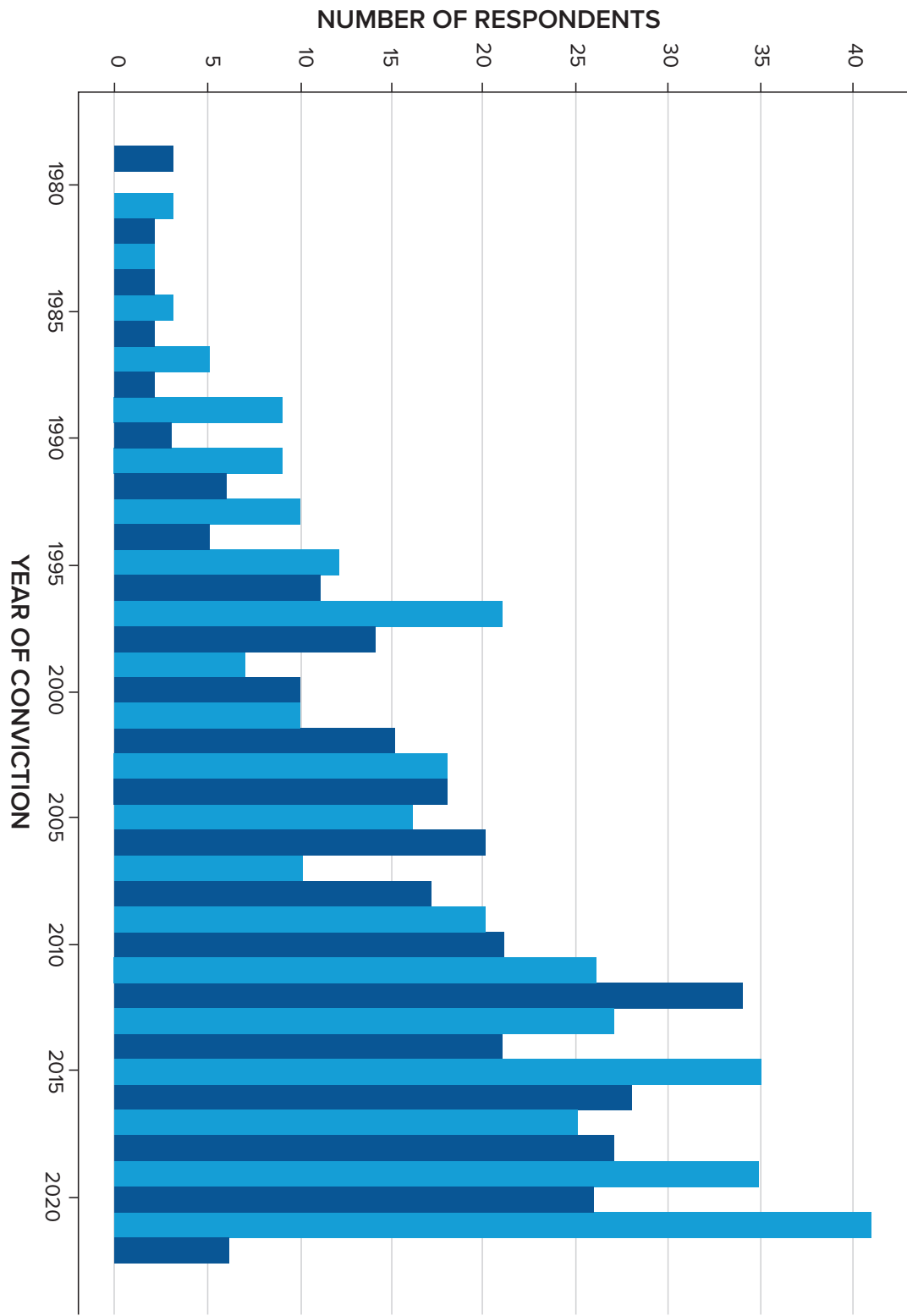
Note. LWOP = Life without parole; JLWOP = Juvenile life without parole; Percentage excludes respondents with missing values.

## B. Intimate Partner Violence Experiences

### Composite Abuse Scale Categories

There were 625 respondents who completed the Composite Abuse Scale (CAS), referring to relationship violence experienced the year before the killing.<sup>361</sup> **Among them, 464 met the threshold for 'IPV positive', constituting 74.2% of all respondents who took the CAS.** An additional 54 respondents (8.6%) reported some abuse but did not meet the IPV threshold, referred to as 'IPV sub-threshold'. Finally, 107 (17%) respondents fell into the 'no IPV' category, meaning they did not endorse any CAS item (i.e., true zero).

**Figure 3: Distribution of the Year of Conviction of the Total Sample**  
*Note: A total of 16 respondents had missing values for year of conviction.*





**Table 4: CAS IPV Exposure for the Total Sample (N=649)**

IPV Exposure	N	%
IPV Positive	464	74.2
Sub-threshold IPV	54	8.6
No IPV	107	17.1
Did not answer CAS	24	

*Note.* CAS = Composite Abuse Scale. IPV = Intimate partner violence. Percentage excludes respondents who did not take the CAS.

As described in [Part IV.D. Survey Instrument and Development](#), a respondent would be categorized as IPV positive if they met the required threshold for any one of the three abuse categories measured: physical abuse, psychological abuse, and sexual abuse.

**Table 5: Type of Abuse Among IPV Positive Respondents (N=518)**

Types of Abuse from CAS	N	%
Physical Abuse	404	87.1
Psychological Abuse	335	72.2
Sexual Abuse*	329	72.0

*Note.* CAS = Composite Abuse Scale. IPV = Intimate partner violence. \*Percentage excludes seven missing responses.

Physical abuse was the most prevalent form of abuse as shown in Table 5. Of the 464 IPV positive respondents, 87.1% were physically abused, 72.2% psychologically abused, and 72% were sexually abused.

As shown in the Venn Diagram in [Figure 4](#), **more than half of IPV positive respondents (243 of 464) met the thresholds for all three types of abuse.**

## Danger Assessment Categories

If respondents answered affirmatively to any of the CAS questions, they were then directed to take the Danger Assessment (DA), which assesses four levels of IPH risk. As shown in Table 6, a total of 518 respondents took the DA (IPV positive n=464 and sub-threshold IPV n=54). **Among the 464 IPV positive respondents, 66.4% were in extreme danger and 11.6% were in severe danger of being killed by their partner in the year before the offense.**

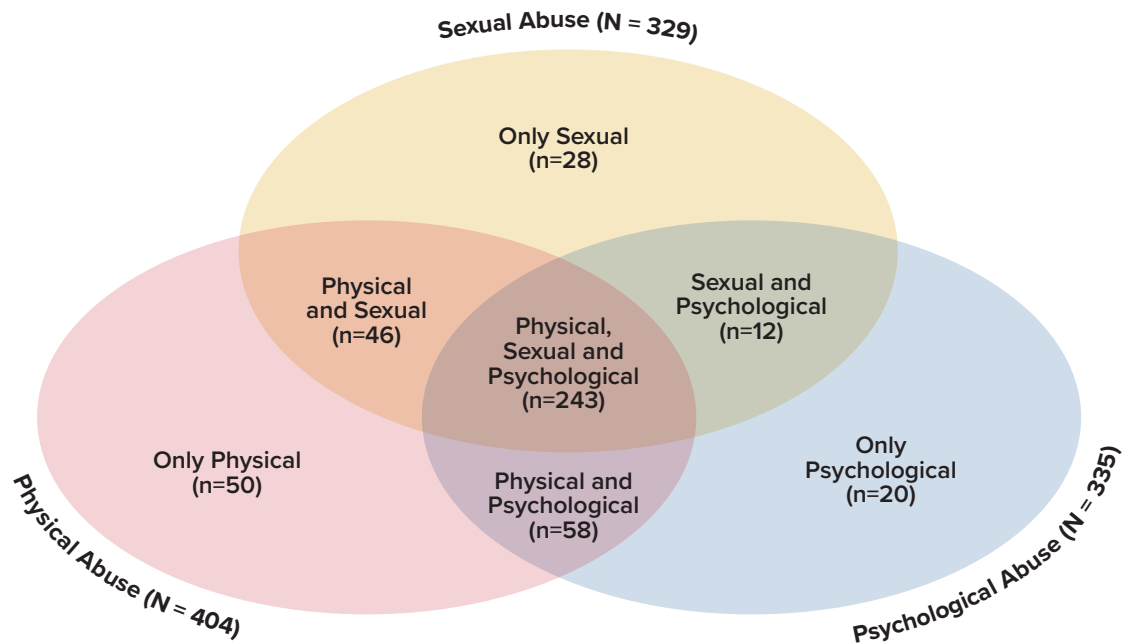
## Item-by-Item Analysis

[Tables 7-11](#) show the frequency and percentage of respondents who answered “yes” to any of the CAS, CTS-2, and DA questions by IPV positive (n=464) and sub-threshold IPV respondents (n=54).

In [Table 7](#), the most common physical violence that IPV positive respondents (n=464) experienced in the last year of their relationship was that their partner shook, pushed, or grabbed them (85.6%) and that they were hit with a fist or object, or kicked or bit by their partner (72.0%). There was also a high prevalence of potentially lethal violence among IPV positive respondents (n=464), including 59.9% who reported ever being choked by their partner, 78.1% (217 of 278) of whom were choked more than once or had passed out, blacked out, or been made dizzy; and 51.9% who reported their partner ever used or threatened to use a weapon against them (63.9%, 154 of 241 of these respondents indicated the weapon was a gun).

**Figure 4. Venn Diagram of Abuse Types (N=464)**

Note. A total of seven respondents had missing values for sexual abuse.



**Table 6: Danger Assessment Categories Among IPV Exposed Respondents (N=518)**

Danger Level	IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)		Both Groups of Respondents (N=518)	
	N	%	N	%	N	%
Extreme Danger	308	66.4	4	7.6	312	60.5
Severe Danger	54	11.6	7	13.4	61	11.8
Increased Danger	69	14.9	12	23.1	81	15.7
Variable Danger	32	6.9	29	55.8	62	12

Note. IPV = Intimate partner violence. Percentage excludes three respondents with missing values.

**Table 7: “Yes” Responses to Physical Violence Questions (N=518)**

Physical Violence Questions	IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)		Both Groups of Respondents (N=518)	
	N	%	N	%	N	%
My partner shook, pushed, grabbed or threw me.	397	85.6	17	31.5	414	79.9
My partner threatened to harm or kill me or someone close to me.	289	62.3	6	11.1	295	56.9
My partner hit me with a fist or object, kicked or bit me.	334	72.0	8	14.8	342	66.0
My partner confined or locked me in a room or other space.	192	41.4	0	0.0	192	37.1
Did the physical violence increase in the year before the killing?	270	58.2	8	14.8	278	53.7
Did your partner ever use a weapon against you or threaten you with a weapon?	241	51.9	0	0.0	241	46.5
If yes, was that weapon a gun?*	154	63.9	0	0.0	154	63.9
Did your partner threaten to kill you in the year before the killing?	227	48.9	3	5.6	230	44.4
Did you believe your partner was capable of killing you?	340	73.3	11	20.4	351	67.8
Did your partner ever try to choke or strangle you or cut off your breathing?	278	59.9	0	0.0	278	53.7
If yes, did they choke or strangle you more than once, or did it make you pass out, black out, or make you dizzy?*	217	78.1	0	0.0	217	78.1
Were you ever beaten or injured by your partner while you were pregnant?	146	31.5	1	1.9	147	28.4

*Note.* IPV = Intimate partner violence. Percentage is out of total respondents for the column. \*Denominator is the number of people who said yes to the prior question.

**Table 8: “Yes” Responses to Injury Questions (N=518)**

Conflict Tactics Scale Injury Questions	IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)		Both Groups of Respondents (N=518)	
	N	%	N	%	N	%
I had a sprain, bruise, or cut from my partner.	327	70.5	7	13.0	334	64.5
I felt physical pain that still hurt the next day because of an injury from my partner.	339	73.1	8	14.8	347	67.0
I went to a doctor because of an injury from my partner.	118	25.4	2	3.7	120	23.2
I needed to see a doctor because of an injury from my partner, but I didn't go.	232	50.0	5	9.3	237	45.8
I had a broken bone from an injury from my partner.	101	21.8	1	1.9	102	19.7

Note. IPV = Intimate partner violence. Percentage is out of total respondents for the column.

**Table 9: “Yes” Responses to Psychological Violence Questions (N=518)**

Psychological Violence Questions	IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)		Both Groups of Respondents (N=518)	
	N	%	N	%	N	%
My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.	275	59.3	10	18.5	285	55.0
My partner told me I was crazy, stupid, or not good enough.	400	86.2	31	57.4	431	83.2
My partner blamed me for causing their violent behavior.	362	78.0	14	25.9	376	72.6
My partner made comments about my sexual past or sexual performance that made me feel ashamed, inadequate, or humiliated.	322	69.4	12	22.2	334	64.5
<b>Coercive Control or Stalking Behaviors</b>						
My partner followed me or hung around outside my home or work.	312	67.2	7	13.0	319	61.6
My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).	290	62.5	11	20.4	301	58.1
My partner harassed me by phone, text, email, or using social media.	288	62.1	9	16.7	297	57.3
Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?	328	70.7	4	7.4	332	64.1
Did your partner control most or all of your daily activities? For example, did your partner tell you who your friends can be, when you could see your family, or how much money you could use?	335	72.2	12	22.2	347	67.0
Did your partner ever threaten or try to commit suicide?	190	40.9	11	20.4	201	38.8
Did your partner threaten to harm your children in the year before the killing?	113	24.4	1	1.9	114	22.0
Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?	158	34.1	2	3.7	160	30.9
Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?	246	53.0	4	7.4	250	48.3

*Note.* IPV = Intimate partner violence. Percentage is out of total respondents for the column.

**Table 10: “Yes” Responses to Sexual Violence Questions (N=518)**

Sexual Violence Questions	IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)		Both Groups of Respondents (N=518)	
	N	%	N	%	N	%
My partner made me perform sex acts that I did not want to perform.	275	59.3	0	0	275	53.1
Did your partner ever force you to have sex when you did not want to?	296	63.8	0	0	296	57.1

Note. IPV = Intimate partner violence. Percentage is out of total respondents for the column.

**Table 11: “Yes” Responses to Respondent-Partner Attribute Questions (N=518)**

Other Respondent-Partner Attributes	IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)		Both Groups of Respondents (N=518)	
	N	%	N	%	N	%
Did you leave your partner after living together in the year before the killing?	213	45.9	14	25.9	227	43.8
Do you have a child that is not his?*	19	NA	0	NA	19	NA
Did your partner own a gun?	212	45.7	16	29.6	228	44.0
Was your partner unemployed the year before the killing?	240	51.7	22	40.7	262	50.6
Did your partner avoid being arrested for domestic violence in the year before the killing?	224	48.3	6	11.1	230	44.4
Was your partner an alcoholic or problem drinker?	262	56.5	18	33.3	280	54.1
Did your partner use illegal drugs? By drugs, I mean 'uppers', amphetamines, 'meth', speed, angeldust, cocaine, 'crack', street drugs, or mixtures.	319	68.8	18	33.3	337	65.1
Was your partner violently and constantly jealous of you? For example, did your partner say, "If I can't have you no one can."	339	73.1	12	22.2	351	67.8
Did you feel ashamed of the things your partner did to you?	409	88.1	17	31.5	426	82.2
Did you hide the truth from others because you were afraid of your partner?	357	76.9	11	20.4	368	71.0

Note. IPV = Intimate partner violence. NA = Not Applicable. Percentage is out of total respondents for the column. \*Responses to this question is lower than expected



Table 8 shows affirmative responses to injuries that occurred in the year prior to the killing. Among IPV positive respondents (n=464), 70.5% reported having a sprain, bruise, or cut from their partner, 73.1% reported feeling physical pain that still hurt the next day because of an injury from their partner, and 50.0% indicated that they needed to see a doctor because of an injury from their partner but did not seek medical care.

As reported in Table 9, the most frequently endorsed item reported among IPV positive respondents (n=464) was a partner who said the respondent was crazy, stupid, or not good enough (86.2%), followed by a partner who blamed the respondent for causing their violent behavior (78.0%). Coercive control and stalking were also high: 72.2% of IPV positive respondents (n=464) reported their partner controlled most of all of their daily activities and 70.7% that their partner followed or spied on them, left threatening messages, destroyed their things, or called them when they did not want them to in the year before the killing.

As shown in Table 10, nearly 60% of all IPV positive respondents (n=464) reported that their partner forced them to perform sex acts they did not want to perform and 63.8% reported that their partner made them have sex even when they didn't want to do so.

Table 11 shows affirmative responses to the remaining DA questions referring to attributes of the respondent or their partner. Among IPV positive respondents (n=464), 88.1% reported that they felt ashamed of the things their partner did to them, followed by 76.9% who hid the truth from others because they were

afraid of their partner, and 73.1% who said their partner was violently and constantly jealous in the year before the killing.

## C. Relationship to the Decedent(s)

We identified eight categories that characterize the respondent's relationship to the decedent: stranger, intimate partner, child, friend, acquaintance, relative or family member, multiple decedents, and other close/non-intimate relationships, which are defined in Part IV.D. Survey Instrument and Development. The largest decedent category was strangers, constituting 28.5% of our total sample (n=649), followed by 20.6% with intimate partner decedents, and 14.5% with child decedents. See Table 12.

## Demographic Characteristics by Decedent

Figures 5–8 show respondent demographic characteristics by relationship to decedent with a 100% stacked bar chart to examine the relative proportions and comparisons across relationship categories. Missing demographics are not shown. Trends should be interpreted with caution as they only reflect persons incarcerated at the time of data collection and who participated in the survey, not the entire population of persons currently or previously incarcerated for murder or manslaughter in California women's prisons.

There were no statistically significant associations in race by decedent category (p=0.12). However, the series trend lines in Figure 5 show that a larger proportion of

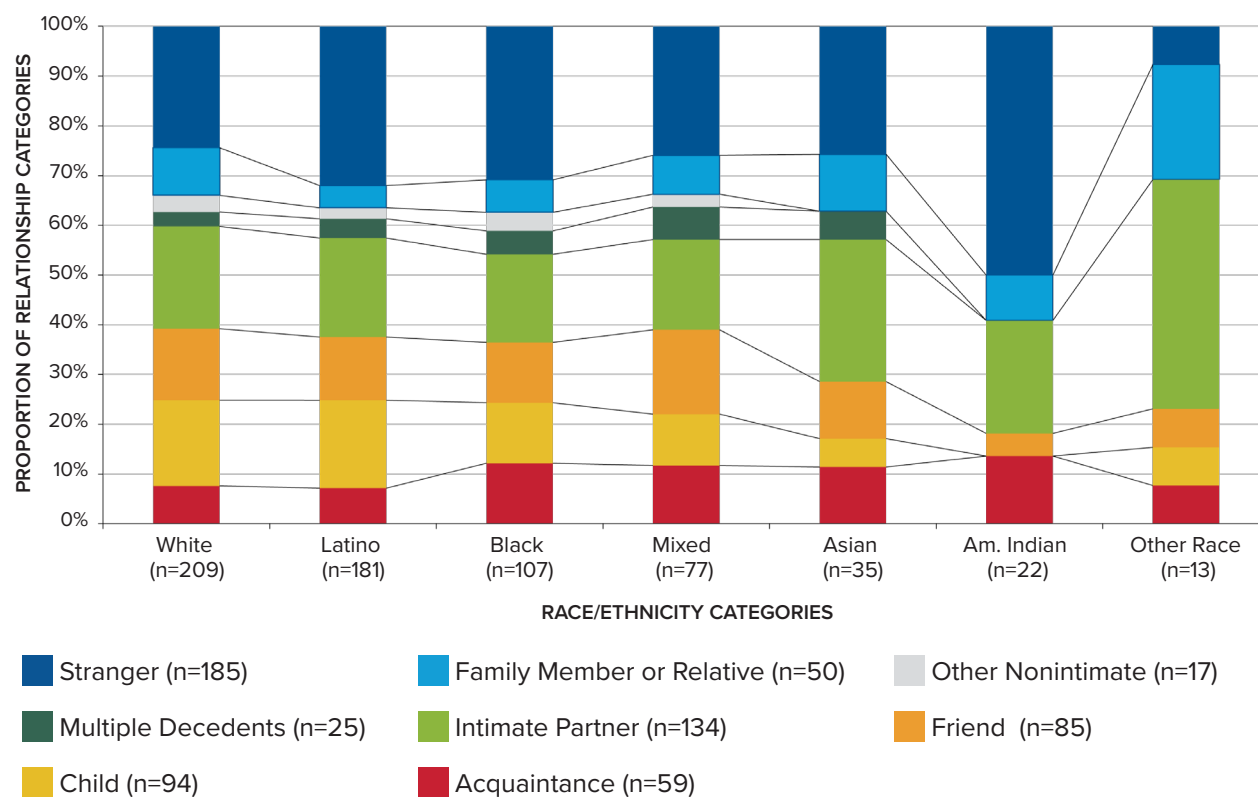
**Table 12: Relationship to the Decedent(s) (N=649)**

Relationship to the Decedent(s)	N	%
Acquaintance	59	9.1
Child	94	14.5
Friend	85	13.1
Intimate Partner	134	20.6
Multiple Decedents	25	3.9
Other Nonintimate Relationship	17	2.6
Relative or Family Member	50	7.7
Stranger	185	28.5

Note. See [Part III.B](#) for definition and examples of decedent categories. No missing values.

**Figure 5: Race and Ethnicity by Relationship to Decedent Category**

Note. A total of five respondents had missing values for race.



American Indian/Alaskan Native respondents have stranger or acquaintance decedents, and a smaller proportion of friend decedents compared to all other races/ethnicities. The proportion of intimate partner decedents was largest among other race respondents compared to all other races/ethnicities.

There were no statistically significant associations in education at the time of survey by relationship category ( $p=0.14$ ). The proportions of decedent relationship categories are relatively even across education levels in this sample. See [Figure 6](#).

[Figure 7](#) shows respondent's age at time of conviction by decedent relationship category, which were not statistically significant ( $p=0.14$ ).<sup>362</sup> However, the series trend lines suggest that for this sample, the proportion of stranger decedents decreases as respondents' age increases and the proportion of intimate partner decedents increases as age increases. The proportion of child decedents is largest in peak childbearing years.

[Figure 8](#) shows sentence length by decedent relationship category. There were no statistically significant associations ( $p=0.07$ ).

If the decedent was a spouse, dating partner, or ex-partner, we asked respondents to report the victim's gender. Only 10 (7%) respondents reported killing a female intimate partner, whereas 124 (or 93%) reported killing a male intimate partner (data not shown). No one indicated that the decedent was non-binary or another gender. Among the 10 respondents who reported the decedent

was a female partner, four of the narrative responses suggest the respondent was in a same sex relationship with their victim and two indicated that the respondent is transgender. Additionally, two narratives suggest the respondent had multiple, concurrent partners.

## D. Experiences of Intimate Partner Violence by Decedent Categories

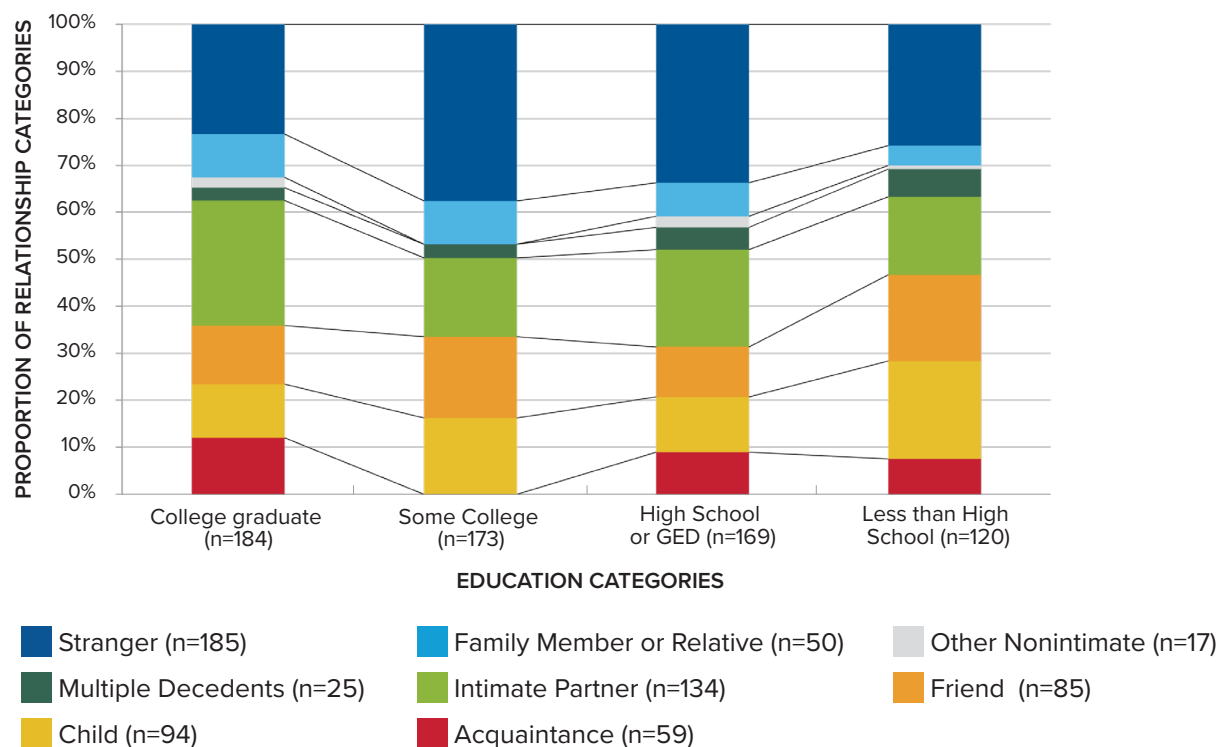
Next, we examined whether intimate partner violence differed by decedent category.

**Notably, we did not find a statistically significant association between level of danger on the DA by decedent category ( $\chi^2=21.9$ ,  $p=0.41$ ; data not shown).**

[Table 13](#) and [Figure 9](#) show the decedent relationship categories by IPV exposure as defined by the CAS. A chi-square test with Monte Carlo simulation shows a significant association between relationship category and IPV exposure,  $\chi^2=33.01$ ,  $p < 0.001$ . A larger proportion of strangers (38.3%) were killed by respondents with no IPV than IPV positive (25.9%) and sub-threshold IPV (25.9%) respondents. A larger proportion of intimate partners (23.7%) and children (16.2%) were killed by IPV positive respondents than no IPV (14.0%, 9.3%, respectively) and sub-threshold IPV (14.8%, 11.1%, respectively) respondents. A larger proportion of relatives and family members (20.4%) were killed by respondents with sub-threshold IPV than IPV positive (6.3%) or no IPV (8.4%) respondents.

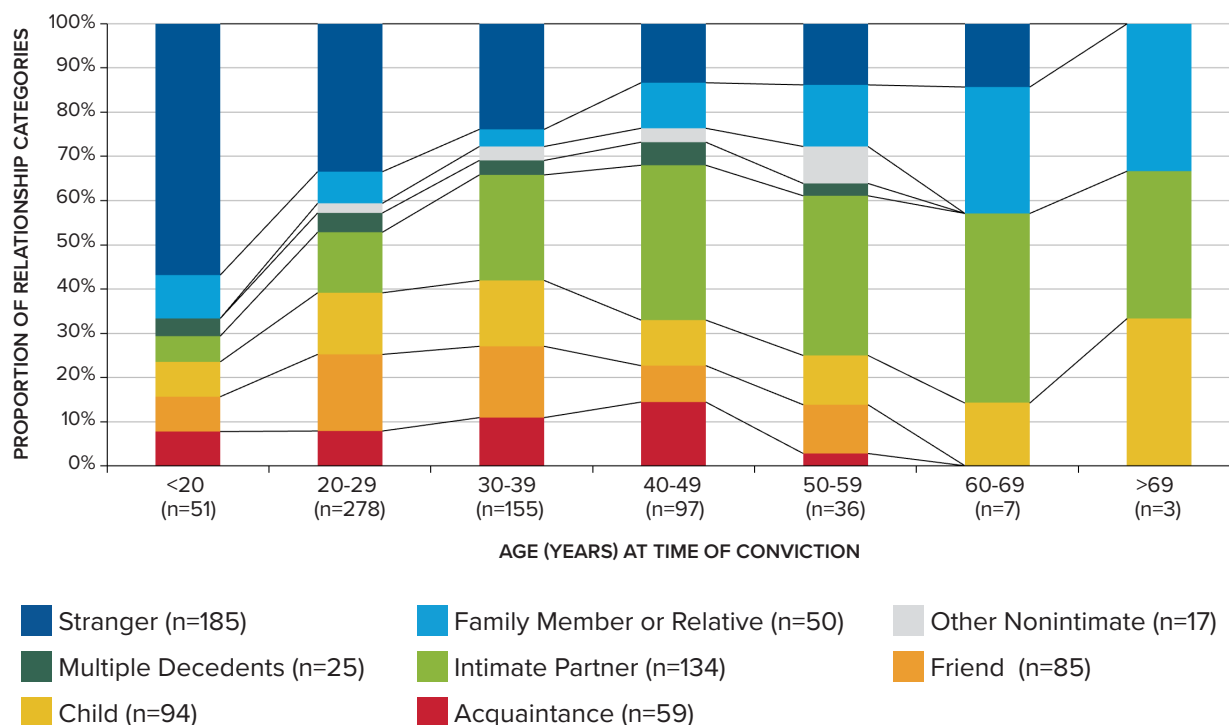
**Figure 6: Education Level by Relationship to Decedent Category**

Note. A total of three respondents had missing values for education. GED = General Education Diploma.



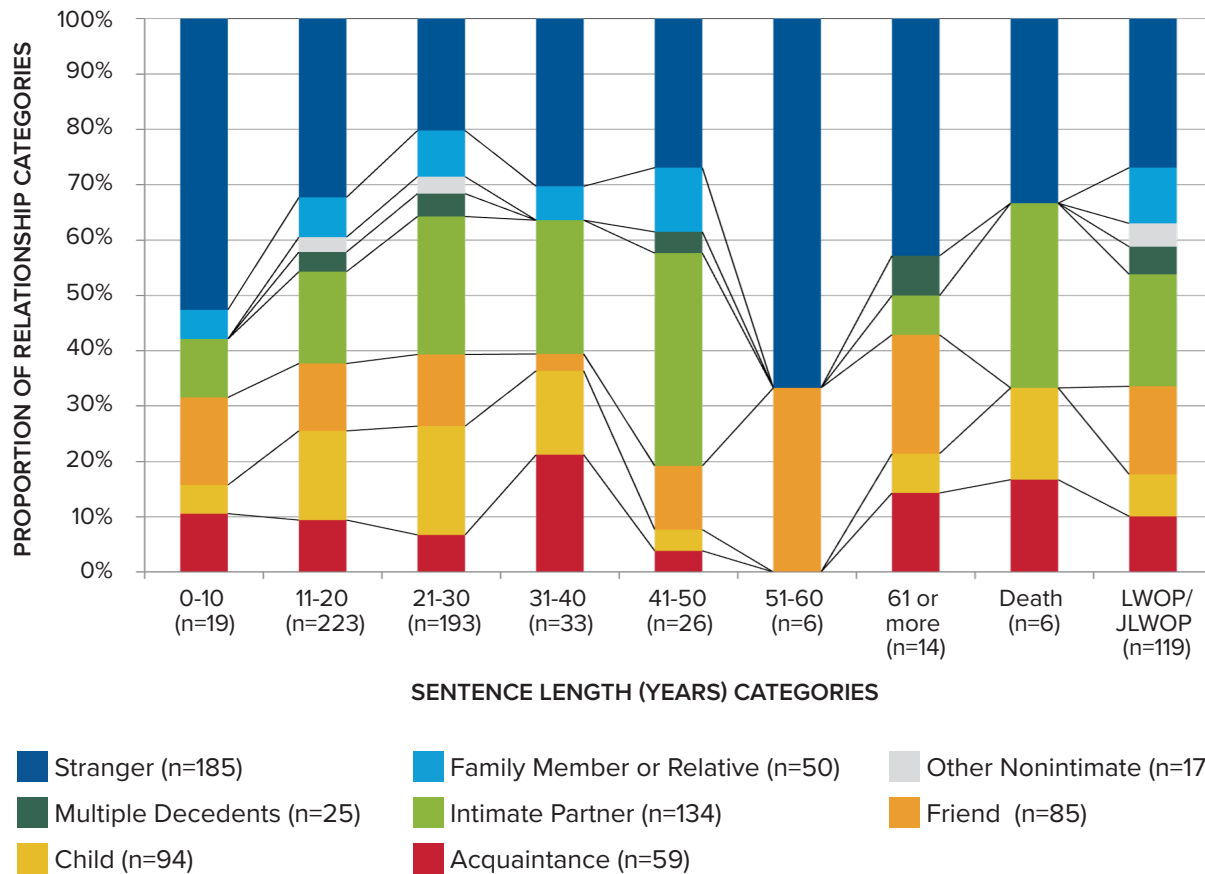
**Figure 7: Age at Time of Conviction by Relationship to Decedent Category**

Note. A total of 22 respondents had missing values for age.



**Figure 8: Length of Sentence by Relationship to Decedent Category**

Note. A total of 10 respondents had missing values for sentence length.



Relationship Category	No IPV Respondents (n=107)		IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)	
	N	%	N	%	N	%
Acquaintance	16	15.0	36	7.8	5	9.3
Child	10	9.3	75	16.2	6	11.1
Friend	11	10.3	63	13.6	6	11.1
Intimate Partner	15	14.0	110	23.7	8	14.8
Multiple Decedents	2	1.9	18	3.9	3	5.6
Other Nonintimate Relationship	3	2.8	13	2.8	1	1.9
Relative or Family Member	9	8.4	29	6.3	11	20.4
Stranger	41	38.3	120	25.9	14	25.9

Note. IPV = Intimate partner violence. No missing values.

## E. Experiences in the Criminal Legal System

Next, we examined respondents' experience in the criminal legal system. Notably, we did not find statistically significant associations between a respondent's belief that they received adequate representation and respondent's race, sentence length, or IPV exposure (data not shown).

Among the total sample (n=649), 59.7% of respondents were convicted by trial and 40.3% were convicted by plea bargain, which is particularly important given the comparative rarity of trials in our current criminal legal system.<sup>363</sup> The majority of respondents in the total sample (n=649) also reported having a public defender/court-appointed lawyer (74.9%), male judges (78.2%), and reported not feeling adequately represented by their lawyer (77.9%). See [Table 14](#).

[Table 14](#) also shows these data stratified by IPV exposure. A smaller proportion of sub-threshold respondents were convicted by trial than no IPV or IPV positive respondents, and a smaller proportion of no IPV respondents had female judges compared to IPV positive and sub-threshold IPV respondents; however, these were not statistically significant. Additionally, there was not a statistically significant association between IPV exposure and lawyer type or adequacy of representation.

As shown in [Figure 10](#), there appears to be an association between respondents' sentence length and whether they were convicted by trial or plea bargain for the total sample, though statistical significance could

not be determined. Plea bargains resulted in shorter sentence lengths on average than respondents sentenced by trials, which is expected given that part of the negotiation between prosecutors and defendants in the U.S. criminal legal system ordinarily results in more lenient sentences as a means of avoiding trial.

There was a statistically significant association between perceived adequacy of representation and whether the respondent's lawyer was privately paid or a public defender,  $\chi^2=7.37$ ,  $p < 0.01$ . As shown in [Table 15](#), among the 128 respondents who reported feeling adequately represented by their lawyer, 30.6% had privately paid lawyers compared to only 19.5% of respondents with public defenders or court-appointed lawyers who felt adequately represented.

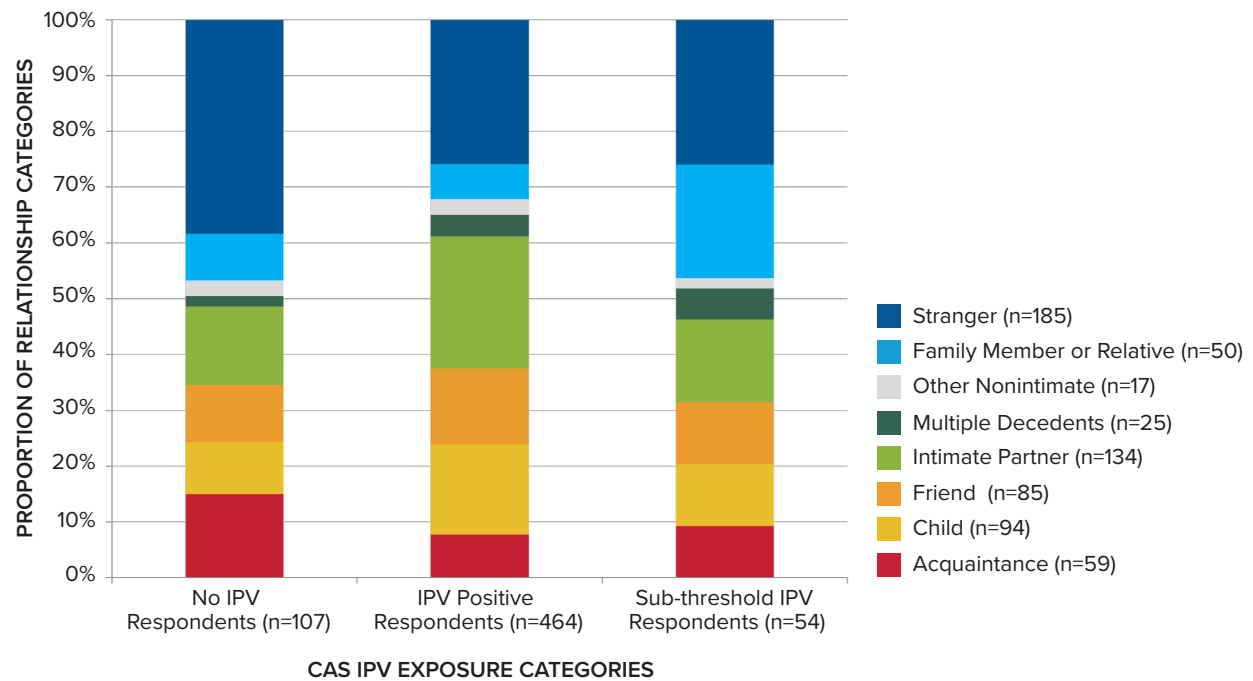
## F. Evidence of Intimate Partner Violence at Trial

[Table 16](#) shows data on evidence of abuse presented at trial. These items have a low response rate because they were only answered by respondents who self-reported that the decedent ever abused or hurt them physically, sexually, or emotionally. As shown in the table, about one-quarter of respondents said their lawyer argued the killing was justified or excused because of self-defense, stand your ground, provocation, domestic violence, or another reason. About one-third of respondents said a judge prevented their lawyer from presenting evidence of abuse the day of the killing and a history of abuse. Psychological evaluations were submitted to the court more frequently than expert



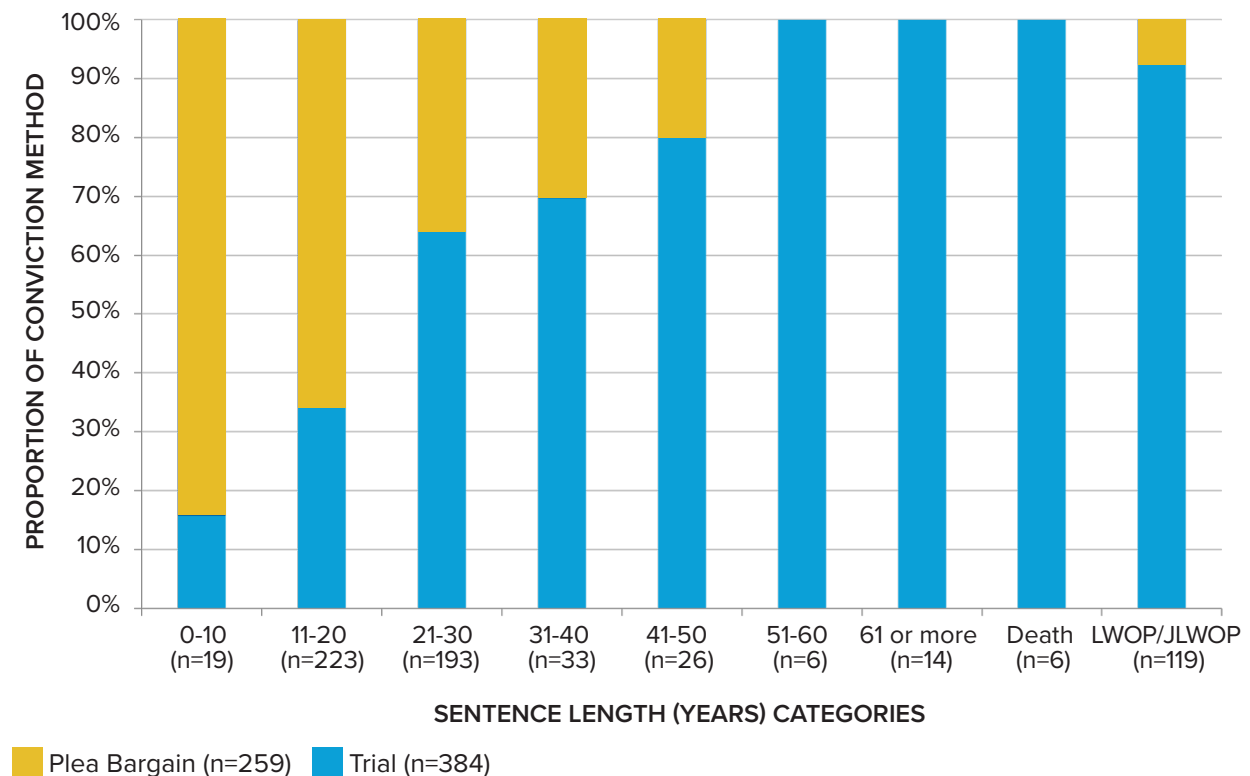
**Figure 9: CAS Category by Relationship to Decedent(s)**

Note. CAS = Composite Abuse Scale. A total of 24 respondents did not respond to the CAS.



**Figure 10: Method of Conviction by Sentence Length**

Note. A total of 10 respondents had missing values for conviction or sentence length.



**Table 14. Method of Trial, Gender of Convicting Judge, Type of Representation, and Adequacy of Representation (N=649)**

Question	Total Sample (N=649)		No IPV Respondents (n=107)		IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)	
	N	%	N	%	N	%	N	%
<b>Method of Conviction</b>								
Plea bargain	259	40.3	43	40.2	180	39.1	28	51.9
Trial	384	59.7	64	59.8	280	60.9	26	48.1
Missing	6		0		4		0	
<b>Trial Judge's Gender</b>								
Female	137	21.8	16	15.7	101	22.4	14	25.9
Male	492	78.2	86	84.3	349	77.6	40	74.1
Missing	20		5		14		0	
<b>Type of Lawyer</b>								
Public defender/ court-appointed	481	74.9	80	74.8	348	75.8	37	69.8
Privately paid lawyer	145	22.6	27	25.2	98	21.4	16	30.2
Both	16	2.5	0	0.0	13	2.8	1	1.9
Missing	7		0		5		0	
<b>Did you feel adequately represented by your lawyer?</b>								
No	466	77.9	75	76.5	338	79.2	36	70.6
Yes	132	22.1	23	23.5	89	20.8	15	29.4
Missing	51		9		37		3	

Note. IPV = Intimate partner violence. Percentage exclude respondents with missing values. A total of 24 respondents were not in a relationship the year before the killing and are not reflected in the IPV exposed categories.

**Table 15: Adequacy of Representation by Type of Representation (N=649)**

Did you feel adequately represented by your lawyer?	Privately Paid Lawyer (n=145)		Public Defender or Court-Appointed (n=481)	
	N	%	N	%
No	93	69.4	359	80.5
Yes	41	30.6	87	19.5
Missing	11		35	

Note. Percentage excludes respondents with missing values.

**Table 16: Arguments and Evidence of Abuse Presented at Trial (N=649)**

Survey Questions	No		Yes		Missing
	N	%	N	%	N
Did your lawyer argue that the killing was justified or excused because of self-defense, stand your ground, provocation, domestic violence, or another reason?	394	73.4	143	26.6	112
Did your lawyer submit evidence of abuse that occurred on the day of the killing?	181	78.4	50	21.6	418
Did the judge prevent your lawyer from submitting evidence of abuse that occurred on the day of the killing?	92	62.6	55	37.4	502
Did your lawyer submit evidence of a history or pattern of abuse (domestic violence, battering)?	167	72.0	65	28.0	417
Did your judge prevent your lawyer from submitting evidence of a history or pattern of abuse (domestic violence, battering)?	98	59.0	68	41.0	483
Did an expert witness give testimony on abuse (domestic violence, battering) at your trial?	192	78.4	53	21.6	404
Did you have a psychological evaluation that was submitted to the court?	137	60.4	90	39.6	422

Note. Percentage excludes respondents with missing values. Low response rate due to survey skip pattern.

**Table 17: “Yes” Responses to Unfair Treatment by IPV Exposure (N=649)**

Treated unfairly in court because of your...	All Respondents (N=649)		No IPV Respondents (n=107)		IPV Positive Respondents (n=464)		Sub-threshold IPV Respondents (n=54)	
	N	%	N	%	N	%	N	%
Gender	322	50.4	39	36.4	249	53.7	21	38.9
Race	324	50.7	49	45.8	237	51.1	25	46.3
Income	366	57.1	50	46.7	280	60.3	25	46.3

Note. IPV = Intimate partner violence. Percentage excludes respondents with missing values, which were 10 cases or fewer. A total of 24 respondents were not in a relationship the year before the offense and are not reflected in the IPV exposed categories.

**Table 18: “Yes” Responses to Unfair Treatment by Non-white vs. White Respondents (N=649)**

Treated unfairly in court because of your...	Non-white Respondents (n=435)		White Respondents (n=209)	
	N	%	N	%
Gender	233	54.7	88	42.3
Race	289	67.5	34	16.5
Income	259	60.5	104	50.0

Note. Percentage excludes respondents with missing values, which were fewer than 10 cases.

**Table 19: Unfair Treatment in Court by Respondent Race and Ethnicity (N=649)**

Race/ethnicity	Gender		Race		Income	
	N	%	N	%	N	%
White/Caucasian	88	42.3	34	16.5	104	50.0
Latino or Hispanic	90	51.1	121	68.4	102	58.0
Black or African American	66	63.5	86	81.9	75	70.8
Mixed	35	45.5	36	47.4	44	57.1
Asian/Pacific Islander	22	64.7	24	68.6	18	52.9
American Indian or Alaska Native	12	54.5	15	68.2	14	63.6
Some other race	8	61.5	7	53.8	6	46.2
Missing	10		10		7	

Note. Percentage excludes respondents with missing values.

witnesses giving testimony about abuse at trial (39.6% vs. 21.6%, respectively). There were no statistically significant associations between these items and whether the respondent was convicted prior to 1996, when the California Supreme Court held that evidence of “intimate partner battering” is admissible for self-defense claims.<sup>364</sup>

There was a statistically significant association between intimate partner vs. non-intimate partner decedents and whether the respondent’s lawyer argued the killing was justified ( $\chi^2=11.55$ ,  $p<.001$ ), with a larger proportion of respondents whose decedent was a non-intimate partner (66.4%, 95 of 143) used this argument compared to respondents whose decedent was an intimate partner (33.6%, 48 of 143). No other statistically significant associations were found.

association between race and IPV exposure ( $p=0.3$ ). See [Table 17](#).

[Table 18](#) compares unfair treatment because of gender, race, and income by white vs. non-white respondents. Each of these associations were statistically significant. The most striking difference is that 67.5% of non-white respondents ( $n=289$  of 435) indicated that they believe they were treated unfairly because of their race as compared to only 16.5% of white respondents ( $n=34$  of 209).

[Table 19](#) shows affirmative responses to the unfair treatment questions by respondent race and ethnicity. Black and API/AI respondents felt they were treated unfairly in court because of their gender, race, and income more than other races or ethnicities. ●

## G. Unfair Treatment in Court

We asked respondents if they believe they were treated unfairly in court because of their gender, race, or income. Out of the total sample ( $N=649$ ), 50.4% of respondents reported that they believe they were treated unfairly in court because of their gender, 50.7% believed they were treated unfairly in court because of their race, and 57.1% believed they were treated unfairly in court because of their income.

A larger proportion of IPV positive respondents believed they were treated unfairly by the court because of their gender ( $p<0.01$ ) and income ( $p<0.01$ ), compared to no IPV and sub-threshold IPV respondents, which was statistically significant. There was no

## PART VI.

# The Abuse and Its Effects



This part details the abuse experienced by respondents from intimate partners and abusive non-partners as reported in their narrative responses. It also identifies the consequences of abuse on respondents' mental and physical health, cumulative violence endured throughout their lives, and ways that respondents attempted, but often failed, to obtain help or escape abuse.

## A. Physical Violence

We uncovered an alarmingly high rate of extreme abuse among women currently incarcerated for homicide in California. Approximately 87.1% of IPV positive respondents met the CAS cut-off for physical abuse; 85.6% reported that their partner shook, pushed, grabbed, or threw them; and 72.0% reported that their partner hit, kicked, or bit them.

Narrative respondents described enduring years of physical abuse:

I was traumatized from the physical abuse I experienced during the years of my relationship, I was constantly paranoid and afraid of any person touching me because of the physical abuse, I was being hit every single day as well as humiliated, I was verbally abused and constantly bullied in my relationship.<sup>365</sup>

One respondent referred to her relationship as “a severely destructive cycle of violence” which lasted nearly a decade and impacted her ability to carry out activities of daily living, “There were days I could not get up and be able to do anything.”<sup>366</sup>

Physical violence escalated quickly for one respondent who said, “He would choke me, body slam me on counter tops, slap me, and tell me that he would kill us both if I try to leave him. He even chipped my teeth. . .”<sup>367</sup>

## Injuries

IPV injuries are one of the most common reasons women seek emergency medical treatment.<sup>368</sup> We systematically asked survey respondents about injuries and whether they sought medical care because of an injury from their partner. Among the 464 IPV positive respondents, 70.5% had a sprain, bruise or cut; 73.1% felt pain the next day because of an injury from their partner; and 21.8% had a broken bone. Only 25.4% of respondents reported that they saw a doctor. Fifty percent reported that they needed to see a doctor but did not go.

Narrative responses revealed a variety of injuries as a result of IPV including a “broken back”,<sup>369</sup> “a broken nose and two black eyes,”<sup>370</sup> “tendon and ligament damage,”<sup>371</sup> “broken maxillofacial bones and teeth,”<sup>372</sup> and being “bruised literally from head to toe,”<sup>373</sup> among others.

## TBI-Producing Injuries

Our data is aligned with prior literature that shows IPV survivors experience injuries that could result in TBIs as discussed in Part II.C. Intimate Partner Violence Prevalence and Outcomes. A substantial proportion of our sample—59.9% of IPV positive respondents—reported being choked or strangled by their abusive partner at least once. About 46.8% of IPV positive respondents reported they were choked or strangled more than once or blacked out or felt dizzy from being choked or strangled. Strangulation is a tactic abusive partners use to demonstrate that they have the ability to kill their victim, thus maintaining power and control. Perpetrators of nonlethal strangulation are 700x more likely to later kill their victims compared to batterers who have not strangled their intimate partner.<sup>374</sup>

One respondent, who described her relationship as emotionally, physically, and sexually abusive, described an argument that led to her partner hitting her on the head:

The day the “incident” occurred, we had begun arguing. That led to telling him to leave my home and he began to push me until I pushed him back. He then began punching me in the back of the head and all I could do was grab the closest thing to hurt him so he would stop. That day I lost everything, the man I loved, my [child] and myself. I was too afraid to ever report him to the police prior to that, so I didn’t have that history of violence from him on record and it’s something I regret because then maybe I wouldn’t be here and he’d be alive.<sup>375</sup>

Another respondent was in a long-term relationship with her partner that grew abusive after he moved in with her. She described an incident where his violence led to blunt-force head trauma:

But a few years before that [the conviction], he gave me a concussion. That was the worst physical harm he did to me and he saved me because I would have bled to death. I had a hole in my forehead that was squirting blood all over the kitchen and that night I threw up 6x. The last few years he was choking me and banging my head into the wall 6x a day.<sup>376</sup>

One respondent noted that her partner “stalk[ed], choke[d], thr[ew] me, threat[ened] me.”<sup>377</sup> Similarly, another respondent shared:

[He] was always very controlling of everything. He was a violent alcoholic who would yell and smash things and scare the children. He would always threaten “Next time it will be you!” He’d grab me by the neck, threaten to backhand me, choke me, grab and hurt me leaving many bruises, but he never punched me. He tightly controlled all the money and made all the decisions.<sup>378</sup>

Another respondent said, “I was three days at the hospital because I lost my voice because he strangled me and my neck and throat was purple with bruises. And I couldn’t talk for three days.”<sup>379</sup>

## Weapons

Survey data indicated that 51.9% of IPV positive respondents’ partners used or threatened to use weapons against them, and for 63.9% of them it was a gun. Guns were



the most frequently discussed weapon in the narratives as well, as one respondent shared:

My husband always had guns. He also would have a gun next to him every night unlocked just in case someone would break into the home. . . . and was threatening to shoot himself in the head.<sup>380</sup>

Another respondent said her partner “would also threaten me with guns, try to force me to play Russian roulette with a loaded gun . . . He would also want our young son to hold a shotgun and would ridicule him when he refused.”<sup>381</sup> One respondent indicated her partner would allow a gang associate to intimidate her with a gun.<sup>382</sup>

Other weapons respondents mentioned were being hit with a lamp,<sup>383</sup> attacked with a machete,<sup>384</sup> and many were threatened or stabbed with a knife.<sup>385</sup> Another respondent said that her partner “tie[d] me to the bed, burned my body with cigarettes, and hit me with his belt.”<sup>386</sup> Similarly, another respondent described how her partner mobilized his friends to use weapons against her and directed “his friends to throw rocks at my car or whoever car I was in.”<sup>387</sup>

### **Homicide Risk**

For some, IPV contributed to a sense of fatal peril—the persistent belief that a respondent’s life was in grave danger from their abusive partner, and that they were constrained in how to respond to this lethal threat. As one respondent shared, “In one day I prepared myself to kill him or get killed before he kills our kids and himself.”<sup>388</sup> As previously discussed in [Part V. Quantitative Results, Table 6](#), approximately two-thirds of IPV positive

respondents were in extreme danger of being killed by an intimate partner in the year before the killing.

## **B. Abuse During Pregnancy**

Our data supports prior findings that women experience severe abuse during pregnancy.<sup>389</sup> Nearly one-third of all IPV positive respondents (31.5%) reported ever being beaten or injured by their partner while pregnant, which is a risk factor for IPH.

Narratives from 28 respondents discussed abuse during pregnancy, including 96.4% (27 of 28) who were IPV positive, and one respondent was sub-threshold IPV. Over 71.4% of these respondents (20 of 28) scored in the extreme danger category on the Danger Assessment.

One respondent shared, “The father of my children would beat me, even pregnant he would do that.”<sup>390</sup> Another relayed, “I was being abused for nine months straight on a daily basis. I was pregnant and on multiple occasions my boyfriend tried to stomp my baby out of me.”<sup>391</sup>

For some, the violence was so severe that it led to pregnancy loss or complications. One respondent shared, “Every time before this pregnancy, I was beaten until I had a miscarriage.”<sup>392</sup>

Other respondents similarly described extreme abuse during their pregnancies:

From the beginning of my marriage I suffered a lot of violence and when he was capable of hitting me so much to get to the

point of me losing a baby, a baby who was his [child] and I was already six or seven months pregnant, that's when I realized how much violence I was experiencing but it was already too late.<sup>393</sup>

He would beat me frequently and severely, lock me in rooms I could not escape, he put me in early labor, I went to the hospital, they were able to stop me from giving birth prematurely. I was shot at, stalked, beaten, raped and isolated. My family, life, and future were constantly threatened.<sup>394</sup>

Pregnancy loss also contributed to violence. As one respondent explained, “The mental abuses, financial abuse all started quickly, the physical abuse began when I miscarried. He said it was my fault . . .”<sup>395</sup> Another respondent, who had two miscarriages and went into postpartum depression, noted, “My husband told me the babies weren't his and was verbally abusive but they were his.”<sup>396</sup> Another respondent was punished for choosing to have an abortion during a prior romantic relationship.<sup>397</sup>

At least five respondents were pregnant at the time of their arrest, during their trial, or both.<sup>398</sup> None of those narratives included any indication that the pregnancy or abuse while pregnant was acknowledged at trial or presented as a defense or mitigating factor. One respondent felt her public defender “did not bring up very important issues” such as her history of abuse, drug addiction, and being postpartum:

My boyfriend lied to me and cheated on me which did much damage emotionally. I got pregnant and miscarried, got pregnant

again and I had an abortion. I got pregnant again and carried the baby full term and gave her up for adoption. All of these were huge stress factors in my case.<sup>399</sup>

Another respondent whose pregnancy was “the product of abuse” shared:

I was also pregnant at the time of my arrest, and I don't think it was taken into account. I also never heard them mention how delicate my pregnancy was. The day that my crime happened, I fell trying to help my victim and I had to go to the hospital due to a placental abruption. I had large bruises on my body and that was never mentioned in court.<sup>400</sup>

## C. Sexual Violence

As presented in [Part V. Quantitative Results, Table 10](#), 59.3% of IPV positive respondents reported that their partner made them perform sex acts that they didn't want to do, and 63.8% were forced to have sex. The narrative responses affirmed these trends. For example, one respondent described meeting her partner—who was 10 years her senior—while she was a teenager, and soon thereafter, she explained, “He beat me on a daily basis and would rape me just as often.”<sup>401</sup> Another respondent described how her partner “woke me up demanding I give him oral sex, and forced me to do it, then choked me until I passed out.”<sup>402</sup>

Many respondents experienced sexual assault and rape from their partners. One said, “He would rape me if I refused to have sex, he even cut my vagina with a knife once.”<sup>403</sup> Another respondent reported that she was

“raped repeatedly the night before” the killing.<sup>404</sup> One respondent said her partner “would drug me and rape me and I would wake up the next morning and question if we had sex and he would gaslight me.”<sup>405</sup>

For some, the sexual violence verged on torture. For example, one said, “I was held captive with my two girls in my home, raped, and beaten for over 15 hours.”<sup>406</sup> Another respondent said:

This went on for about two weeks with me being tied up to the bed, him beating me, getting high and coming home to have sex with me while I was tied up. He didn’t give me food and lied to everyone about where I was.<sup>407</sup>

## Reproductive Coercion

Some respondents also described being impregnated and/or forced to marry at a young age, often to a significantly older, abusive, and controlling partner. As one respondent shared, “[a]t 16 I became pregnant with my [child], his father was 10 years older than I was.”<sup>408</sup> Likewise, another respondent noted, “I was a very young woman when my husband took me with him, I was 15 years old and I had no other choice. I married him and we had seven children.”<sup>409</sup> Similarly, another respondent shared:

My abuse started at the age of 13 when I got with my husband. He was around 25 years old. He used to abuse me physically, emotionally and mentally. . . . He would also force me to have sex with him and he would hurt me and would not stop until I would bleed. All this went on from the age of 13 to 21 when I got arrested.<sup>410</sup>

At least three respondents explicitly stated that their pregnancies resulted from rape.<sup>411</sup> For instance, one respondent shared, “I suffered from domestic violence and this pregnancy is the product of abuse.”<sup>412</sup>

Some respondents said their partner used abortion as a method of reproductive control.<sup>413</sup> For example, one respondent, whose abusive partner was also her co-defendant, recalled how “he always told me ‘until death do us part.’ He threatened to kill me if I had an abortion.”<sup>414</sup> Another respondent explained:

He had forced me to have an abortion, threatened our children’s lives to get my compliance and at the time of the crime I believed myself to be pregnant again. I’m not sure if I was because he had not allowed me to take a pregnancy test yet. If I was, I lost the baby.<sup>415</sup>

One respondent “never recovered” from an abortion and became pregnant a year later with an abusive partner she previously left:

When I told him I was pregnant, he didn’t believe me and left me alone for two months. I told my family. My sisters kicked me out and my dad had to be convinced by my mom to let me stay in their house because I decided to keep my child. My family offered me money for an abortion or asked me to let her go for adoption but I did not. I kept her. Her father came back into my life and abused me throughout the pregnancy.<sup>416</sup>

Another respondent’s narrative reflected both an internalized shame associated with abortion and her lifelong history of abuse:

For [more than 15 years], I was physically, mentally, verbally, and sexually abused by my husband . . . I chose to stay because I grew up in a home where my father and stepfather were both violent and alcoholics. Furthermore, six months before meeting my husband I had an abortion and I felt I deserved the abuse and punishment for the abortion and the fact that I was a Christian.<sup>417</sup>

## D. Emotional Violence and Coercive Control

Many respondents were in emotionally abusive and highly coercive relationships. About 72.2% of IPV positive respondents met the CAS cut-off for psychological abuse.

Emotional violence was perpetrated in various ways. For instance, one respondent noted, “I was with a man that devalued me and emotionally humiliated me at times, he always made sure I knew there were more women in his sexual life.”<sup>418</sup> Another explained her partner would “constantly put me down about my appearance, body and the fact that I was bisexual . . . and convinced me that I was his soulmate and that he was the only one who truly understood me.”<sup>419</sup> One respondent shared, “I didn’t know at the time what it was, I just knew that I was worthless, an embarrassment, and wasn’t good enough at just about everything.”<sup>420</sup> Another respondent described:

[My partner] would call me out my name, put me down, install video surveillance software on my phone, monitor everything you think of and still accuse me of the worst. Nothing was good enough, he

would leave for days, while ignoring my calls, just to come back and act as if he’s done nothing wrong. He would even withhold sex as a form of punishment. He’d say I disgusted him.<sup>421</sup>

Abusive partners used emotional violence to isolate, control, and keep respondents dependent on them. Among IPV positive respondents, 76.9% shared that they hid the truth from others because they were afraid of their partner. For example, one respondent said, “I lived in fear, shame, and helplessness for most of my life.”<sup>422</sup> Another respondent explained her partner:

degraded me and would tell me no one would ever love me or want me because I was only good for sex. . . . He would say he would call the police and get my son taken away from me because I was using drugs if I’d ever left him or told anybody.<sup>423</sup>

In other cases, respondents shared their partner threatened suicide as an emotional abuse tactic. Nearly 41% of IPV positive respondents said their partner threatened or tried to die by suicide. One respondent explained, “he always threatened to murder our kids and then himself so I will suffer forever or go to prison and die there because he was mentally suffering.”<sup>424</sup> Often, suicide threats were used to keep respondents from leaving their partner. For instance, one respondent noted, “I left a couple times but he threatened suicide,”<sup>425</sup> and another who said her partner “was gonna kill himself if I tried to leave him, so stop trying.”<sup>426</sup>

At least one respondent’s emotional abuse involved her partner’s manipulation of spiritual

beliefs and practices to control her:

I felt like I was basically in a cult with [my partner] because he was always telling me about God, what God has shown him, what God wants to do for us and our family. At the time I didn't know and the lies got progressively worse. . . . He taught me about God, how to hear from God, and when I said I wouldn't listen to God, God had to speak through him. He started saying God was showing him who was possessed by demons and the devil. So we would have to practice praying for people for the demons to flee.<sup>427</sup>

## Isolation

As discussed in Part II.A. Definitions and Types of Intimate Partner Violence, isolation is an emotional abuse tactic often used to exert control and maintain power. It was also prevalent in our sample. One respondent shared:

I was with [my partner] for 15 years. He slowly removed me or isolated me from my family and my friends. I didn't know it at the time, but he slowly isolated me from everyone. . . . He isolated me from my family and would always put his family before mine. I took care of one of his children and took care of his grandmother and grandfather while I could never visit my own family and was limited or made [to] feel like my family was not ok.<sup>428</sup>

Other isolation tactics were more severe, such as physically restraining the respondent. One respondent said “after the first six months he became abusive, locked me up in his house, wouldn't allow me to leave without his escort, sexually and emotionally abused me. I was alone and afraid.”<sup>429</sup>

Numerous respondents shared that their experiences of isolation caused significant distress. As one respondent explained, “I was isolated from friends and family by his belligerent, controlling behavior. 27 years of trying to make my home life appear ‘normal’ and protect my kids caused me to lose my mind.”<sup>430</sup>

## Coercive Control

Prior research has found that one-third of women experiencing coercive control are at extreme danger of IPH.<sup>431</sup> Our data suggest that this could be a severe underestimation—at least among the incarcerated population. Among IPV positive respondents, 72.2% reported that their partner controlled most or all of their daily activities, 70.7% said their partner spied on them or left threatening messages, and 62.5% indicated that their partner tracked them.

We found indications of significant coercive control among our sample. For example, the above respondent who shared her partner became abusive “in the first six months” of their relationship said, “I felt trapped and solely believed he would kill me if I tried to leave him. The times that I did leave, he would pay people to find me and tracked me.”<sup>432</sup> Another respondent noted her partner “never allowed me to wear low cut shirts. He would control what I wore. He even picked out the color of my toenails. I was never allowed to show my toes at work.”<sup>433</sup>

Coercive control tactics were often coupled with physical violence that impeded help-seeking behaviors and prevented respondents from leaving. As one respondent explained:

I wanted to leave his side whenever he would hit me so much without pity, he threatened me with the lives of my parents, he would tell me that my mom or dad could die at any moment and that made me stay there with him. I was very scared that my parents would die and it would be my fault. Well, they are very important in my life. This is how I lived many years at his side, but seeing and having my children at my side I could handle everything. He would say that if I left his side, my parents would die and I would never see my children, so I had no choice but to stay married to him.<sup>434</sup>

Another explained her partner was:

stalking me, kidnapping my new friends, my dog, trying to kill my cat in front of me, breaking my back in a car “accident” and forcing me, by threat of killing strangers and friends, to marry him while having two loaded handguns in the waistband of his pants, at his back after my back was broken.<sup>435</sup>

A third respondent, who described intimate terrorism, said:

[My partner] controlled me, he followed me, he threatened me with the [ethnicity] mafia. He told me that he worked for them and that, at any moment, they could come and kill us all, me and my two kids. I could only go to the market, to pick up my kids from school, and I could go to the gym, where sometimes he would appear behind me while I was running. I was Wonder Woman. I cooked every day, sex. . . at any moment, without caring about my children. He wanted to kick [child 1] out of the house

when she was [a young teenager]. He wanted to abuse [child 2], the older one, at [elementary school age]. I didn’t report him because they advised me not to because my children would get taken away. He abused us to the extreme, that we almost died on multiple occasions while he was driving. He was sadistic and I suffered the unspeakable. I lived in terror.<sup>436</sup>

Several respondents shared that their abusive partners prevented them from working or leaving their home alone, leading many to become reliant on their partner for money. As one respondent explained:

I was forced to always be home and take care of everything. If I wanted to go shopping or anywhere I had to ask permission given only the money I would use. I was always told that I was worthless and no good. I always heard that he would take my children from me and I would never see them again.<sup>437</sup>

In many of these cases, respondents felt further trapped because they had to care for children, as one explained:

And one day he followed me because he put a GPS in the car, and we fought because he had followed me. He beat me and told me to leave the house. But where was I supposed to go with no money and no job and with my young [child]? I knew that the world was closed to me and so I only thought about finally taking my own life.<sup>438</sup>



## E. Stalking

Several respondents experienced stalking, a risk factor for IPH and attempted homicide discussed in [Part II. Background on Intimate Partner Violence](#). One respondent reported being stalked shortly after she filed for divorce.<sup>439</sup> A different respondent, who was severely abused by her former partner, said her partner began stalking her after she left him:

I started to unveil him for who he truly was and I started making plans to get away from him and leave the relationship for good. I filed for termination of domestic partnership and left what I knew was home of nine years. He kept all my clothes, all I had was a single backpack and my important documents and I went into a shelter . . . he would stalk me and fight me in public places.<sup>440</sup>

Another respondent described the following:

I made a decision to break up with him. I distanced myself from him, didn't answer his phone calls, and he started stalking me. He even came late at night twice at my house ringing the doorbell and I told my husband that it was him and I got scared. . .<sup>441</sup>

## F. Harm to Children

It was not uncommon for respondents to note how their abusive partners sometimes directed their physical abuse at other household members, mostly children. One respondent shared:

My partner would beat me and my kids and would put division between his kids . . . so he'd beat us and I took out my anger on our son that we shared together.

He'd also threaten to do things to my kids and then take his [kids] away from me. We'd fight constantly and beat each other.<sup>442</sup>

Among IPV positive respondents, 24.4% said their partner harmed and threatened to harm their children in the year before the offense. Narrative responses revealed the extent of this abuse, as one respondent explained:

[Partner] was almost always angry and more with my kids when they didn't obey him. He was the stepfather of my two oldest children. He didn't want them. He would hit them. He threatened them if they told me anything. If they made any comment about what was happening, it became even worse for them. He had us scared, both them and me, that if I told anything to the police and they arrested him, he was going to get out and kill us.<sup>443</sup>

Some narratives indicated that children not fathered by the abusive partner were particularly at risk for harm. As one responded detailed, "My husband abused and threatened me for many years. He also verbally and emotionally abused our son, who is adopted."<sup>444</sup>

Protecting one's children was met with violence, and sometimes led to the killing as discussed in [Part VII. Women Who Killed Their Intimate Partners](#). One respondent mentioned witnessing her husband's abuse of their children and how attempts to intervene would lead to him abusing her and pushing her face into the ground.<sup>445</sup>



## G. Partner's Alcohol and Substance Use

Many respondents reported that their partner's use of drugs and alcohol was linked to escalating abuse. Nearly 69% of IPV positive respondents reported that their partner used illegal drugs ("uppers") in the year before the killing, and 56.5% reported their partner was an alcoholic or problem drinker. Use of illegal drugs and alcoholism are two items on the Danger Assessment that increase IPH risk.

One respondent shared, "My partner was perfect when he was sober, or not drinking. He turned into a different person when he was drunk."<sup>446</sup> Another respondent had a similar experience with her partner's drug use: "I married [Name] in 2016. We lived together for one year. He started using drugs again and he started abusing me in all ways possible. . . ."<sup>447</sup>

Some respondents indicated their partner used both alcohol and drugs. For example, one respondent reported, "I was married to my husband for approximately 15 years when he turned violent. First he started drinking daily, then verbal abuse then violence, sexual abuse, brought drugs into our home."<sup>448</sup> Similarly, another respondent shared, "My partner was suffering from mental illness, depression and had voluntary shock treatments. He was on the highest dose of [various prescription drugs] penile injections, steroids, and triplicate drugs that made him even more violent."<sup>449</sup>

Several respondents also reported that their partner introduced them to drugs. For example, one respondent described how her introduction to substance use by her partner was followed by his beginning to abuse her:

Three months into the relationship he introduced me to [illicit substance] because of the pain in my back. He said it would take the pain away and it did but before I knew it, I was doing a lot of [illicit substance] and that's when he started to become abusive.<sup>450</sup>

Some respondents reported that their partner drugged them throughout their relationship. For example, one respondent shared that her partner would "spik[e] my drink [even] though I'm anti-drug."<sup>451</sup>

Other respondents more directly linked drugging to abuse. One respondent shared, "[My partner] would drug me and rape me and I would wake up the next morning and question if we had sex and he would gaslight me."<sup>452</sup> Similarly, another respondent described how her partner would "not let me out of his sight. Keeping me so doped up I couldn't function. I thought I was dying."<sup>453</sup>

## H. Mental Health Effects of Abuse

As discussed in [Part II.C. Intimate Partner Violence Prevalence and Outcomes](#), IPV survivors are at increased risk for depression, anxiety, PTSD symptoms, and suicide. While we did not systematically ask about respondents' mental health, at least 123 respondents reported mental health concerns.

Several respondents explained how IPV affected their mental health. For example, one respondent shared how her partner's infidelity impacted her mental health: "I have a history of being cheated on by the men in my

life. I became very unhealthy in many ways, mentally I was sick, my body was tired.”<sup>454</sup>

Another noted that her severe depression and bipolar disorder were not effectively treated, and the effects of these disorders were compounded by the deterioration of her partner’s abuse:

I began to feel like my whole world was ending, particularly when I contracted an STD from him. The combination of all of that aggravated my mental instability and self-esteem. My thinking was very distorted and I continued to spiral downward. My shame and self-loathing caused me to hide everything I was going through from everyone, hoping they’d all think I was ok. I was completely isolated, believing I had no one, when in actuality I shut everyone out.<sup>455</sup>

A third respondent described the impact abuse had on her mental state:

I have been in multiple domestic abuse relationships since I was 19 and suffer from severe PTSD, depression, mental illnesses. I also was not on my mental health illnesses medication that night and had not been on them [for several months]. I also had an extremely high dose of [illicit substance] in my system that was at such a high dose that I could have died from it. I was self-medicating myself because I thought my fiancé was trying to poison me with my meds.<sup>456</sup>

Mental health challenges were a direct factor in several killings. For example, one respondent said, “[t]he event that happened was caused from depression and violence

and abuse and for taking on more than I can handle.”<sup>457</sup> Other respondents shared:

I had PTSD from the last relationship and my first relationship . . . my case was actually about mental health more so than “intoxication.” . . . I had been also experiencing my first ever psychotic break just prior and during this event due to the unending stress. . . . I hadn’t ever experienced anything like that before. Paranoia and threats were a major weapon of force and I actually lost touch with reality during this process.<sup>458</sup>

The most I can say is that I was in a very physically abusive relationship with someone else before my crime where I had to literally escape by leaving [City], [State]. Then I got into a mainly psychologically abusive relationship with my partner who is my co-defendant. By the time I got in this relationship I was already broken due to prior relationships and childhood trauma. I was dissociative and practically responded like a zombie. I suffered from PTSD and severe depression when I was involved in the relationship that led to committing my crime.<sup>459</sup>

Sometimes respondents reached a tipping point and “lashed out”<sup>460</sup> or were in a sudden “fit of rage.”<sup>461</sup> One respondent explained, “Without any premeditation, in a fit of rage during a verbal argument I strangled my wife to death to stop the pain and emotional/psychological abuse.”<sup>462</sup>

In cases involving stranger decedents, some respondents explained that they were reminded of a former abusive partner. For

example, one said, “my victim put me on the defensive and to try and prevent what would normally happen from my spouse and out of fear I reacted.”<sup>463</sup>

Another respondent was unable to recall the circumstances of her partner’s killing, for which she is currently convicted, in part because she suspects she was “drugged without my knowledge or [because] the crime was so traumatic for me,” but she said, “I believe I was trying to protect my children and/or the baby I thought I was carrying.”<sup>464</sup>

## **Suicidal Ideation and Attempts**

Some respondents shared their struggles with suicidal ideation as a result of IPV.

One respondent explained, “he was very jealous and he hit me so much that I always thought about when he was going to kill me. Sometimes I begged God to take my life instead of continuing to live like this.”<sup>465</sup>

Another respondent described a particularly violent incident that precipitated a suicide attempt:

[W]hen he was mentally breaking down, he shot the gun at me, even hit me. My face was all beaten up, blue and black eyes, and my face was swollen I was unrecognizable and I shut down trying to commit suicide by pills. I didn’t care to live any more. I was just done. The man I thought loved me and protected me turned into a monster, and I just didn’t care to live.<sup>466</sup>

One respondent described how the divorce from her abusive partner along with his use of legal avenues to exert control over her and

obtain custody of their children led to a suicide attempt saying, “I was severely depressed and saw no way out of this mess. I was suicidal and left a suicide note before I left the house to go kill myself at the beach.”<sup>467</sup>

Approximately a dozen of the respondents who discussed injuries that might cause a TBI also discussed suicidal ideation or attempts, which aligns with previous research showing an increased risk of depression<sup>468</sup> and suicide in<sup>469</sup> women with IPV-related TBIs.

Suicide attempts were sometimes lethal for others as discussed in Parts VIII.A. Child Killings and VIII.C. Other Decedents and Circumstances. One respondent whose decedents were a female friend and a stranger shared:

At the time of my crimes and months before I was being treated with [anti-depressant], [benzodiazepene], [benzodiazepene], and [opioid pain reliever]. I was not using recreational drugs but was a full blown alcoholic. I tried to commit suicide several times before my crimes. . . but never succeeded and was never treated. I saw a LCSW and psych and they told me because I was a [medical professional] I could “handle it.” I tried to kill myself the day of my arrest by shooting myself . . . but I didn’t know where the safety was, and then I killed my last victim.<sup>470</sup>

In some cases, family members or friends were killed after a struggle over a weapon trying to thwart a suicide attempt.<sup>471</sup> One respondent shared:

I fell into a deep depression and that led me to drink so much to the point of

blacking out and later getting triggered and killing a person while blacked out because I tried to kill myself and she tried to stop me.<sup>472</sup>

## Alcohol and Drug Use

Substance use disorders (SUDs), including legal or illegal drugs, alcohol, and medication misuse, are widely reported in persons experiencing abuse as discussed in [Part II.C. Intimate Partner Violence Prevalence and Outcomes](#). Many respondents shared that they used drugs and alcohol to “numb” themselves and “cope” with the violence.<sup>473</sup> For example, one respondent described a series of abusive relationships that began during adolescence and “led me to my drug addiction which I used to stuff my feelings.”<sup>474</sup> Another said her abusive female partner “needed to know where I was at 24/7. If not, she would turn into a beast and we would be fighting. I couldn’t get away from her. It was mentally draining and I drank to fill this emptiness I felt inside.”<sup>475</sup> A third respondent explained how she began drinking to cope with a decade-long emotionally and sexually abusive marriage. After her marriage ended, she found herself in another physically and verbally abusive relationship and continued to rely on alcohol to cope with violence from her new partner.<sup>476</sup> Another respondent described how her alcohol use “intensified” due to her partner’s emotional abuse and infidelity.<sup>477</sup>

Some respondents used alcohol and other substances to cope with childhood maltreatment.<sup>478</sup> One respondent said she “started using [an illicit substance] at 12 years old with my mom’s boyfriend. . . Every relationship I had before the crime was

abusive.”<sup>479</sup> Another respondent shared she began using alcohol during childhood:

I began drinking at the age of five during the brutal and extended rape of my mother in my presence. The domestic violence that occurred in our home was horrific and continuous. This led to my use of alcohol as a coping mechanism that thwarted my maturation process and warped my perspective. This was a factor in the committing of my crime.<sup>480</sup>

For some respondents, low self-esteem led them to abusive relationships and alcohol or substance use. As one respondent explained: “I had a low self worth which led to unhealthy relationships and led me to drink myself to oblivion.”<sup>481</sup>

One respondent’s partner introduced her drugs and became abusive thereafter:

I met him at a friend’s house and we started dating three months into the relationship. He introduced me to [illicit substance] because of the pain in my back. He said it would take the pain away and it did. But before I knew it I was doing a lot of [illicit substance] and that’s when he started to become abusive.<sup>482</sup>

Another respondent relapsed after several years of sobriety due in part to her partner’s psychological manipulation tactics to isolate her from her family. The violence increased after she expressed a desire to become sober to her partner:

I relapsed with this man after four years clean off [illicit substance] and that started a downward spiral. Eventually I started to lose everything from my vehicle to

relationships with my ex's family because I let this guy get in my head and make me believe that they were against me. After a few months of us using heavier and heavier, his temper started to flare at random things and I felt I wasn't able to be the best mom to my [child] so I decided I wanted to get clean. That started a lot of heated arguments. One night, in the middle of the night, we were arguing about getting clean and he slammed the door in my face, so as I opened it again but he threw it back shut so hard my hand got caught in the jamb and I had to go to the hospital but despite the fact it was swollen like a catcher's mitt, I had no broken bones only tendon and ligament damage.<sup>483</sup>

Substance use was a contributing factor to several killings. In fact, a key finding from our study is a phenomenon we have labeled the "Abuse-to-Substance Abuse-to DUI-to-Prison pipeline," which refers to a series of events where IPV survivors use substances to cope with the abuse, and the killing is attributable to driving under the influence. While this finding is outlined in more detail in [Part VIII.C. Other Decedents and Circumstances](#), it is important to underscore that this phenomenon was common in our data.<sup>484</sup>

## I. A Lifetime of Abuse

Similar to previous research on incarcerated women, narrative data indicate that many respondents experienced and/or witnessed physical, sexual, and/or emotional abuse throughout their lives, though we did not systematically ask respondents about this topic.

## Childhood Maltreatment

Abuse often began in the respondent's family of origin at an early age. One respondent was abused at nine years old by her uncle.<sup>485</sup> Another respondent described growing up in a home where she was "sexually molested between the ages of three and four by a friend of the family."<sup>486</sup> She described her father as "verbally and very physically abusive" and shared that her mother was often absent because of work.

Respondents used phrases like "childhood trauma"<sup>487</sup> and "adverse childhood experiences"<sup>488</sup> to refer to these experiences of victimization. One described:

I was sexually molested at four years old by the [family friend's husband] and my [male relative]. These events planted seeds of negative thinking and a belief system. After these events, I continued to grow up in a very domestic violence home. My mom was quiet, compliant, and passive while my [male relative] was very psychologically, mentally, physically, verbally, financially abusive to my mom, myself, and brother. I learned to be quiet and comply, to never do anything to cause my [male relative] to get angry because he would abuse my mom or us. When he'd abuse my mom, he'd convince me it was my fault. I took on excessive blame. I wore a mask to pretend I was happy and portrayed to outsiders our home life was fine, nothing bad was happening. I was told to be this way. I was often sexually molested by him also. I repeatedly watched him abuse my mom, never knowing if she was going to be killed. I lived with [the idea that] any moment he is

going to kill all of us. He would abuse [us], then run out of the house when neighbors or others would call the police. They wouldn't arrest him because he was hiding outside watching, waiting for them to leave, then he'd come back even angrier. I thought for sure that's when he was going to kill us. The abuse was horrible and my mom got the most harshness of it. . .<sup>489</sup>

Many respondents similarly reported multiple adverse childhood events that involved witnessing and experiencing physical, sexual, and emotional abuse:

I was the victim of horrendous abuse from my mother, who killed herself a year prior to the crime. He also abused me emotionally, psychologically, and sexually. Also, I blamed my stepfather for not protecting me and after her death, I felt abandoned and neglected while he allowed a new girlfriend to also abuse me physically.<sup>490</sup>

I came from a broken family and I wanted my daughter to have both parents. My father was an alcoholic and my mother and father both drank and had parties since I can remember. I watched my mom get beat, mentally and physically, and emotionally. He treated all women like crap. My dad instilled in me from birth that you never tell or "snitch" on your family or call the cops. . . . I watched and endured this abuse until my mom divorced my father but not til I was [elementary school age] and then my dad wanted me so he didn't have to pay child support. He only had to pay my mom for my sister. I ended up drinking and doing drugs with my dad

at the start of [tween age]. So being raised in an alcoholic abusive household is what I guess accepted from men being treated like my father treated my mother.<sup>491</sup>

I come from a home of domestic violence. Since my early years all I knew for communication was yelling, physical, mental and verbal abuse. The abuse was horrible, welts left from wet belts and extension cords, blood and cuts, pinches that left cuts and bruising, made to kneel on top of dry rice holding up canned food. I was molested by a family member [at elementary school age] and did ask for help but was called a liar by my family.<sup>492</sup>

Another respondent noted she "was carrying trauma and abandonment from my own parents' suicides."<sup>493</sup>

One respondent shared that during childhood, she tried to mitigate the physical abuse directed at her siblings by bearing the brunt of the violence. She became pregnant as a teenager and was in an "abusive, controlling relationship" for nearly 20 years.<sup>494</sup>

When another respondent tried to tell her mother about the abuse at an early age, her mother did not believe her, and the respondent endured continued molestation.<sup>495</sup>

Several respondents cited childhood sexual abuse as the reason for killing a family member. One respondent explained that she was molested as a young girl but did not remember the identity of the perpetrator. After a relapse, she stayed with relatives and a male relative began to sexually assault her,



which led to her killing him. Reflecting on this experience, she explained, “I don’t know who molested me for sure, but it makes me really angry still. I am devoted to correcting the traumatic issues I have so that I can return to society and live in peace.”<sup>496</sup> Another respondent detailed a pattern of physical and sexual abuse perpetrated by her father. She indicated her sister was aware of and perhaps a victim of their father’s sexual abuse, and she cited his continuation of the abuse as a factor in the crime.<sup>497</sup>

Although most respondents named male relatives as the perpetrators of physical and sexual abuse, others were victimized by female relatives. One respondent’s mother “sexually, physically, emotionally and mentally” abused her from a very young age, which led to her experiencing mental health episodes and using substances to cope.<sup>498</sup>

## **“Conformed to Comply with Abuse”**

Childhood experiences of violence made some respondents prone to abusive adult relationships. One respondent shared, “Because of other previous abusive relationships in my past, both experienced and modeled by my own mother, I always thought domestic violence was the norm.”<sup>499</sup>

One respondent conceded to engaging in reactive violence against her abusive partner, which attributed to behaviors she learned from her mother:

[I had] severe and complex childhood trauma at the hands of an abusive mother who beat me, locked me in a room, starved me, made me have sex with older men,

made me her crime partner by making me shoplift for her, then rewarding me with food so I learned that shopping equaled comfort and would keep me from being beat.<sup>500</sup>

Another linked her “violent marriage” and “several abusive relationships” to molestation as a child.<sup>501</sup> A third respondent explained, “Later in my teens I got into [an] abusive controlling relationship, getting pregnant as a [late teenager] and then married my alcoholic drug abusive partner. I believed it would get better, it would stop.”<sup>502</sup>

Violence became normalized for some respondents: “I was impacted by violence in reality all of the days of my life. . . . When I was [a young teen] I was raped and I had a daughter from this rape. I thought that this was normal.”<sup>503</sup>

Some respondents left home to attempt to escape their abusive families, only to find themselves in romantic relationships and early marriages that were as violent or worse. One respondent described that she left home in early adolescence after being sexually abused and trafficked. After a harrowing experience with a man who kept her captive, she “had abusive relationships up until my crime.”<sup>504</sup>

One respondent who was molested and raped as a child explained that she got together with her husband because he promised to protect her from further abuse, but went on to abuse her sexually, physically, and emotionally.<sup>505</sup> Similarly, another respondent escaped foster care in her mid-teens and met a man who was in his mid-20s who began physically and sexually abusing daily within a few weeks.<sup>506</sup>



Another respondent shared that she ran away from home in late adolescence to be with her abusive partner and later, her co-defendant. Reflecting on the failed attempts of her mother and the police to stop her stepfather's abuse, she said, "I was conformed to comply to abuse."<sup>507</sup>

Another respondent described being "groomed" by an intimate partner she met during adolescence:

From the start of 16 I was willingly groomed. I saw the red flags but ignored them desperate for love and belonging. Because of the divorce and separation of my own childhood family, I had a desperate need to recreate a family to fix the past one.<sup>508</sup>

She went on to detail her struggle with financial stability while navigating life outside of this relationship.

## **Polyvictimization and the Offense**

Our findings highlight how multiple instances of violence throughout one's life, called polyvictimization, can lead to criminalized behavior, particularly when trauma goes unaddressed. One respondent recounted, "my crime was mostly a result of violence I experienced in my home growing up. I tried to get away by being in a relationship that started to perpetuate similar controlling manipulations . . . I was able to overlook the unhappy parts of my relationship because the bigger picture for me was to escape my home life."<sup>509</sup>

Another respondent noted that childhood trauma and domestic violence were causal factors in the crime because these experiences normalized dysfunction.<sup>510</sup> One respondent's decedent was "the enabler to the abuser from my childhood."<sup>511</sup>

One respondent, who killed a neighbor while driving under the influence, said, "My conviction was built around unaddressed trauma and abuse from childhood that I never sought help for and took into adulthood with me. I began drinking heavily a year before my crime when I experienced a trigger that opened up suppressed trauma from my childhood."<sup>512</sup>

Several respondents described how their trauma history left them prone to reacting in anger when in situations that made them feel as if they had to defend themselves:

I believe I was a "ticking time bomb" ready to explode for holding onto so much anger that I was getting beaten brutally on a daily. I was always on edge. I was homeless and I was trying to get away from my ex or my boyfriend at the time and he would always find me. I have a history of childhood trauma, I was a child that went through child abuse since I was in the 4th grade. I had social workers from [children and family services government agency] trying to take me away from my abusive parents. All this did end up affecting me growing up. I had enough of the abuse and I felt like I had to defend myself and when I did, it went wrong.<sup>513</sup>

When you are involved in recurring violent outbursts, whether it be from a spouse or a family member, you tend to develop a

reflex to protect yourself. For example, if some were to say hi and put their hand up to shake or wave but they are very close to you, you'd react with a block and a hit outta reflex because traumatic experiences stay with you throughout your life. They don't just go away. Your brain develops ways of protection. To some it's a reflex, to others it may be something different.<sup>514</sup>

After leaving an abusive home during adolescence, one respondent described how being called a liar by a stranger evoked the same feelings she had when she was called a liar for disclosing her uncle's molestation, which led to an altercation that culminated in the stranger's death.<sup>515</sup>

A few respondents said their trauma histories were ignored during trial and sentencing, where courtroom narratives are key to contextualizing a defendant's actions as discussed in [Part IX.A. Courtroom Narratives](#). One respondent felt scrutinized for her life choices while the "sexual trauma" and abuse she endured throughout her life was overlooked."<sup>516</sup> Another stated that during her trial "there was never any account of my severe childhood trauma or complex-PTSD."<sup>517</sup>

## J. Help-Seeking and the Inability to Leave

Our findings on help-seeking behaviors align with earlier scholarship discussed in [Part II.D. Help-Seeking](#) in two ways. First, many respondents sought help when exposed to severe violence and, second, they experienced individual, social, and structural barriers that hindered their ability to escape

violence.<sup>518</sup> We did not systematically ask about respondents' help-seeking behaviors, however, all of the respondents who disclosed seeking formal help were IPV positive, and the vast majority of these respondents were in extreme danger of IPH.

## Formal Help-Seeking

Respondents sought formal help mainly from law enforcement and the judicial system. Although we did not systematically ask respondents whether they called the police, at least seven respondents shared in their narratives that they called the police. All but one of these respondents scored extreme danger on the Danger Assessment.

Approximately half of the respondents who sought formal help eventually killed the person for whom they were seeking protection. Many of these killings were done in self-defense and committed soon after the respondent's attempt to seek formal help, such as one respondent whose partner came at her with a knife when she tried calling the police.<sup>519</sup>

## Barriers to Formal Help

Respondents faced many barriers to formal help including one respondent who said the police "refused to act."<sup>520</sup> One respondent, whose request for help was not believed, noted:

When I went to get help from the police and later the court, [partner] discredited my complaints by saying I was crazy, . . . but still the police and the court kept repeating what he said as the truth. It's like nobody would believe anything I said, even if the evidence was there to support what I was saying and to disprove what my husband

(now ex-husband) and the prosecutor was accusing me of.<sup>521</sup>

Another respondent, who was being stalked by her neighbor, described multiple attempts for criminal legal intervention:

Over time his behavior escalated to following me. I reported [partner] to the police on more than one occasion and had the police stop by his home and ask him to leave me alone. I also had my [male relative] talk to him and tell him to leave me alone. I also filed a restraining order against him and the judge denied me because he said I did not meet my burden of proof that he was following me because my neighbor said it was a coincidence that he was at the places at the same time I was there and concluded that my neighbor was behaving that way because he was mad that I turned him down.<sup>522</sup>

Failed attempts to obtain help from police and the judicial system left some respondents feeling like they “had to get away on [their] own.”<sup>523</sup> One respondent explained:

When our daughter was born, the abuse started on her at six months old. This was the last straw and I decided to divorce him once I got back stateside. Once I filed for divorce, the stalking and abuse got worse. I had to move a lot to try to hide and he would always find me. Police didn’t help nor did the restraining order I had to protect my daughter and I. It took about three years of the abuse before I was able to do anything about it.<sup>524</sup>

Another respondent felt that waiting for a restraining order put her at risk for further harm:

In the last year of our relationship he became increasingly aggressive and was physically abusive on a daily basis. I began to research restraining orders and saw that it took time between serving him papers and him having to leave. I knew he would try to kill me so I bought a gun to protect myself.<sup>525</sup>

Other respondents were precluded from seeking formal help by their abusive partners. One respondent shared that her partner caught her trying to call the police, and he told her that if she “did it ever again, he would end [her life].”<sup>526</sup> Likewise, a different respondent wrote that after her partner broke her phone, she tried to call 911 on a family member’s phone, but her partner chased her and broke that phone as well; two other respondents had the phone knocked out of their hands when they dialed 911.<sup>527</sup>

In other cases, the respondent’s partner was a figure whom the police respected—and therefore failed to apprehend. As one respondent explained, “I would call the police yet no arrest was ever made. He would talk to them about his job and the conversation would become friendly. At the time I was the victim I needed help. The police failed me. This is part of the reason I had him killed.”<sup>528</sup>

Sometimes, the abusive partner was an officer himself:

My husband was a corrupt officer and my daughter and me called 911 on him for being drunk and abusing me. Both times the police talked me out of pressing charges because they did not want my husband [Name] to lose his job.”<sup>529</sup>

The person I killed, his son was [a local law enforcement employee] of my county jail I was housed in. I never was offered a bail . . . I had seven restraining orders that never went through because the son stopped them. I went to every law enforcement office in my county and everybody said, I can't help you, that's my boss. The father and son had the same name so I don't believe in law no more because I almost lost my life and there was no one to help me . . .<sup>530</sup>

Respondents reported that criminal legal intervention resulted in an escalation of violence and coercive behaviors. This finding aligns with prior research concluding that “[c]alling the police or disclosing abuse to a medical provider can result in more severe, even lethal, violence against a victim, particularly if the perpetrator is not held accountable.”<sup>531</sup>

On respondent explained: “When the police came out the day before the crime, a whole swat team came because my youngest son said [my partner] was high, drunk and choking me. Only one officer would talk to me. They made no arrest and left me in a worse situation.”<sup>532</sup>

Accordingly, respondents often felt that there was nowhere they could turn. As one respondent succinctly explained, “I felt trapped. And I wound up killing him, instead of just leaving.”<sup>533</sup>

## Informal Help-Seeking

Some respondents sought help from informal sources, which research shows is more common than formal help-seeking<sup>534</sup> and often sought prior to formal sources.<sup>535</sup> Several of these respondents described having their loved ones “turn[] their backs on [them]”<sup>536</sup> by declining to provide any help, especially for respondents who left and went back to their abusive partner. For example, one respondent said, “I reached out to my friends, but they didn't want to help me because they had helped me leave him before and I had gone back.”<sup>537</sup> Another respondent explained, “I asked my mom for help to take my son so I could move to a healthier environment. She declined, telling me it's my life, my responsibility. . . I needed help. It was huge for me even to ask, to trust to ask. That no, crushed me . . .”<sup>538</sup>

In some cases, this lack of support led respondents to return to or remain in abusive situations:

I would leave and try to turn to my mom for help so that I did not have to sell drugs or go back to him, but my mom only cared about money so her help only lasted a few days and my victim made it real clear that I had no one but him, which started to feel true because I had no support from my family, so I went back home to him.<sup>539</sup>

Another respondent said: “When I married, my relationship became abusive. I ran to my mother and she told me I had to stay because no one will love you with another man's child, so I stayed.”<sup>540</sup>

At least three respondents being abused by a former partner or family member sought help from their current intimate partners after a failed police intervention.<sup>541</sup> One respondent shared:

I started dating a gang member, a man who was violent, intimidating and carried a gun. I felt “safe”—what I thought safe felt like with this man, because he threatened my abuser, kept him away from me and vowed to hurt anyone who hurt me. I learned quickly that I no longer could rely on the police or on any protective orders or restraining orders, but I could rely on my new partner.<sup>542</sup>

## Reasons for Not Seeking Help

Some respondents said they never sought help, which was often due to beliefs about the family and gendered expectations in relationships.<sup>543</sup> One respondent explained, “In my culture or my family, what happened in the house stayed in the house and no one spoke about it, and I also think that’s the reason why I never said anything.”<sup>544</sup>

In families where violence was normalized, respondents were unable to recognize abusive behaviors or did not see themselves as victims of abuse. A respondent shared:

I had been in repeated domestic violence relationships growing up. I didn’t know how to get help because I was unaware that what I was dealing with was not normal. I was raised with beliefs that kept all my thoughts, feelings, and situations to myself. Looking for help was exposing my secrets and that is dangerous because somebody would get in trouble. I tried to keep my family and home together and

when things got out of control it was all seeping out. I kept on avoiding, denying, and running from the truth.<sup>545</sup>

One respondent was “too embarrassed” to ask her loved ones for help.<sup>546</sup> Another who “was molested, raped, beaten by family members” as a child said, “I was alone and did not know how to ask for help.”<sup>547</sup>

Respondents also discussed feeling ashamed and embarrassed about being abused by their partner, which often made seeking help or leaving more difficult. As one respondent explained:

After a year [my partner’s] drinking got worse, and the mental abuse started. In the same year, it was the first time he hit me. I was so embarrassed, I hid this from my family and friends. As the years went by, it got worse so I left him. . . I couldn’t afford things on my own and was too embarrassed to ask my family for help, so I dealt with the abuse.<sup>548</sup>

Some respondents, particularly people of color, feared the police. For example, a Latina respondent said, “I was deeply rooted in ‘don’t call the police’ mentality. I didn’t think they could help.”<sup>549</sup>

Other respondents recognized that they were victims of abuse but did not consider help-seeking as an option, as one respondent explained:

I was married and I felt that I had to deal with whatever came my way. I was raised that whatever happens in your household stays there so I carried this shame and guilt around for I could not allow anyone to

know that I had failed. So I put a smile on my face and took whatever came my way. I was raped, beaten, belittled and once my mother-in-law passed away then things became 10 times worse. I had no one to talk to nor did I have anywhere to go. So I thought then on [Date] I murdered my husband.<sup>550</sup>

Similarly, another respondent shared that she remained in a relationship with her abusive partner because of prior family violence and her desire to keep her family intact:

I came from a broken family and I wanted my daughter to have both parents. My father was an alcoholic and my mother and father both drank and had parties since I can remember. I watched my mom get beat, mentally and physically, and emotionally. He treated all women like crap. My dad instilled in me from birth that you never tell or “snitch” on your family or call the cops. My parents are both [Nationality] so even if your husband beats you to almost death, [Nationality] women do not leave their men no matter what. That type of loyalty stuck with me and watching my mom and us being abused and never called the cops on him, told me not to ever call or talk to cops.<sup>551</sup>

## The Inability to Leave

Nearly 46% of IPV positive respondents reported leaving their partner after living together in the year before the killing, and most were in extreme danger of IPH, which aligns with prior research showing that estrangement is a perilous time for people experiencing IPV.<sup>552</sup>

Many respondents were unable to escape abuse for multiple reasons. Several respondents did not have the resources to leave their partner because they were unhoused,<sup>553</sup> or more commonly living with a partner who controlled their finances and ability to work.<sup>554</sup> More than half (53.0%) of IPV positive respondents reported that their partner prevented them from going to school, getting job training, working at a job, or learning English. One respondent explained:

I didn’t have a job and I was pregnant, so I was afraid to leave and my baby had nothing. Then I was afraid of what he would do to me. He always said “I’m sorry,” and he will work on not hitting me. I fell for it and really thought he would change. Not once in my life did I think he would hurt my [child]. I always thought he would only hurt me.<sup>555</sup>

Some abusive partners weaponized children to keep respondents from leaving. One respondent noted, “I tried to leave him but was told that if I left him that he would file papers stating that I was unfit mother, and she would come out to be with him and I couldn’t protect her.”<sup>556</sup> More than one-third (34.1%) of IPV positive respondents reported their partner threatened to report them to child protective services, immigration authorities, or other authorities.

In other cases, abusive partners threatened suicide. One respondent noted, “Every time I tried to break up with him he would threaten to commit suicide, kill me, or kill my family. I believed him so I accepted that this was my life and kept going with the hope that maybe someday he would leave me.”<sup>557</sup>



Respondents who left were retaliated against, aligning with previous research observing that many abusive ex-partners continue to search for, threaten, and physically harm survivors who leave.<sup>558</sup> One respondent explained:

I finally got free after trying for almost two weeks and ran away from my house to a family that I knew from around the way. They helped me stay hidden for three days and I was supposed to go to the bus stop to go to the airport and I was gonna go to [State 1] and start over but he had his whole [Gang Name] Gang searching for me. When one of them spotted me I tried to run off but they surrounded me in SUVs and threw me in one of them and took me to my husband. He cried and apologized and forced me to have sex over and over and over. At this point NO ONE wanted anything to do with me because they were scared of him. I kept trying to get away but nothing worked.<sup>559</sup>

Some respondents stated that they left but their partner “came and found where [they] had moved to and brought [them] back.”<sup>560</sup> Another respondent shared that when she left, her abuser would “would pay people to find me and tracked me.”<sup>561</sup>

Commonly, a sense of fatal peril trapped respondents in severely violent relationships as their partner threatened to kill the respondent, their children, or their family. One respondent said her partner was “always threatening to kill me and my family if I didn’t stay with him. He tried to kill me and showed me the gun he was going to kill my family with if I left him.”<sup>562</sup> Another respondent shared, “My husband was a very jealous person, he

threatened to do harm to my brother [Name] so that I wouldn’t leave him and so that I would support him.”<sup>563</sup> A third respondent explained:

[H]e threatened me with the lives of my parents, he would tell me that my mom or dad could die at any moment and that made me stay there with him . . . He would say that if I left his side my parents would die and I would never see my children, so I had no choice but to stay married to him.<sup>564</sup>

The inability to escape violence was particularly salient among mothers, who sometimes killed because they felt they had no other way to protect their families.<sup>565</sup> Almost a quarter (24.4%) of IPV positive respondents reported their partner threatened to harm their children in the year before the killing. One respondent said:

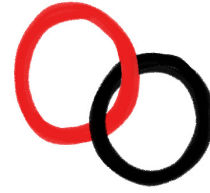
This went on for two years, he hit our [child] and me and the kids left and tried to start a new life but he never stopped. He threatened to take the kids and kept threatening me and a year after I left, I had him killed before he killed me.<sup>566</sup>

Likewise, another respondent reported, “Multiple times he told me he would kill me or my mom or son if I left him.”<sup>567</sup> Another shared that she “was so scared of what he would do that I shot him, which took his life. I wish I was able to ask for help, but I knew things would not be good if I did.”<sup>568</sup> ●



## PART VII.

# Women Who Killed Their Intimate Partners



Our dataset included 20.6% of respondents (134 of 649) who are incarcerated for the death of an intimate partner, making intimate partner the second largest decedent category after the stranger category. Most respondents who indicated that the decedent was an intimate partner pointed to some form of abuse as a reason or driving factor for the offense.

Among them, 82.1% (110 of 134) were classified as IPV positive, and 6.0% percent (8 of 134) were classified as sub-threshold IPV. Fifteen of the 134 respondents did not provide any evidence of IPV according to their CAS responses.<sup>569</sup> Though many of these respondents did not provide narratives, those who did often indicated that someone else killed their partner, such as a stranger or a former abusive partner.

About 88% of all respondents whose decedent was an intimate partner completed the Danger Assessment. Among those who were IPV positive, 64.5% were classified as extreme danger, 8.2% as severe danger, 20.9% as increased danger, and 6.4% as variable danger for IPH. Additionally, 85.0% of these respondents believed their partner was capable of killing them, 78.7% reported their partner controlled their daily activities, 77.6% said their partner forced them to have sex, 75.5% reported being followed or spied on by their partner, 75.2% reported their partner was violently and constantly jealous of them, and 62.6% reported their partner threatened to kill them the year before the killing, all risk factors for IPH.<sup>570</sup>

As discussed in [Part I. Introduction](#), we use the term “fatal peril” to describe the agonizing predicament in which many of our respondents found themselves. Among respondents whose decedent was an intimate partner, defense of oneself and one’s children, financial strain, and infidelity are themes that contributed to respondents feeling a sense of fatal peril.

### **“He beat me for minutes before I defended myself”: In Defense of Oneself**

A majority of respondents indicated the death of the decedent happened in defense of themselves or others or by accident. At least six respondents who shared information about the death indicated that their crimes were premeditated.

Most respondents described killing their intimate partner in the moment they were being attacked by them. For example, one respondent shared, “My ex-boyfriend threatened to kill me and/or himself the day of his death. I attempted to take the gun from him and the gun discharged during the struggle.”<sup>571</sup>

Another respondent similarly reported:

My victim was a past ex-boyfriend who started stalking me in the months leading up to the incident. He still hung around and had knowledge about my whereabouts through mutual friends. He attacked me inside my own home when I asked him to leave. I have neighbors that witnessed hearing me yelling and screaming for him to leave my house. The neighbors became so concerned they called the police. He refused to leave my house many times, then became extremely violent and attacked me. He beat me for minutes before I defended myself by stabbing him. I only stabbed him once in order to get off of me and stop beating me. Unfortunately, I stabbed him directly in the carotid artery and he bled out.<sup>572</sup>

Several narratives also discussed committing the act that resulted in the decedent's death as a direct response to sexual violence, including rape and attempted rape by the decedent. For example, one respondent shared, "I was raped by my ex-boyfriend and I shot him. I believed it was him or me that day. I was convicted of 1st degree murder."<sup>573</sup>

Another respondent described her fear at the time of the fatal act:

The night of the murder I was fearful not only for myself but for my family as well. He wanted to have sex and something snapped in me. I was the owner of a gun that I used that night to kill my partner. He was charging towards me and I kept pulling the trigger over and over. I was overwhelmed with fear!<sup>574</sup>

Some of the respondents explained that they could not remember details of the offense, particularly after being strangled or suffocated by their partner, a TBI-producing injury:

I asked "where have you been", told him about my morning, [and] we argued. He then threw me on the bed face down with my hands, arms pinned under me. He held me by the hair with my face in the covers. I had [a respiratory condition], at that time. He was on top of my upper back. I could not move. I tried squirming, kicking him with the back of my feet but couldn't reach him. I finally got my head turned enough to say "I can't breathe." He then pulled me by my hair and turned me again so my face was back into the covers. I knew at that time he was really going to kill me. I struggled until I could no longer. I was exhausted, it felt like eternity. I blacked out, I don't know how long. I don't even remember coming to. But apparently I grabbed the gun under the bed and ran after him. They said there was a bullet hole in the front room, I don't remember that. The neighbor said I was screaming hysterically and then started shooting at him in the front yard. I don't remember that either.<sup>575</sup>

Another respondent shared:

I don't remember what happened that night, only that there was a witness who saw everything that happened, where I ran in my apartment for help and where he was choking me. I don't remember when I went to the kitchen and supposedly grabbed the knife. He died on the way to the hospital. He stopped breathing and had lost a lot of blood because he was very drunk. . . .<sup>576</sup>

In several cases, respondents were attempting to or threatening to leave their partner the day of the decedent's death and their partner attacked them. For instance, one respondent described:

The day the “incident” occurred, we had begun arguing, that led to telling him to leave my home and he began to push me until I pushed him back. He then began punching me in the back of the head and all I could do was grab the closest thing to hurt him so he would stop.<sup>577</sup>

Another respondent wrote:

I began to research restraining orders and saw that it took time between serving him papers and him having to leave. I knew he would try to kill me so I bought a gun to protect myself. On the day of my crime my abuser showed up with the knowledge that my family was on the way. He was manic and attacked me and I attempted to remove myself to call 911. He then became calm and quiet and went to the kitchen and came out with a knife. He came towards me with a raised arm and I shot him in response to the threat. I attempted CPR and called 911 . . .<sup>578</sup>

Respondents reported that they did not intend for the decedent to die:

I didn't plan to kill him. It really was an accident to me. I knew I was stabbing him, but only once, I thought, in the arm. To warn him, like back off. He had an open knife. No one heard about the domestic violence I experienced with [partner] or my whole life. I wasn't even able to make a decision, I was in and out of black out.<sup>579</sup>

## **“I knew at that time he was really going to kill me”: A Sense of Fatal Peril**

Respondents described feeling a sense of fatal peril—the persistent belief that their life was in danger, often from an accumulation of their partner's threats and attempts to kill the respondent, her children, or loved ones over time. One respondent explained that her abusive partner was harming her children, even after the respondent left the relationship:

First he started drinking daily, then verbal abuse, then violence, sexual abuse, brought drugs into our home. This went on for two years, he hit our daughter. Me and the kids left and tried to start a new life but he never stopped. He threatened to take the kids and kept threatening me and a year after I left I had him killed before he killed me.<sup>580</sup>

As discussed in [Part VI.J. Help-Seeking and the Inability to Leave](#), many respondents discussed unsuccessful attempts to seek help in response to their partner's threats and attempts to kill them, and they felt constrained in how to respond:

On the day I shot and killed [partner], it was the day I know he was going to kill me and my [two toddler aged children] . . . I had a plan to leave my own house just to get away from him. I had called his probation officer [less than one week] before the shooting to get some help from her since he was on felony probation for beating me before. When I found out they were not going to arrest him, I knew I had to get away on my own. When the judge told [partner] not to contact me, not so much as dial my number or he would do

five years. But this man had been breaking into my house, beating me, raping me, and abusing me. When I asked for help, it backfired.<sup>581</sup>

Other respondents described severe abuse that occurred on the day of the decedent's death. For example, one respondent shared, "Things went from bad to worse when his son was killed in the military. He started drinking even more, and the yelling and physical abuse got worse. The night that he (my husband) was killed, he had been choking me and throwing cans of beer at me."<sup>582</sup>

Another respondent shared, "My partner was good to me at first but turned violent at times. He had slapped me, kicked me, and tried to choke me on the day of the crime . . . I assaulted him with a flashlight resulting in great bodily injury and ended up killing him."<sup>583</sup>

One respondent, who described extreme terror and abuse by her intoxicated partner in the hour prior to the decedent's death, called a friend for help. She too said that she did not intend for her partner to die:

The next hour I remember in three snapshots. The first we were in the kitchen and [my partner] was on top of me, choking me, slamming my head on the ground. The next [snapshot] I had locked myself in the bathroom and called his friend who had introduced us, asking him what to do. We were supposed to go to his house later too, and [the friend] told me we shouldn't go there and I should get away from [my partner]. The 3<sup>rd</sup> [snapshot] I locked myself in [my and my child's] room and sat down scared while [my partner]

beat on the door. The night before he had strung Christmas lights in [my child's] and my room and had left his pocket knife in there. I armed myself and left the room. At that point I could've left but I loved [my partner] and didn't want to leave like that. He had gone in his room and laid down on his bed, and I got on his bed and straddled him. I don't remember the conversation precisely but he brought my mom and daughter into it, either saying he was going to kill or have sex with them and I stabbed him twice. I did not mean for him to die and thought stabbing him in the side of the neck wouldn't kill him but I hit an artery. . . I did not want him to die. I was [in my 20s], he was [in his 40s] and he died with a .34 blood alcohol level.<sup>584</sup>

## **"I'm here for protecting my kids": Protecting Children**

The sense of fatal peril also extended to defense of the respondents' children. For instance, one respondent described defending herself and then her daughters during an assault from her partner. In the moments prior to the decedent's death, she said that he "started to mistreat me with his hands, he took my hair and slapped me and asked me why I had opened [social media], when he had prohibited me from having it anymore."<sup>585</sup> The respondent told her partner that she "would leave the house because I didn't want to be with him anymore, no more." The respondent then described the incident as follows:

[H]e grabbed my neck and started choking me and that's when my [daughter 1] threw herself on him (my partner) and told him "let go of my Mom," and he came and

threw my daughter and her head hit the table, and her little head opened from the impact and I thought that he had killed her. I called the police and he threw my phone to the ground and told me that I belong to him and he would prefer to see me dead before seeing me with another man, and he grabbed my neck again and [daughter 2] threw herself onto him and he threw her onto the floor and I felt like I couldn't breathe. I couldn't see well because I thought that I was going to die and in my desperation to keep breathing, I scratched him. And when I felt like I could breathe, I couldn't leave without my daughters. I tried to clear up my vision because I couldn't see well. My vision was cloudy and then I saw my bloody [daughter 1] and I begged him "no, please, stop," telling him that I won't leave his side, and he took me again and I don't know what happened. I just remember that my daughter brought me a knife and I hit him without knowing what I had in my hands. All I wanted was to keep breathing, and in my desperation for survival, I hit him with the knife, and when my vision cleared up I could see that he was bleeding and I didn't understand what had happened until I saw my hand and there was the knife and I got scared and didn't know how the knife got there until years later when my mind started to clear up. And at that instant I called the police and here I find myself in prison and I will never forget that his last words were that I forgive him for all of these years of abuse that he had done harm and the good thing is that I was able to forgive him. Then they accused me of hurting my daughters. They didn't believe what my daughters said and

they blamed me for doing my daughters' harm and they gave me [an indeterminate sentence]. And I don't think that is just, because I was only defending myself from someone who was violent, and even though I never wished for him to die, may God forgive him, because I have also forgiven him.<sup>586</sup>

Another respondent wrote:

He planned a secretive trip to come home and had threatened to commit murder suicide. No one in our families believed his threats but our kids especially. I was devastated. One day, I prepared myself to kill him or get killed before he kills our kids and himself. My mental health was going downhill and due to extreme fear, anxiety, stress, I panicked and committed the horrible life crime.<sup>587</sup>

Another respondent planned her partner's death due to her abuser's threats to their children:

He kidnapped the kids and said if I wasn't home [immediately] he was going to kill them. At that point I felt there was nothing I could do. I got home and told him I'm not playing this game anymore. It's either going to be me or him but one of us is going to die. That's when I started planning his murder.<sup>588</sup>

In cases where the respondent was defending her children and herself from a partner's abuse, the threat was not always imminent, but rather it was an accumulation of acts and threats against the respondent and her children. For example, one respondent's partner, who was a stepfather to her two

oldest children, was described as a “sick alcoholic” and whether he was drunk or not “he was almost always angry and more with my kids when they didn’t obey him.” Her children and her “suffered from violence, abuse, physical hits, verbal abuses, yelling, pushing.”<sup>589</sup> She explained:

He didn’t want them, he would hit them, he threatened them. If they told me anything, if they made any comment about what was happening, it became even worse for them. He had us scared, both them and me, that if I told anything to the police and they arrested him, he was going to get out and kill us. I was scared that he would do something to me or my kids. That’s why I had to commit my crime.<sup>590</sup>

Several respondents indicated that the decedent’s sexually inappropriate activity with their children was a motivating factor in the killing. As one respondent explained, “My partner molested my two youngest children and when they told me, I flipped out and ended up killing her. That’s why I am here, for protecting my kids, but none of it was brought up in my case.”<sup>591</sup> Similarly, another respondent shared, “I killed my lover . . . for jealousy and anger because he had photos of my daughter on his telephone. We fought and struggled and I shot him . . .”<sup>592</sup>

Relatedly, some respondents tied their reactions to the decedent’s abuse of their children to their own experiences of abuse. One respondent explained, “due to my past childhood trauma, it led me to my negative behaviors in the killing of my husband for sexually touching my oldest daughter.”<sup>593</sup> In these cases, respondents indicated that

the deaths arose from abuse but were not necessarily done out of self-defense or self-preservation.

In some of these cases, the respondent was not the person who directly committed the act that resulted in the decedent’s death. As one respondent shared:

My [sibling] found out my husband was having sex with my [tween] daughter. [My partner] told my daughter that if she told me what was going on, he would hurt me. She thought she was protecting me. My [sibling] and husband got into a scuffle and my [sibling] killed my husband.<sup>594</sup>

## **“We lost the house”: Financial Stress and Entrapment**

In other cases, respondents experienced economic hardship while still in the relationship, which exacerbated their feelings of hopelessness and entrapment. These feelings further precluded respondents from being able to escape the situation:

I was his girlfriend for 20 years and then I allowed him to move in with me. That’s when it started. At first just being bossy, shoving me out of his way, stuff like that. We bought a house together. I put down a big down payment . . . thinking because of that I would have some leverage. (Before he was taking care of me, paying the rent, etc.). It didn’t. We lost the house and were moving out the day I shot him.<sup>595</sup>

He had an auto body shop where I worked very long hours, seven days a week for very little or no pay. He did whatever he



wanted to me. I was his slave for the next three years. I shook all the time, I cried every day. He finally paid me \$200 so that I could leave. But he didn't want to. He was very angry. Very threatening. I felt trapped. And I wound up killing him, instead of just leaving.<sup>596</sup>

Another respondent attempted to divorce her partner, but she needed money because he kicked her out of her house, took all their money, and she had nowhere to go. She contacted him to no avail, so she entered their home while he was at work to find money and collect her things. He unexpectedly came home, and she confronted him about emptying their bank account. As she described:

He started yelling at me . . . and said I am going to call the police because you shouldn't be here. I said, "you are right, I am leaving," and I started walking towards the kitchen because I had to go into the backyard because my purse was out there. He then started running after me. I pulled a chair in front of him to stop him. He threw it to the side, got me by the arm, punched me in the stomach and threw me against the stove. I was out for a moment. I heard him turn on the gas and then I heard him trying to use a gas lighter. It didn't work. I then tried getting up. He then picked up a knife and proceeded to stab me. He stabbed me three times. I then kicked him off me and picked up a knife and stabbed him twice in the heart. He fell on top of me. I was bleeding out. I slowly pushed him off of me. I then picked up another knife and the phone, walked out, and called 911. I picked up the second knife in case he came after me again. That knife was never used. I

dropped it in the front yard. I was taken to [location] hospital where they performed life-saving surgery. I ended up on life support.<sup>597</sup>

When a respondent could no longer afford her medications, the financial strain exacerbated the abusive nature of the relationship:

He owed people money. They'd call and leave threats about coming with a gun. That's when he borrowed a gun. He'd get mad at me and threaten to kill me. My depression got worse. We couldn't afford my medication so I faked it and worked and did the best I could. We were in foreclosure and I begged him to get a job but he couldn't find one. The day I killed him I was supposed to take him to [Employment Development Center] but he had never come to bed and I found him in the garage. I snapped and stabbed him multiple times.<sup>598</sup>

### **"I became enraged at the thought of him with another woman": Offenses Connected to Infidelity**

Several respondents mentioned their partner's infidelity as a motivating factor influencing the killing and as an element of their abuse or coercive control. For example, one respondent explained:

My partner was emotionally and financially abusive. He was unfaithful and made me feel like I had no voice. Nothing I said seemed to matter. When I'd ask about him cheating, he'd always tell me I was crazy and imagining things. Because I felt out of control, I'd lash out in violence. He never



put his hands on me, instead he'd punch a wall or throw things. I was the violent one. One night he took off for hours without a word. I became enraged at the thought of him with another woman and took his life. At the time I felt so belittled and insignificant, and wanted to make him feel as small as I felt. I immediately regretted my decision and called 911 for help but it was too late.<sup>599</sup>

Similarly, at least two respondents described an abusive relationship characterized by mutual infidelity. One respondent shared:

In my marriage with the victim (husband) our marriage was very abusive and controlling. I was cheating on him as he was cheating on me. The violence of our marriage I felt drove me to wanting to escape the abuse. I wanted to feel human, like a woman, not like a punching bag when he was frustrated or when I was rebellious . . . I would call the police yet no arrest was ever made . . . At the time I was the victim, I needed help. The police failed me. This is part of the reason I had him killed.<sup>600</sup>

The second respondent was married, yet having an illicit relationship, in which she was being threatened with bodily harm. She discussed how her infidelity left her with a sense of fear because of her lover's threats: "I was afraid of my lover because I left him and he told me that he will kidnap me whenever he will find me alone. Therefore I told my husband and that is when I planned how to kill him."<sup>601</sup>

Another respondent described a pattern of infidelity committed by multiple partners, and the negative effect this had on her health:

I have a history of being cheated on by the men in my life. I became very unhealthy in many ways, mentally I was sick, my body was tired, my mother was dying, my man was cheating, I was addicted to meth and beaten down in every way a woman could be. I reacted violently after many years of being a passive aggressive woman. Aggression turned into fear that if I didn't kill [partner] he would beat me to death. I wish with all my heart to go back and stop it all from happening. . .<sup>602</sup>

### **"He told me, if I was not with him, I wouldn't be with nobody else": Third-Party Partners Who Killed Because of Jealousy**

A group of respondents described third-parties, including former or current partners, who committed the offense for which the respondent is incarcerated. Often these killings were in response to jealousy and an accumulation of threats or direct attacks from the respondent's former partner. For example, one respondent said her former partner (the decedent) forced her to have sex including a "drugged rape," stalked her, and "was always threatening to kill me and my family if I didn't stay with him." She explained:

He tried to kill me and showed me the gun he was going to kill my family with if I left him. I moved my family three hours away to get away from him, but he kept coming after me. I told him on the day of his death that I was back with my ex and I didn't want him so he came after me, [and] tried to crash my car off the road. My ex-boyfriend/co-defendant shot at him, he

died and the swat team took us in the next day. Then two years into fighting my cause, my co-defendant took a plea deal to testify against me . . .<sup>603</sup>

One respondent described nine years of severe abuse at the hands of her former partner. When she left him, he stalked her and followed her for a time. She believed his stalking was over after three years of no contact. By then, this respondent was engaged to another man:

On a night out, my victim, who was my ex-spouse domestic partner, saw us and confronted us with a machete. [Former partner] told me if I was not with him, I wouldn't be with nobody else. Then he hit me in the face with the machete and then he hit my fiancé in the neck with the machete . . . thank God that the machete was dull or it would have cut my face and cut open my fiancé's neck. When he hit my fiancé I was so scared that I felt I had to hurt my victim in some way, so I fought him and while we fought, my fiancé ran to get my gun and shot him . . .<sup>604</sup>

In other situations characterized by jealousy, there did not appear to be a direct threat. For instance, one respondent reported that her new partner, who was her co-defendant, was the “perpetrator and mastermind” in the killing of her former partner, describing his actions as “a ‘jealous of the man before’ type of deal.” This respondent was on good terms with her ex-partner (the decedent), even babysitting his child and letting him sleep at her place when he had nowhere to go. Though the respondent “never admitted it,” she believed her “manipulative mother”

strongly influenced her co-defendant “to do her [mother's] dirty work” as evidenced by her mother “repetitively mentioning to my co-defendant that [decedent] tried to pimp me out.” This respondent said, “I have always had a hard time admitting [co-defendant's] role because a part of me still loves him as human to human.”<sup>605</sup>

Another respondent explained:

My husband and I were married young, started our life together, and our dreams came true. Eight years into our marriage we opened our marriage bed, having an open lifestyle. We shared our bodies with other married couples, and lost sight of our values, morals, and standards. This took us into dark places. We became emotionally attached to other people. I ended up having a private affair, ending with the man I was having an affair with killing my husband. I did nothing to stop him, I just continued to live in the lies I created, and drank through my pain.<sup>606</sup>

In another instance, the respondent reported that her husband had several affairs with other women, including her sister. The police were called twice for domestic disputes over his infidelity. She was “so tired of being hurt that I got back at him by having another man. At first, I thought that I would only use this man to hurt my husband (make him jealous) but I fell for him too.” Her boyfriend became violent and possessive, wanting her to spend less time at home, so she ended their relationship. Her boyfriend began stalking her, even coming into her home late at night, at which point she got scared and told her husband who it was. She said, “That night, me and my husband

made an agreement to fix our marriage.” She described what happened a few days later:

While unloading the van of groceries, the killer (my boyfriend) snuck inside the garage door, went inside, and killed my husband with a metal pipe. Took a comforter and wrapped my husband’s body and placed him inside our van, then told me to drive the van to a place near my [work facility]. He instructed me to go inside a restaurant and to call the police. Everything that I told the police were LIES, and if I screwed up, me and my family will all die.<sup>607</sup>

## **“I was under the influence”: Mental Health and Substance Use During the Killing**

Some respondents explained that they were under the influence of drugs or alcohol—which respondents frequently used to cope with abuse—at the time of the offense.

One respondent who had been in multiple domestic abuse relationships since her teens and suffered from severe PTSD, depression, and mental illness explained:

I also was not on my mental health illnesses medication that night and had not been on them for four to five months. I also had an extremely high dose of [illicit substance] in my system that was at such a high dose that I could have died from [it]. I was self-medicating myself because I thought my fiancé was trying to poison me with my meds. I believed that there were people outside to kill me, and I believed my fiancé was going to kill me that night, and I blacked out but I had stabbed him once and it hit right to his heart. It was a

freak accident that the first stab stabbed him in the heart and he instantly died.<sup>608</sup>

Another respondent reported that her abusive partner was on several antidepressants, steroids, and other “drugs that made him even more violent.”<sup>609</sup> She was on a painkiller for a medical issue that she “became addicted to . . . and every time he hurt me I took more and stayed in.” Regarding the incident leading to the decedent’s death, she explained:

I made all the wrong decisions, and while being high when he threatened to kill my son, I fired. One shot that [lodged] in his back and caused an infection because he had only one functioning kidney due to all his drinking and drugs. I called the police to get help. I did not run.<sup>610</sup>

Another respondent who described her relationship as “toxic . . . [and] full of verbal abuse and on the day of the time, it escalated to physical”, explained that her partner physically abused her daughter and was “threatening to leave me whenever there were problems.”<sup>611</sup> Her alcohol use overlapped with her attempts to seek help, both of which the respondent explained led to the killing:

The day of the crime, I was under the influence of alcohol . . . I called the police because he didn’t want to stop the car and he hit me in the chest and threw my phone onto the ground. When I called 911 again, he got out of the car and that’s when I hit him and killed him.<sup>612</sup>

## **“He forced me to sell my body”: Intimate Partner as Pimp**

A line of “gendered pathways” literature—most prominent in the 1990s and early 2000s—has identified violence, coercion, love, and fear within exploitative intimate relationships as a route to women’s involvement in criminal offending, as well as other “structural, institutional, and familial injustices,” including drug use and childhood maltreatment.<sup>613</sup> These pathways were apparent among descriptions from at least six respondents whose decedent was a partner who was sexually exploiting the respondent; all but one respondent was in extreme danger of IPH. IPV and sex work are often treated as mutually exclusive phenomena under the umbrella of gender-based violence; however, doing so suggests that pimped women—whose abuse is commercialized sexual exploitation—are somehow fundamentally different than abused women in non-commercial “intimate” relationships.<sup>614</sup> In fact, women in both groups share similar experiences, structural barriers, and outcomes including deprivation of liberty, poor physical and mental health outcomes, and increased risk of danger.<sup>615</sup>

One respondent whose decedent was an intimate partner who forced her to sell sex after introducing her to methamphetamine said, “the world as I knew was forever gone. I had no way out. He was going to kill my children if I did not do as I was told . . .”<sup>616</sup>

While the frequency and severity of partner violence was similar among respondents who were pimped and those who were not, these respondents also described how stigma

surrounding sex work was used against them in the criminal legal system.<sup>617</sup> One respondent shared, “the status of my addiction and lifestyle choices of prostitution was the center focal point. Not the sexual trauma or abuse I endured throughout my life or from my victim.”<sup>618</sup>

Another respondent explained: “My partner was my pimp who made me run escort services and prostitution. . . I was trafficked and had to make other girls work.” She explained that she does not know who killed her partner, who was shot execution style, because she was “out collecting money from the girls when he was killed” and she is “deathly afraid of guns,” noting that she called 911 when she arrived home and saw him. This respondent explained, “The District Attorney used domestic violence as a reason for the killing, yet this one time it is not a domestic violence killing.”<sup>619</sup> ●

## PART VIII.

# Women Who Killed Others



This part describes circumstances in which the decedent was a child, abusers who were not the respondent's intimate partner, and other decedents, including strangers, acquaintances, friends, multiple decedents, and other nonintimate relationships like partners-in-common.

### A. Child Killings

This section focuses on the 14.5% of all respondents (94 of 649) who are incarcerated for the homicide of a child.<sup>620</sup> About 79.8% of these respondents (75 of 94) were IPV positive and 60% were in extreme danger of IPH. Among IPV positive respondents whose decedent was a child, 75.4% reported their partner used illegal drugs (“uppers”), 75.0% reported their partner was violently and constantly jealous, 74.5% reported their partner controlled their daily activities, and 71.8% believed their partner was capable of killing them, all risk factors for IPH.<sup>621</sup> Additionally, 45.9% of IPV positive respondents who are incarcerated for the death of a child were beaten while pregnant, 40.0% reported that their partner threatened to harm their child, and 68.7% said the physical violence increased the year before the killing. Narrative responses revealed that at least 10% of respondents in this decedent category had a child who was not biologically related to their partner.

More than one-third of narrative responses (41.5%, 39 of 94) described the circumstances of the offense. Among them, we found evidence of two pathways to being convicted of murder or manslaughter of a child:

- (1) indirectly, where the respondent was

implicated in a killing their partner committed, and (2) directly, where the respondent participated in an act that resulted in the killing of a child. This section also describes themes related to help-seeking, coercive control, and stigma gleaned from cases where we could not discern who was responsible for the child's death.

As noted in Part III.B. Accomplice Liability, Including Failure to Protect Laws, failure to protect (FTP) liability describes a type of aiding and abetting criminal liability arising from the failure to perform an affirmative duty, such as protecting a child from an abusive partner.<sup>622</sup> We did not systematically ask respondents if they were charged with FTP. A related offense, also discussed in Part III.B. Accomplice Liability, Including Failure to Protect Laws, is child maltreatment fatalities, which may have applied to respondents who were directly responsible for the death of a child.

### Partner Committed the Act that Resulted in Child Being Killed

At least 13 respondents described situations where they had an indirect role in their child's death. In these cases, the directly responsible party was a current or former intimate partner.

**“I’m convicted of failing to protect my children from their abusive father”: Severe Intimate Partner Violence**

Several respondents identified FTP liability as the reason they are incarcerated. One respondent explained:

My male partner was the direct perpetrator and while I’m not minimizing my role in the crimes, the court hearings/trial was mostly about what my co-defendant did while the court/prosecutor was pointing at me and basically . . . because I was the female/mom, I should have been the female/mom they wanted me to be, and I should have known everything that they thought/wanted me to know in order to have prevented the crimes and therefore blaming me for everything. I’m convicted of failing to protect my children from their abusive father.<sup>623</sup>

Another respondent, who received a lengthy indeterminate sentence, shared:

I am in prison for killing my child when [my abusive partner] was the one [who committed the act]. I was too stupid and too afraid to say something or speak up at the time. He’s free, he received accessory after the fact. Here I sit because they said I was the mother and I failed to protect her so they were going to make me look like a monster and that is what they did.<sup>624</sup>

Other respondents described their lack of involvement in the child’s death, but they did not directly name FTP liability. For instance, one respondent shared:

I am charged with the murder of my [toddler child]. I did not kill [my child]. However, I was involved in a very abusive

relationship with the man who did kill [child]. My lack of action and multiple acts of appeasing my co-defendant in an effort to try to prevent things from getting ‘worse’ is the reason why I am convicted of [my child’s] death.<sup>625</sup>

Another respondent described her “inability to act and protect” her child from her partner—due to his psychological and spiritual abuse—that ended in the death of her child. Her history includes becoming pregnant twice with a “physically, mentally, and emotionally abusive on-and-off relationship with a man for nine years.” One of the pregnancies ended in an abortion, from which she “never recovered.” She decided to keep the second child despite her family’s urging for another abortion or placing the child up for adoption. After leaving the father of her child, she began a new relationship and left home with him and her daughter. She described her new relationship as being “basically in a cult with him because he was always telling me about God, what God has shown him, what God wants to do for us and our family.”<sup>626</sup>

The respondent went on to describe “mental, emotional, and spiritual abuse” from him, which included “how to hear from God,” “God [speaking] through him,” “God showing him who was possessed by demons and the devil,” “praying for people for the demons to flee,” and being “made to finish a fast from food for a month.” They became homeless and were “wandering around in public or in the car praying” the day of her child’s death:

[H]e awoke me and told me God told him the devil has possessed my child. I was in shock. So, after praying and waiting for



God to respond, he said God will remove the devil from her, we just have to let her sleep. We walked out of the car and waited for hours. Almost half of the day. While we were waiting, he preached, we marched around, and claimed victory. It was hot and I asked on three occasions to see her, but he told me not to disobey God. When he said we could finally go see her, I went in the car and my baby passed away from heat exhaustion (at the time I was convinced by my co-defendant the devil killed her). But now I see. So, he told me not to cry, to get in the car and we drove off. I kept asking if my baby was okay and talking to my baby, but she wouldn't respond. Hours turned into nighttime, and he finally said, "God told us to bury her with the earth." My stomach turned and I for a second thought he was going to kill me too.

The respondent and her partner were pulled over by an officer, who searched the car and arrested them. She stated, "I just wanted you guys to know the horror of mental, emotional, and spiritual abuse. This man did not lay a finger on me like the father of my child did."<sup>627</sup>

### **"...guilty of leaving my children with him, knowing he beat me": Absent or Unaware**

In at least six child killings, the respondent played an indirect role due to being absent or unconscious/asleep<sup>628</sup> at the time of the killing. The narratives provide insufficient context to evaluate whether and how the respondents met the knowledge requirement of FTP liability. All respondents were in extreme (n=5) or severe (n=1) danger of IPH.

Some respondents were away at work when the fatal incident:

My partner was really abusive and controlling. He would keep my son hostage in order to control me, besides threatening me and hurting me. . . The abuse increased a lot during a small period of time until the fatal day that he was so high he killed my [child] while I was working. He let my [child] die instead of calling an ambulance for help. My [child] was [a toddler] and I was the one receiving a life sentence for what he did.<sup>629</sup>

[T]he man I was with killed my [child] because I was leaving him. He beat me, raped me, [and] made do crime. On [the date the incident occurred] I was fed up, I went to work, left my kids with him . . . that day he try to kill both of my kids, he found out that I was hiding [clothes], food, and money he knew that I couldn't take the abuse . . . he kept his promise that if I left . . . he would hurt someone I loved. Never did I believe that he would hurt my kids . . . I knew he could hurt me . . . I'm here because I am guilty of leaving my childre with him knowing he beat me.<sup>630</sup>

Another respondent was "raped repeatedly the night before [the incident]" by her partner and was "at a breaking point" admitting to having shaken her child prior to his death. She maintained that it was her partner's actions while she was unconscious that caused the child's death:

[My partner] choked me to the point of unconsciousness several times. After some time, I woke up and my son was "asleep." I didn't think anything of it. The next morning, I got up and my son was



still sleeping. He didn't wake up. His lips turned blue. [Years later] I found out that my ex had purposefully slammed my son's head into a wall. I am sentenced for the murder of my son, with no physical evidence, no proof that my actions killed my son. His bruising was near the temples, not the back of his head.<sup>631</sup>

Another respondent reported being unconscious due to TBI-producing injuries at the time her partner caused their child's death:

The fights only got worse . . . three days before my [child] died . . . I told him I'm tired of fighting and I'm getting clean with or without him so if he doesn't like it he needed to get the f\*\*\* out of my house! He got so mad he threw an [object] at the neighbor's wall, slammed me against my . . . door and pushed it . . . right next to my face. He told me the only way to get him to leave is with the cops taking him out and if that happens his homeboy will come and "take care" of me in front of [my child]. . . I woke up from being passed out for 12 straight hours and found my daughter's body. I lost it. I wanted to die and be with her but he wouldn't let me do that, and then when I wanted to call 911, he wouldn't let me do that either.<sup>632</sup>

### **Respondent Participated in the Act that Resulted in Child Being Killed**

The respondent described being directly responsible for the killing in at least 22 narratives, including two cases where it appeared both the respondent and their partner were responsible. In 14 of these 22 cases, respondents indicated that their child/

children were abused by their partner at some point prior to the killing. All 22 respondents were in extreme (n= 19) or severe (n=3) danger of IPH.

### **"I was forced to kill my child": Coercive Control**

One respondent, who related that she was directly responsible for her child's death, said she was forced to do so by her partner.

She explained:

I was forced to kill my [toddler] daughter because [my partner] wanted to punish her but he made me do it and he told me if I didn't he would kill her with his shotgun, so he made me pour [spice] down her throat and that ended in her death. He never wanted a daughter, so he was very abusive to me and her but never to our son . . .

This respondent's partner "used drugs and he was an alcoholic," and indicated her relationship was characterized by coercive control:

[H]e kept me away from family friends and I had to drop out of school because I was pregnant with our son, but he wouldn't let me go back or get a job. He controlled me, all the money, everything that went on in the house. He won't divorce me if I want a divorce, I have to get it and I can't afford that . . . he timed when I was able to leave the house. If I was late, even a minute late, or a penny short from what the [receipt] said, I would get hit and accused of cheating on him. He wouldn't let me talk to my family. They couldn't come over, call me or anything.<sup>633</sup>

**“...get my kids out of the situation before it escalated to violence”:  
Accidental Killings Related to  
Intimate Partner Violence**

In at least three cases, the respondent was directly responsible for the accidental death of their child due to their partner's abuse. In two instances, an escalation of violence by a respondent's partner led to an escape attempt which caused a fatal car accident, such as one respondent who said: “I fled from my house with four of my children. I was hit in the back of my car by my ex-husband which caused me to crash, killing my [less than nine-year-old] daughter. Now I'm serving a [length of time] sentence for vehicular manslaughter [and length of time] for my daughter's death . . .”<sup>634</sup>

Another respondent shared:

My baby's dad came home drunk, and started shoving me and calling me names . . . he told me he wasn't going to stay home with the kids so I could go to work and be a whore. I grabbed my two toddlers and tried to leave [and] my ex grabbed me by my hair while I was holding my children one on each hip to try to prevent me from leaving . . . I darted out the door and ran down the street where my son was waiting in the car . . . my ex was chasing me . . . I hopped in the car and locked all the doors he was pounding on the windows, so I pulled out and got on the freeway and just kept going until I was sure I was in an area he would never look for me . . . [I] lost consciousness and crashed into the light pole. My daughter died on impact, I was just doing what the instructors of my DV classes told me to do which was get my kids out of the situation before it escalated to violence.<sup>635</sup>

In the third case, the respondent explained that her child, who was developmentally delayed and had a shunt in his head, was crying and in her rush to answer him, she hit him with the bedroom door. “I have always asked myself how I could just open the door with such disregard. It made no sense to me.” She checked on him and “from the outside looked like he was okay.” However, the next day she found that “he passed away in his sleep.” She experienced violence immediately before the accident and the next day when she discovered her son died:

Right before [hitting him with the door], I was in my room with my boyfriend. He punched me in the stomach to which I let out a loud cry but quickly quieted myself. (The neighbor testified to hearing me but I denied it) . . . That day [when my child died] I was in an argument [with my partner who was] pinching my side. My boyfriend and I did not do what I was supposed to do for my son that day. He passed away in his sleep. My speaking of intimate partner violence does not take away from the fact of my neglect towards my son that day or the night before.<sup>636</sup>

**“I did not want to leave [them] alone without a mother”: Altruistic Killings**

At least four respondents killed a child out of a sense of mercy or altruism. These respondents described acting with the intent of alleviating a child's perceived or real pain or preventing real or perceived harm or suffering.<sup>637</sup>

Three of these respondents experienced mental health issues, possibly due to years of abuse, described killing their children before attempting to die by suicide but surviving. All were in extreme or severe danger of IPH.

One respondent shared, “Thinking I may lose my children, whom I believed were my sole purpose for living, I ended their lives and attempted suicide in the belief that that was the only way all of us would be safe and together.”<sup>638</sup>

Another respondent explained, after leaving and reconnecting with her partner multiple times, she had no money or place to go, and her family had “turned their back on me.” After arguing with her partner about a GPS tracker he put on her car, her partner beat her and told her to leave the house. Depressed, angry, and questioning where she could go with no resources, she explained:

I only thought about finally taking my own life. In the end, I already did not matter at all and no one cared about me, and so I only thought about taking my own life but I wanted to bring my son. I did not want to leave him alone without a mother. I gave him pills to make him sleep so that he would not suffer. I took his life. I also took mine – I took many pills to sleep, but I didn’t die! The next day I woke up in a hospital and I was still alive. But my son had died. . . . I instantly reacted and regretted everything, and I have kept regretting . . . that I did not ask for help from either the police or a refuge for mistreated women.<sup>639</sup>

A third respondent, who had reason to believe that her partner had killed his prior girlfriend and that she was next, described the events leading up to her children’s deaths, which included an argument about “having firearms in the household,” being “hazed” and “bullied” online by her partner’s friends, and making

unsuccessful attempts to leave:

I was holed up in the apartment with the [children] and . . . [partner’s mother] told me that the house was surrounded by [partner]’s friends whom I believed included the cops. I called the domestic violence helpline, but they would not help because I said I believed he was listening on the line. I felt I had no time or way to escape. I decided the only way to save my family was to kill them, then myself. After I killed my precious [children], I lit the apartment on fire to prevent my extended family from asking questions and becoming a target for [partner] too. I then went about killing myself. I was the only one able to be revived after two days in a coma. . . .<sup>640</sup>

The fourth respondent in this theme shared, “domestic violence for me has to do with the abuse and neglect I experienced from my own parents.” She went on to explain:

I murdered my daughter because my mom was very abusive to me growing up and the day I took her life was to prove to my mom she couldn’t control me through my daughter and so my daughter wouldn’t have to experience the abuse by my mother or myself because I knew I was broken and afraid of my abilities to raise my daughter in a healthy environment. I was living with my mom because I was a single mother and couldn’t financially support myself and [daughter].<sup>641</sup>

### **“It was an accident, but...”: Indirect Effects of Intimate Partner Violence that Led to the Death of a Child**

Several respondents who were directly responsible for their child’s death discussed how IPV indirectly influenced the fatal outcome.

One respondent described housing instability due to IPV and said that her “ex would kick [her] out in the street.” After eight attempts, she finally left her partner. She was living with someone who was “a hoarder and the house was not safe for [my daughter] to be in” so she rented hotel rooms when she had her daughter and tried to co-parent with her ex. She had an issue with her car that left her and her daughter stranded at a relative’s house, and explained:

[M]y daughter fell asleep in the car so I let her sleep and I got out of my car to smoke a cig (cause I don’t smoke in the car with her) and [relative’s] truck was nose-to-nose with my car. I could see my daughter from the window but I sat in the truck with [relative] and smoked and I was going to drive home but I didn’t have no lights so I decided to sleep there and plus I was drinking, [relative] told me I shouldn’t drive either. [Relative] went inside the house and I fell asleep in his truck and woke up hours later. I was about to be late to work. I woke up panicked and I went to the car and she, well, I don’t want to say it, but she was gone. And it was all my fault. It was cold in the car before I got out from the AC and I turned the heat on. I think because of my impulsiveness, but I thought I was just going to smoke a cig . . . it was an accident, but it was all my fault. <sup>642</sup>

A second respondent said she “devolved into criminal insanity and killed my [child] to ‘protect [my child]’ from being sold into sex slavery” after being emotionally and financially abused by her ex-partner and her family:

My ex-partner and family teamed up to gaslight me (make me crazy). My family wanted my inheritance, and my ex-partner was afraid of them. I should have been afraid of them but I was delusional my entire life that they were “fine” . . . I had no idea how much birth trauma and subsequent ongoing emotional neglect (disorganized attachment with no later love to mitigate it) affected me internally. . . <sup>643</sup>

Another respondent “lived off grid” in the mountains with her infant child, an abusive partner, and an illicit substance that he provided. She turned to substance use “when things were hard and bad . . . when I couldn’t take it anymore.” She continued:

I’m not sure if it was the violence or the only way I knew how to endure and/or was given access to [illicit substance] by him to cope with the violence . . . I was just trying to feel okay. Numb my pain, my shame. I didn’t know how to get away. And around that time I didn’t know I could. . . My beautiful baby passed away because I was breastfeeding with drugs in my system. Why was I using drugs and breastfeeding isn’t a cop out or an excuse. There are reasons, but plain and simple I was weak or ignorant. No matter the abuse it shouldn’t have happened. But again, I didn’t see. I just didn’t see. <sup>644</sup>

One respondent ruptured her toddler son’s internal organs in an effort to teach him

wrestling and win the affection of her on-and-off-again relationship with his abusive father. Her childhood was characterized by trauma of “divorce and separation” leaving her with a “desperate need to recreate a family to fix the past one.” Eventually, her “desperation for love and belonging” led her to a relationship with an abusive partner whose “drunken fits would be taken out on his friends, mother, dogs, or anyone flirting with” the respondent. She left a few times after he became physically violent, but “he threatened suicide.” She explained:

[M]y son was a pawn in my grand scheme to heal a broken understanding from my childhood over my family’s separation, confused by it and lacking assurance I desperately sought it in the wrong man. Having his kids was part of the package of having a family . . . My domestic violence history progressed from emotional to physical through repression then explosion as the violence cycle goes. My explosion resulted in my killing of my son.<sup>645</sup>

### **“I killed her son in a fit of rage. I wish I could take it back”: Killing Another Person’s Child**

In at least six cases, a respondent was directly responsible for killing someone else’s child. In four of these cases, the respondent’s partner was the child’s biological parent, and the respondent was babysitting at the time. Three of those cases were related to infidelity, though the circumstances are unclear based on the information provided. One respondent shared, “I killed her son in a fit of rage. I wish I could take it back”.<sup>646</sup> Another respondent described grappling with her partner’s infidelity, who she “knew he was always trying to get with other girls, but I ignored it.”<sup>647</sup> With

respect to the killing, she said “the night his son passed I made all the wrong choices. I had been making all the wrong choices for a long time.”

Two additional cases involved the death of a fetus. In one case, the respondent was being jumped by dozens of women at a gas station over infidelity. When she got into a vehicle to leave, one of the assailants, a pregnant woman, “was hit by the car and she died, and her unborn baby.”<sup>648</sup> Similarly, a different respondent described a “crime of passion” as she “ran over my partner’s lover with my vehicle causing her to lose her unborn child. She survived the impact but her unborn child did not make it.”<sup>649</sup>

Another respondent who killed a child belonging to her partner described being “obsessed with becoming pregnant” but her partner at the time had a vasectomy after already having five children of his own with other women, including three young babies. She explained:

It got to the point where I wanted to have sex all the time, not for pleasure, but because I was so obsessed with having a baby. . . When I asked my ex if we could have sex, his answers were, “We’ll see.” “Not now, I’m tired.” or “Leave me alone. It’s not you, it’s me. I can’t and won’t give you a kid.” That angered me and made me feel like I wasn’t good enough for him or to give him a child. So after that, every little thing got me mad. If he didn’t pay enough attention to me, or if my step kids did or said something silly, I’d erupt. It got to the point where I was getting violent and aggressive and physical. Until my

anger got to the point that I erupted on the innocent little person that I was supposed to love and protect with my whole being. My anger got to that point. Now every day in and day out I think to myself, what could I have done differently? What could I have done? I do take full responsibility for all my actions.<sup>650</sup>

The last respondent was responsible for the death of her toddler granddaughter, whom she was caring for because her daughter (the decedent child's mother) was fleeing an abusive partner who was a gang member. These threats extended to the respondent. She explained:

They started to intimidate and threaten me with the girl's father, that he was [a gang member] and he kills people, and if I didn't give them the girl, he would kill me. I started living again with a lot of anguish and terror, I didn't know what to do and one of the saddest days of my life was . . . when I was bathing [my granddaughter] . . . she let herself fall and I told her to stop because she was going to hurt herself because the bathtub was very slippery, and I unconsciously tried to stop her and I slapped her three times in the face and because she kept letting herself fall in the tub . . . [My granddaughter] got out of the tub and I got her dressed in a white dress, but then she laid down and fell asleep and I felt a heaviness and pain in my head and I went to lay down next to [my granddaughter] and I don't know how much time passed, the next day, my daughter knocked on my door and said, "Mom where is [granddaughter], aren't you going to come out for breakfast," and

I told her "Darling, [granddaughter] isn't moving." My daughter went and looked at [granddaughter] and said "Mom the baby is cold, she's dead," and I started crying and told my daughter to call her boyfriend so that he could take me to the police with the baby. When I got to the police, I told them that the baby was dead and that I brought her so they could help me understand why, if she got hurt or drank too much water. [My granddaughter] didn't have any wounds, not a single hit or mark from a hit.<sup>651</sup>

## **Unclear Situations and Roles Resulting in a Child Being Killed**

In 58.5% of cases (55 of 94 respondents) in which the decedent was a child, there was insufficient information to determine who was directly responsible for the killing. Nevertheless, many of these respondents described relationships characterized by IPV, and most were categorized as extreme or severe risk on the Danger Assessment.

A portion of this subset of respondents suggested that IPV was an escalating factor. For example, one respondent said:

I got charged for what she did to my son . . . I was in a very bad relationship, and it got to the point where she even got in my head saying no one cares for me or loves me. She knew my children were my weakness and she said she would kill anyone who got in the way of her.<sup>652</sup>

Some narratives indicated mental health issues and/or psychosis—often connected to abuse—contributed to the events that led to the child's death. One respondent who did not disclose additional details shared:



I honestly am unaware of the entire event, due to smoke inhalation. I thought for years my ex did the crime, due to his abuse, threats, etc. Now, I feel I may have ‘lost it’ due to postpartum psychosis, in some form.<sup>653</sup>

Another respondent, who was in variable danger of IPH explained:

Long story short, he went from loving to erratic and unpredictable. I left him and took our two children. Within six days we reconciled and then came my third consecutive pregnancy with our child. He suffered depression and suicidal ideation. At the same time, I was experiencing postpartum depression over three consecutive pregnancies unto the point of postpartum psychosis, my deathbed, and two suicide attempts.<sup>654</sup>

Another respondent’s “daughter hit her head on the bathtub and because of this blow, she died.” This respondent said:

I was pregnant, but because of my fear, my biggest problem was that I didn’t hear her cry, so I went and put her in a trash container. You see in that moment, I did not know what I was doing and when I returned to reality, it was too late.”<sup>655</sup>

## **Steps to Protect and Barriers to Help-Seeking among All Child Killing Cases**

Some respondents relayed how they were unable to seek help prior to, during, and immediately after the child’s killing. This pattern was true regardless of the circumstances of the offense, though who committed the act was unclear from these narratives.

### **“...if he would have let me get help”: Partner Prevented Help-Seeking**

At least two respondents described being stopped by their partner from taking steps to get help. One respondent who explained, “My partner who’s my co-defendant did not allow me to call the police or an ambulance or take her to the hospital to help her . . . if he would have let me get help, my daughter would be alive today.”<sup>656</sup> Similarly, another respondent shared:

After he’d woke me up and told me that my daughter was dead, I went to call the police but he physically took the phone out of the wall and told me that I was not going to call the police. I was so afraid that I went with whatever he said at that point because I didn’t know if me and my unborn child or [another] child would be next.<sup>657</sup>

### **“I was too scared to leave”: Bound by Fear and Coercive Control**

Other respondents tried to leave the abusive relationship before it turned deadly for their children but were constrained by fear. For example, one respondent shared, “I was living with my ex-husband and my daughter. I had left him, but he threatened to kill my daughter so I came back.”<sup>658</sup> Another respondent explained, “I didn’t leave [then] . . . [because] I was afraid and was being abused myself.”<sup>659</sup>

A few respondents described coercive control that kept them bound to their partners. One respondent shared, “he would tell me if I were to leave, I wouldn’t be able to take our son with me, so I stayed.” She described tactics her partner used to control her:

He was very controlling, kept my phone, money, and has a condition of bipolar and



anger. I was too scared to leave. He tried to kill me on several occasions, mostly by choking me out, but I later read in my transcripts he would come to once I started passing out and quit choking me. I'd be left with black spots trying to catch my breath. I was isolated because we traveled everywhere, running from the people out to supposedly kill us. Everywhere we'd go and every time I start[ed] talking with someone, he said we had to move. When we were driving in the car, he wouldn't stop to let me use the bathroom especially when I was pregnant, so I ended up [urinating] on myself and he'd laugh or get mad. I could only work at jobs together with him, and when I had my kids I could only work where he wanted me to work while he demanded he stayed home with my kids. I thought this was because he loved them and was the good dad I wanted him to be.<sup>660</sup>

Another respondent explained, "the month before the killing I was beaten and held hostage by my boyfriend at the time. We were on the run, and he made sure we couldn't escape by having guns on us at all times."<sup>661</sup>

### **"I thought things would get 'better'": Hope and Misperceiving Abuse in All Child Killing Cases**

Several respondents—regardless of the circumstances of the offense—expressed hope and belief that their partner's abusive behavior would change. For example, one respondent said, "He always said I'm sorry and he will work on hitting me, I fell for it and really thought he would change. Not once in my life did I think he would hurt my son, I always thought he would only hurt me."<sup>662</sup> Another

respondent explained:

I was in this horrible relationship and things were good at first but they changed after a year. He was abusing his son and I tried to stop him. Then he turned on me and started abusing me. At first I said I'd rather he beat me than the kids. Well, his anger was out of control. . .<sup>663</sup>

Some respondents recognized their hope that their partner would change was linked to how accustomed they had become to violence:

Intimate partner violence was a factor of my crime. I didn't know this at the time. I realized this after understanding how fight or flight works and how I had been in fight or flight for a long time. . .<sup>664</sup>

Some respondents who experienced polyvictimization, or multiple abuses from childhood to adulthood, said that they were unable to perceive abuse:

I was codependent and stayed in an abusive relationship because I thought things would get "better." I never understood what codependency was, or even what an abusive relationship was. Because of other previous abusive relationships in my past, both experienced and modeled by my own mother, I always thought domestic violence was the norm. My co-defendant, then roommate and intimate partner, was abusive to me [and my two toddler children].<sup>665</sup>

Another respondent wrote, "I didn't know how to stop this from happening to me. I had been abused by men, neighbors, bullied, etc. At the age of [under 18], being in an

abusive relationship was very stressful and shameful.”<sup>666</sup>

One respondent, whose abuse began with sexual molestation from a trusted adult and relative when she was a toddler, connected this history to her abusive relationship:

The entire duration of four years with [partner] was an exact repeat of my childhood. It was a mirror image of the life I lived with my mom and stepdad. . . Everything was a trigger from my past. There were clear signs of life-threatening dangerousness, but I ignored them because that’s what I learned as a child and if I stayed in denial, then the bad isn’t happening. I also ignored not only because I normalized it but because I wanted this perfect family life and I was trying to will what could not be willed. I believed If only I ignored all the signs which at the time I didn’t know were signs . . . I could still have this great life and my co-defendant would change and be nice. He tried to kill me on several occasions, mostly by choking me out . . . After he murdered my oldest two children I stayed in denial. Anything bad had happened and believed they were just fine only sleeping. I also was in denial and believed my youngest son with my co-defendant was not abused by him and he was perfectly fine.<sup>667</sup>

### **“...they said I was the mother”: The Shame of Motherhood in All Child Killing Cases**

A unique refrain heard from mothers incarcerated for the death of a child, regardless of the circumstance of the offense, is how they were made to “look like a monster.”<sup>668</sup> One respondent, reflecting on

the death of her child due to polyvictimization, asserted that “society wants to punish in a situation that’s already tragic.”<sup>669</sup>

Other respondents indicated they felt internalized shame as they accepted accountability for their actions, such as one respondent whose baby died while she was breastfeeding while under the influence of illicit substances: “I lost my baby due to horrible choices, fear, bad self-esteem, and a lack of knowledge. I am forever going to be tortured by my choices. I accept my punishment. For my real punishment is living with myself and without her, every day.”<sup>670</sup>

The fear of failing to be a good mother was salient in one respondent’s narrative, who ignored her toddler son’s injuries from a play fighting accident:

I couldn’t bear to be one less thing, a failure as a mom, which I’d already been with two other children in different ways as a minor and a failure as a daughter and partner of six years. I denied my son help out of fear of being rejected even further as a horrible mother. Shame won me over rather than love for my son.<sup>671</sup>

## **B. Other Abusers**

This section describes the experiences of respondents incarcerated for the killing of an abusive non-partner, including decedents who were family members or relatives and sexually aggressive strangers or acquaintances. In many instances, these respondents were also experiencing IPV, illustrating how the diffuse effects of domestic and family violence contribute to criminalization and incarceration.

## Family Members and Relatives

Nearly eight percent of respondents (50 of 649) in our dataset indicated they were incarcerated for the death of a family member or relative. Among them, 58.0% (29 of 50) were IPV positive, and 85.7% were categorized as extreme danger on the Danger Assessment. Additionally, 96.6% of these IPV positive respondents reported their partner controlled their daily activities, 82.8% reported their partner was violently and constantly jealous of them, 82.8% reported being followed or spied on by their partner, 57.1% reported their partner threatened to kill them, and 78.6% believe their partner was capable of killing them, all risk factors for IPH.<sup>672</sup> Some respondents cited abuse from a family member or relative as the reason for the killing. Nine respondents had no partner abuse in the year before the killing, and one respondent who killed her [relative] did not take either assessment.

Nineteen of the 50 respondents who killed a family member or relative identified the decedent and details about the killing, which are summarized below.

### Mothers

Six respondents were incarcerated for killing their biological mothers, making them the largest category of family member decedents. The respondents who shared narratives for decedents in this category indicated their mothers had a past or current history of abusive and/or controlling behaviors that negatively impacted the respondent's wellbeing. One respondent reported years of sexual, emotional, and psychological abuse from her mother that began during

her infancy. In her case, victimization led to substance use and hospitalization in treatment facilities throughout adolescence and early adulthood, which culminated in her mother's killing.<sup>673</sup> Another respondent also described abuse from a young age from her mother. The respondent became suicidal as an adolescent, and when she disclosed this to her boyfriend, "he instead came up with the idea of killing [the respondent's mother]." The respondent continued, "I went with it and was considered the mastermind."<sup>674</sup>

One respondent who killed her "controlling and manipulative" and "functioning alcoholic" mother, explained various grievances, including changes her mother made to her room, furniture, and cell phone. She went on to describe how her mother made multiple attempts to "sabotage my efforts to get a job after I was laid off" even though the respondent's income was needed to keep their household intact.<sup>675</sup> She continued:

I was raised with that "family first and mom can do no wrong" mentality. I'm still judged in a way that says that I did something wrong even though if it had been my boyfriend who had done these things, I would have been in the right to kill him. It's wrong to hate your abusive mother but okay to hate an abusive ex-boyfriend?<sup>676</sup>

Another respondent who killed her "elderly mother" described how her mother was "constantly angry with me and criticizing" her. Her mother treated her differently from her brother, who was also part of the household. For instance, their mother let him live in the house without paying rent, while the respondent had to pay rent and sleep on the

couch. During the respondent's attempt to die by suicide, her mother intervened and was killed:

I was drinking heavily and depressed and when I shot my mother I was in a blackout which happened to me fairly often (I had never harmed anyone in the past). The gun was jammed (I learned later) which is probably why I didn't shoot myself afterward. I never meant to kill anyone but myself.<sup>677</sup>

## Siblings

Four respondents killed a sibling, including three brothers and one sister as well as her daughter's father. In all instances, the respondents reported abuse by their decedents, one of whom had a history of mental illness and "attacked" the respondent who was defending herself.<sup>678</sup> Most of these respondents described living in homes characterized by high levels of violence. One respondent, who was a teen during the killing, explained:

I was raised in an abusive home where it was normal to fight with my siblings so me and [sibling] would fight all the time. The day of the murder we were arguing and I picked up a knife and I stabbed him in the chest. [My sibling] died on the way to the hospital.<sup>679</sup>

Another respondent shared that she was raped and physically assaulted by her brother and that two former intimate partners killed her brother in response.<sup>680</sup> She went on to note that although they were all sentenced to prison, she remains incarcerated whereas her co-defendants have since been released.

Another respondent who was in an abusive household shared that the killing took place after years of violence and a serious accident caused by family members:

I stabbed my sister and my [child's] father. They told me they cut my brake wires to my car which caused an accident and an amputation of my [appendage]. They both lived with me for about 10 years during that duration. They both physically mentally and verbally abused me. I didn't realize all of the abuse was abuse or sabotage until after I committed my crime and sat in jail fighting my case.<sup>681</sup>

## Male Relatives

Five respondents killed male relatives, including one biological father, three stepfathers or grandfathers, and one uncle. Three of these male relatives were physically, sexually, and emotionally abusing the respondent, and other members of their family. One respondent explained:

I am responsible for the death of my stepfather, so while this was not an intimate partner, I was the victim of horrendous abuse from my mother, who killed herself a year prior to the crime. He also abused me emotionally, psychologically, and sexually. Also, I blamed my stepfather for not protecting me after her death. I felt abandoned and neglected while he allowed a new girlfriend to also abuse me physically.<sup>682</sup>

One respondent did not explicitly allude to being abused by the decedent, her uncle. Rather, this respondent reported being under the influence of drugs at the time of the killing and described the death as a "drug induced

trauma, not being able to distinguish reality from delusion.”<sup>683</sup>

The remaining respondent said that she was “forced to choose which parent was to be killed for my inheritance by my boyfriend (co-defendant)” and that her partner shot her in the arm “as a warning to keep my mouth shut.”<sup>684</sup>

## Other Relatives

Four respondents killed other relatives including a respondent’s partner’s mother and sister, a niece, baby relative, and a respondent’s granddaughter’s non-custodial father. The respondents who killed other relatives reported household violence, although not all the violence was directed at the respondents. One respondent reported she was “jumped by my partner’s mother and sister and I had a knife and I stabbed both of them. The mom died.”<sup>685</sup> Another respondent shared:

My crime was protecting our granddaughter from continuing sexual abuse by her non-custodial father. Two independent investigations proved what she told at pre-school so it was turned over to the DA for prosecution, but he liked his witnesses to be [age] years old and she was [less than age] so he dropped the case. This put her back in her father’s unsupervised care and [my granddaughter] begged my husband to stop him. We felt it was up to us to stop him. I was in the truck two streets over when my husband shot and killed him. None of this was allowed at my trial.<sup>686</sup>

## Non-Partner Sexual Aggressors

At least seven respondents described their crime as the result of seeking remediation from a sexual assault by a non-partner, such as a friend, acquaintance, or stranger. One respondent described her experience of being “brutally raped,” and reporting the crime to law enforcement officers who subsequently failed to take action.<sup>687</sup> In response, she and a male relative killed her rapist. The respondent went on to note that her relative has since been released from custody.

Another respondent described harassment and stalking behaviors from an acquaintance who desired an intimate relationship with her:

I was being stalked by my neighbor. He wanted a sexual relationship with me but I turned him down. Soon after that he started to harass me by growling and hissing at me through his screen door when I walked by his home. Over time his behavior escalated to following me. I reported him to the police on more than one occasion and had the police stop by his home and ask him to leave me alone. I also had my uncle talk to him and tell him to leave me alone. I also filed a restraining order against him and the judge denied me because he said I did not meet my burden of proof that he was following me. My neighbor said it was a coincidence that he was at the places at the same time I was there and [I] concluded that my neighbor was behaving that way because he was mad that I turned him down.<sup>688</sup>

Many respondents whose offense involved abusive non-partners provided details about the volatile nature of these relationships:

I'm an alcoholic too so it was more [or] less drinking buddies. Then he got possessive. He didn't want anyone around me. I'd try to make him leave but he would stay in my yard yelling at me, telling me I better be alone. He broke into my house and broke things. I had him removed from my house many times by the police. He would always come back. The night I shot him I was very scared. I told him to leave many times but he would not. I was looking for a hammer the night before and found my dad's gun so I knew where it was and got it to scare him.<sup>689</sup>

I went from one abusive female partner of a relationship of six years and getting a protective custody restraining order. And being forced to live on the street and could not get any help, food or shelter. So I was forced to get shelter from this stranger and [it turned] out he was drugging me and raping me in my sleep. I finally woke up one morning briefly to him sodomizing me. I didn't have enough strength to tell him to stop. So I woke up later on that morning and tried not to think about what I had seen or what he had done but when he finally returned, he refused to listen to me talk and was invading my personal space. After being raped I didn't want him in my face so I slapped him and as I was turned wiping my hand on my pants because he was sweaty and very drunk. He then launched at me. I can't remember what maneuver I did. It tripped him on his back. I then became very fearful for my life because he had previously threatened to kill me the night before. So I acted fast, picked up the nearest thing which was a metal pipe and struck him on the head.

He didn't say anything to me like "wait" or "I'm sorry" nothing. He was still trying to get up and attack me. So I hit him more times. It turns out that with the last strike I broke his skull and that killed him.<sup>690</sup>

Some respondents who killed sexually aggressive non-partners had extensive histories of abuse that the decedent's actions appeared to trigger. For example, one respondent who killed "a white male that was in the middle of sexually assaulting me" reported a history of sexual abuse, including sex trafficking in early adolescence, where she was held captive for four years until the house caught fire and she was rescued. Afterwards, she found herself in a series of abusive relationships. She explained: "Days before my crime, I confronted my cousin about molesting me as a child. I was distraught for days. I don't like to be touched inappropriately and my [acquaintance] knew about my abuse. I was just trying to get away from him, not kill him."<sup>691</sup>

Another respondent who engaged in sex work described an altercation with an acquaintance she knew from the neighborhood:

He stopped me to solicit me in a sex exchange for money. I agreed. We went to his apartment where we sat and drank alcohol, smoked cigarettes, then talked. We had sex, then he changed his mind, he was not paying me. I felt used, abused, betrayed, manipulated and angry. I lost it. I exploded, I saw a pipe on the floor, picked up and hit him. He jumped. I thought he was coming after me so I continued to hit him.<sup>692</sup>



## C. Other Decedents and Circumstances

This section describes the killings of other decedent types not described elsewhere, including strangers, acquaintances, friends, multiple decedents, and other nonintimate relationships like partners-in-common. The circumstances of the offense ranged from coerced killings, defense of others, infidelity, motor vehicle accidents, and other accidental killings.

Like other decedent categories, many of these killings were directly or indirectly associated with violence from intimate partners or childhood maltreatment. In fact, the proportion of IPV positive respondents experiencing extreme danger was slightly higher in these decedent categories than respondents incarcerated for killing an intimate partner (64.5%) or a child (60.0%). For example, among the 185 respondents whose decedent was a stranger, 64.9% were IPV positive and 64.7% were in extreme danger of IPH. These respondents reported that 79.8% of their partners used illegal drugs (“uppers”), 78.8% were violently and constantly jealous, and 74.3% of them controlled their daily activities. In the remaining decedent categories (i.e., friends, acquaintances, other nonintimate relationships, multiple decedents), 69.9% of respondents (130 of 186) were IPV positive, and 70.0% of them were at extreme danger of IPH. These respondents reported that 78.8% of their partners used illegal drugs (“uppers”), 78.4% believed their partner was capable of killing them, 76.9% reported their partner was violently and constantly jealous of them, and 71.5% of their partners were followed or spied on by their partners.

## “He was calling the shots”: Intimate Partner Violence Coerced Killings

As discussed in [Part II.A. Definitions and Types of Intimate Partner Violence](#) and [Part VI.D. Emotional Violence and Coercive Control](#), respondents frequently reported severe abuse that led to deaths for which they were held criminally responsible. Among those whose decedents were not intimate partners, children, or abusers, at least four respondents described situations in which coercive control was linked to the offenses for which they are incarcerated.<sup>693</sup> A common sentiment among these respondents was, “I was in a very abusive relationship with my co-defendant. I was scared of him and did whatever he wanted me to do.”<sup>694</sup> All four of these respondents were IPV positive and scored in the extreme danger category on the Danger Assessment. These respondents had histories of domestic violence and were generally threatened to comply with their abusers to engage in other illegal activities. As one respondent who killed a male friend explained:

My partner forced me to meet the victim up so he could rob him. He used me to gain entrance into his home, once inside he beat the victim and forced me to help him tie him up and search his things. I only knew the victim was dead because my partner said so, and my partner threatened to hurt me if I said something about it to anyone.<sup>695</sup>

Another respondent shared:

I was the getaway driver in an armed robbery that ended in a fatal crash killing two innocent people. Although [my partner’s] domestic violence did not lead



to the killing, it kept me a prisoner to this individual. The constant violence whether it be physical, emotional, or verbal, I had no voice therefore he was calling the shots and I couldn't go against him. After he committed the robbery I drove like a mad man, reckless with no regards to any human life. Looking back to that moment, I was afraid.<sup>696</sup>

Another respondent who is incarcerated for an IPV coerced killing shared a narrative where she linked her childhood experience of neglect to a series of abusive relationships. She described growing up with “an emotionally unavailable mother” who would put other men before her, and “financially unstable” dad she would see on weekends. She “remember[ed] being a depressed sickly kid...feeling lonely, unloved, and misunderstood. I would always wonder whether or not people would care about me if I died.” When the respondent turned 18 years-old, her mother “called the police on me and had me escorted out of the house.” She met a man who claimed to be a fashion designer who wanted her to “model for him,” only to become internationally sex trafficked and held as his “sex slave.” She said, “eventually, I accepted the abuse because at least I wasn't alone. I knew no one cared about me, and my abuser was at least providing for my food and room, so I psyched myself out to pretend like I wanted the relationship and that it wasn't ‘that bad.’”

She returned to live with her mother after her father was found dead, but “after my mother had another episode and kicked me out again.” She was “forced to move in with” and later married a new partner, whom she met making funeral arrangements for her dad.

This partner became abusive, controlling, and possessive, including choking her, body slamming her on countertops, forcing her to have anal sex and sex with a shotgun to her head, “begging me to allow him to have sex with other people in front of me and becoming emotionally abusive and violent when I did not comply”, and threatening to “kill us both if I try to leave him.” She explained, “To stop him I would perform sexual favors to ‘calm his nerves.’ I began to believe that as long as I allowed him to treat me like his sex slave, he would not focus on killing either of us, which he threatened on a daily [basis]. . .”

At one point, she threw a knife to scare him away and injured him and when she called the police, he “convinced me to hang up because he would go back to jail, and I would get arrested too.” She explained that when her partner was arrested, she “stayed by his side despite the abuse...I thought I needed him and that he really did love me.” And when he escaped from jail, “like a fool I picked him up thinking my part would be minimal.” On the day that the killing took place, she described:

[H]e forced me to attempt to shoplift a [tool]. We fled the police and loss prevention officers. He was sure that it was my fault for “getting caught.” . . . While in the car, he began trying to have sex with me but this time I said “No” and meant it. I remember feeling sick, weak, tired, and scared. I was ready to turn myself in but was scared to mention that to him. Because I would not have sex with him, he stormed off and robbed [the decedent] at her house. I went looking for him, scared of what he might do only to catch him in her garage trying to open her car.<sup>697</sup>

The respondent went on to share how she “complied reluctantly” with her partner’s directives until they were arrested for the killing of a stranger.

Several respondents who were abused and pimped by their partner explained their partner’s actions led to the killing of strangers and acquaintances for which they were incarcerated,<sup>698</sup> such as this respondent:

I was beaten, raped sold and abused in every sense of the word. He introduced me to drugs and tortured me. I was a victim as well. My mom put a restraining order on him that I had no knowledge of after I was taken to the hospital and treated for being brutally gang raped and sliced up. He kidnapped me and then tried to jack this man’s car and ended up killing the man and tried to kill me. I finally got away from him, and he got busted then tried to blame me, but I was so scared of him I refused to testify so they charged me with all the same charges, and here I am.<sup>699</sup>

### **“I never wanted to hurt anyone”: In Defense of Others**

At least eight respondents are incarcerated for the death of a non-partner, in which they were reacting to attacks by the decedent that required defense of another person. These decedents included acquaintances, strangers, and friends. Although their offense was not related to IPV, seven of them had a history of IPV.

One respondent accidentally discharged a firearm while being “attacked” by her “daughter’s boyfriend.”<sup>700</sup> Another respondent and her girlfriend were picking up the

girlfriend’s child from a relative’s house when an altercation ensued with the child’s father, who threatened to shoot the respondent and punched her girlfriend. As the respondent drove off, he “leaned into the passenger side of my car and hit me in my head and grabbed me, attempting to pull me from the car. I reached the side of my seat and retrieved my gun and shot the man.”<sup>701</sup>

Another respondent’s friendship with a man “became strained,” when the tenor of their relationship changed. This respondent shared that the decedent told her that “he would kill me a month prior.” The day of the offense, the respondent reported being beaten unconscious by the decedent and when she came to “he was beating my ex-girlfriend. She cried, screamed, and begged for my help” while another woman who “called us over there to be attacked stood by and watched.” The respondent said her sentence was “for protecting myself and another life.”<sup>702</sup>

Two respondents were protecting family members from sexual assault. One respondent described a history of IPV that included being held captive and raped, explaining “I never wanted anyone to go through what I have been through, especially a family member.” She continued, “This is why I am here. I murdered the man that raped my sister. This was the day I lost my freedom. I finally blew a gasket. I just flipped out.”<sup>703</sup>

A different respondent said she was acting in “self-defense from a drunken stranger who approached my little sister and I in a parking lot” soliciting them for sex. He chased them and hit them in the face, which resulted in a struggle:

[He] grabbed a knife and told him to back off. He charged at me. I closed my eyes out of fear, and he ran to hit me. When I open my eyes I see blood on the knife, and the realization hits me, and I'm filled with dread. I was only trying to protect myself and my sister, I never wanted to hurt anyone.<sup>704</sup>

Another set of respondents were attempting to stop ongoing sexual abuse of a minor. In one instance, the respondent's child and niece were being molested by a male relative. An investigation was going to occur, but the relatives she was staying with were afraid of losing their government housing benefits and the decedent threatened to file a complaint that the respondent was an unfit mother. The respondent explained, "I felt cornered and protected her the only way that I knew at the time."<sup>705</sup>

**"...I continued to stay in that relationship and continued to drink. I eventually killed someone while driving drunk": The Abuse-to-Substance Use-to-DUI-to-Prison Pipeline**

As discussed in [Part VI.H. Mental Health Effects of Abuse](#), many respondents shared that they used drugs and alcohol to self-medicate and cope with the abuse they endured. At least 16 respondents were incarcerated for driving-under-the-influence (DUI) homicides connected to drinking or drugs they used to cope with childhood trauma or domestic or intimate partner violence.<sup>706</sup> Among the 16 respondents, most (n=14) were convicted of killing a stranger.

Nearly 88% were IPV positive (14 of 16), and 6.3% were sub-threshold IPV (1 of 16), and 56.3% of respondents in this category (9 of 16) scored in the extreme danger category on the Danger Assessment. Given this specific and relatively large number of respondents, we are terming this pathway the "Abuse-to-Substance Abuse-to DUI-to Prison Pipeline."

Respondents identified this pipeline directly. One respondent explained, "Domestic violence and unhealthy relationships caused me to use drugs and alcohol and that led to my crime [DUI]."<sup>707</sup> Another respondent similarly shared, "I am here for a DUI, but I was led to drinking due to the domestic violence I endured through my eight year marriage where there was domestic violence as well as verbal abuse and emotional [abuse]."<sup>708</sup>

A third respondent shared:

Though my relationship and the event of driving drunk and causing a death were separate, my reasons for relapse were influenced by my relationship. I felt tied to my relationship for reasons I cannot explain and every time I tried to end it and failed I felt shame, anger, [and] weak. I lost friends to my relationship. I felt very alone. . .<sup>709</sup>

Feelings of shame were common among those who committed DUIs. One respondent explained:

I was in a marriage for 10 years and was emotionally and sexually abused. I didn't know at the time what it was, I just knew that I was worthless, and [felt] embarrassment, and wasn't good enough at just about everything. So I started drinking, that was my coping skills.

When my husband finally left me I got into an abusive relationship, both physically and verbally.<sup>710</sup>

Some respondents further linked their abuse and substance use to the killing. For example, one respondent shared, “I know all this DV abuse was a causative factor for me committing my crime and the lifestyle I was living and the disregard of human beings because I wasn’t even capable of caring for myself.”<sup>711</sup>

Another respondent shared:

I was in an extremely abusive relationship with the father of my daughter for over four years. He is not the victim in my crime and I did not commit a crime in relation to this violence. However, this violence was a causation of my drug abuse which is related to my crime: DUI murder.<sup>712</sup>

At least two respondents who coped with abuse by “turning to alcohol and drugs”<sup>713</sup> also felt worthless from years of abuse that they attempted to die by suicide that resulted in the killing of a stranger.<sup>714</sup> One respondent described the night of the fatal crash:

I had finally found the strength to leave him, after the night he kidnapped me and beat me, but I had let him control my life up until then. He was my whole life. So, although I hated him, I thought I loved him too. And I believed him when he told me I was worthless. That no one else would love me. That I should kill myself. And after he kidnapped and beat me, and was subsequently arrested, I still felt guilty. Because I felt it was my fault. I felt worthless, guilty, I felt shame, and fear,

and rejection. I was overwhelmed with a multitude of emotions I didn’t know how to deal with. That I didn’t want to deal with. And instead, I drank to try to drown them. To try to drown myself. And the same night I killed my victim, I was trying to kill myself in the crash. I felt so hopeless and worthless, but I was too much of a coward to try it any other way, and too wrapped up in myself and my own misery to think of how someone else could be affected, and someone else paid the price.<sup>715</sup>

At least four respondents identified childhood trauma as the impetus for their drinking that led to a fatal accident.<sup>716</sup> One shared:

I began drinking heavily a year before my crime when I experienced a trigger that opened up suppressed trauma from my childhood. This trauma mixed with my dysfunctional marriage, led to me causing the vehicle collision that killed my neighbor instantaneously. Head on collision, I was intoxicated and in the process of divorcing my husband.<sup>717</sup>

A second respondent in an abusive relationship had PTSD from childhood maltreatment, leading her to misuse anxiety and sleep medication. She “killed a man on a bike” while under the influence, explaining, “I believe today that the addiction was a symptom of my trauma. With proper diagnosis, treatment I wouldn’t be where I am now.”<sup>718</sup>

Another respondent, who suffered with the trauma of her parents’ suicides, said her partner “emotionally humiliated” her by telling her about his infidelity, and she subsequently intensified her drinking:

I had left his house two days after Valentine's Day, feeling degraded, purchased a bottle of vodka and was drinking it as I was driving home to my kids. I never made it home. I went head on with a man on his motorcycle as I was attempting to pass lanes. The man was special and loved by many people. I crashed my life into his. I am very remorseful.<sup>719</sup>

## **Motor Vehicle Accidents Not Involving Drugs or Alcohol**

Not all violence-related motor vehicle homicides involved substances. Six respondents described fatal car crashes that were not related to using drugs or alcohol; five of the six also shared in their narratives that they were victims of IPV. Three of the six respondents were driving at the time of the accidental killing to flee abuse or to “rush home immediately” after being threatened by an abusive partner.<sup>720</sup> One of the respondents who was fleeing abuse shared:

I was arguing with my partner, and he started hitting me and calling me names. I was scared. I just ran out of the house trying to get away from him. I got in my car, started driving, crying uncontrollably, then I crashed with another car and killed three people.<sup>721</sup>

A second respondent's partner threatened her, so she rushed back home and “within five minutes of driving off, a man ran in front of my car. He sadly was under the influence of methamphetamines, and I did not see him running from my left peripheral.”<sup>722</sup>

At least two respondents' fatal crashes were connected to mental health crises. One respondent suffering PTSD from intimate partner violence had a panic attack when “an unrecognizable vehicle” pursued her the same day she saw two of her former abusers. She shared, “I ended up in a multiple vehicle accident, one of which I went head on with another vehicle, resulting in that man's death. I had been also experiencing my first ever psychotic break just prior and during this event.”<sup>723</sup> A second respondent, who “struggled with bipolarity/drug induced psychosis and acute schizophrenia” explained that stress from her partner caused her to “decompensate to the lowest level while driving and crashed into innocent drivers and they died. I take full responsibility because I should've left him a long time ago.” This respondent's partner testified that she took his car without asking him, which made it a criminal case. She added, “He said if he can't have me, no one can. I have [multiple] life sentences so guess he was right.”<sup>724</sup>

Finally, one respondent who did not experience IPV in the year before the killing, shared that she crashed her car and killed a stranger because of a stroke that she could not prove.<sup>725</sup>

## **Partner-in-Common Killings**

At least 11 respondents were involved in the killing of a partner-in-common, meaning the respondent's or their partner's current or former lover. Seven of these respondents scored IPV positive, one sub-threshold IPV, and three respondents with no IPV. Among respondents who experienced IPV, five scored in the extreme or severe danger category on

the Danger Assessment, and three were in the variable danger category.

The circumstances of most of these offenses involved infidelity. For example, one respondent was dating a female co-worker, who unbeknownst to her was married and cheating on her husband:

[Her husband] would show up at work . . . and he would talk shit to her and me about being gay. He also told me he would hurt me if he found out I was with his wife so we would see each other behind his back, always looking over my shoulders. No, I never went to the police because I knew they wouldn't help because I was gay. So one day I asked my sister if she knew where I can get a gun because I feared for my life. I didn't tell her what was happening. So, I found a gun and someone who said they would use that gun because they were gang members. I was ok, left it like that. One day I woke up, took a few of my so-called friends and . . . drove them to [my partner's] house and we waited. The two youngsters were only supposed to scare them but one of the guys pulled the gun and shot him in the head.<sup>726</sup>

Other cases included active abuse in the presence of the partner-in-common:

I was trapped in my apartment because of threats, came out when I thought I could escape armed with a gun registered to me. I was verbally attacked and as my ex-husband approached to physically harm me, I shot him. We fought over the gun and subsequently shot and killed the woman he brought to our apartment to have sex with.<sup>727</sup>

Another respondent, who was abused “in all ways possible” by her partner, explained:

I gave him a chance because I did love him. He brought a woman named [Name] to our relationship. I didn't agree but out of fear I went along with it. . . . One night they came over to my house and I got on [decedent's] car. She pulled a gun and tried to shoot me, so I took it from her and shot her in the neck. . .<sup>728</sup>

Another respondent said her abusive and alcoholic husband was having a midlife crisis, “got a [sports car], and a very young girlfriend, and left our family.” She experienced physical and emotional abuse, and they divorced. While she wanted to “settle quickly, quietly, and cheaply,” he “forcibly” sold their home, controlled their assets, took sole custody of their children, had restraining orders against her, threatened to send her to jail, and taunted her by saying, “this would never be over until one of us is gone.” The respondent continued:

I was suicidal and left a suicide note before I left the house to go kill myself at the beach. I heard my son's voice in my head, “that was real smart, Mom! Now we're stuck with him!!” So I went to [ex-husband's] house to plead with him to give me my kids and leave me alone. The girlfriend lunged at me. I fired . . . I reacted in desperation. I needed to make it stop.<sup>729</sup>

## Other Situations Gone Deadly

In addition to the circumstances discussed above, respondents described other situations that led to fatalities. For instance, a few respondents described being enmeshed in situations that turned deadly, by accident or because they escalated in ways that weren't



intended by the respondent. One respondent said that she fell into a deep depression after her abusive partner left her.<sup>730</sup> Mental health was cited as a factor in some of these situations that turned fatal. See [Part VI.H. Mental Health Effects of Abuse](#).

Another respondent described the accidental death of her ex-partner, for whom she “was desperate to get back the intensity we once had.” This respondent experienced emotional abuse at home and perceived her relationship with the decedent as a way to escape home with his “promises of marriage.” Feeling like he was slipping away, she and her co-defendant planned to “teach [her partner] a lesson.” She went on to share that her co-defendant “recruited like eight to nine of his relatives and childhood friends to teach [partner] a lesson. I went along with it so long as I didn’t have to do it myself.” The result was her partner dying from three gunshot wounds “because I set him up to be beaten up.” The respondent explained, “Although it was never my intention to kill him, I am responsible for his death.”<sup>731</sup>

In another case, a respondent was responsible for killing a female friend over a financial dispute that occurred during a stressful time. The respondent explained that her mother, who was her best friend, was “diagnosed with brain cancer, and with six months to live her boyfriend of 30 years kicked her out.” The respondent, who was also in an abusive relationship, had to quit her job and take care of her two children and her mom. To cope with the stress, the respondent started using an illicit substance. She explained:

[A]nd this lady came along after my Mom died and she messed with me and my mind and I snapped. I just couldn’t let

another person screw me and my kids over. I didn’t mean to kill her. I just wanted my money back. I just couldn’t have another person screw me over. I was losing everything. My life was completely out of control. I needed out of this relationship with this abusive controlling man. I wish I would have gotten help but everyone was looking at me to save everyone. It was too much. I wish I would have walked away.<sup>732</sup>

A fourth respondent described a birthday celebration where she and her wife, roommate, and roommate’s girlfriend were using drugs and alcohol when an argument ensued between the respondent and her wife that became “a shouting match that ended up physical.” She continued:

My roommate and her girlfriend ended up coming and telling me that we need to stop. I was drunk and ended up focusing my drunkenness and anger on them. My roommate’s girlfriend ended up in my face, going toe-to-toe with me. I went to grab a gun that was my deceased grandfather’s. It was not operating properly, the hammer was stuck for years. It was four of us all fighting, my wife, me, my roommate and her girlfriend. I went to hit the girlfriend with the gun and it went off and shot her. We all didn’t know she was shot, as soon as we all heard the pop we looked around like what was that? Within a minute the girlfriend fell to the ground. Once we all figured out she was hit, I was in a panic and started to grab money and keys and asked my wife to drive me out. At this time I was drunk and high and was in a blank state of mind. From what my wife told me, I was on autopilot. I hid out in a motel for



three days, then [we] were both caught and charged with murder. When the police interviewed me, I told them everything. I told them the gun went off on its own, I did not pull the trigger. They did ballistics on the gun and it was a faulty gun. It was old and shouldn't have been handled the way I had handled it. The DA offered me a manslaughter plea deal if I said that I abused my wife that night, so she can go home with time served. My wife was in the fight with me but she is a white woman. I took the plea. I wanted her to be able to go home, plus my mother had just randomly passed away. I was mourning. So I accepted it, I wanted it to be over.<sup>733</sup> ●

## PART IX.

# Experiences in the Criminal Legal System



Respondent narratives were essential to understanding how survivor-defendants navigated and felt treated by the criminal legal system. Narratives captured the nuances of unfair treatment at trial, including feelings of gender, racial, and socioeconomic bias. Respondents also described challenges they experienced with various courtroom actors, including defense counsel, judges, prosecutors, and police. Issues associated with having a co-defendant were also explained in the narratives, including respondents recalling feelings of fear and intimidation that constrained them from testifying or speaking openly about violence leading up to the offense. Finally, respondents shared their experiences of having relevant evidence of their abuse introduced at trial.

### A. Courtroom Narratives

This section describes how, according to respondents, the court system treated them as unworthy victims because of their race, class,<sup>734</sup> or gender. In the criminal legal system, female IPV survivor-defendants can be viewed through the lens of “ideal victimhood” and those who “deviate from the expectancy of a passive, helpless white victim may not be perceived as victims, but as contributors to a cycle of violence.”<sup>735</sup> Victimhood bias occurs when women do not behave according to their prescribed gender stereotype of being emotional, passive, and weak.<sup>736</sup> Often, these stereotypes are shaped by perceived attributes, such as race, income, gender, and sexuality.<sup>737</sup> Stereotypes about female IPV survivors, as well as harmful cultural presumptions<sup>738</sup> about status characteristics,<sup>739</sup> can trigger beliefs about culpability. Additionally, biased language can portray survivors as responsible for their own victimization or deserving punishment.<sup>740</sup>

Prosecutors and defense counsel use gender stereotypes for different reasons.<sup>741</sup> Prosecutors may rely on language that discredits IPV survivor-defendants who they feel do not conform to notions of a proper wife or mother, whereas defense attorneys may use paternalistic sexism to reduce culpability.<sup>742</sup> Expert testimony that contextualizes the constraints IPV survivor-defendants face (e.g., risk factors, lack of alternatives to leaving, etc.) can facilitate sympathy for women whose abuse contributes to their being criminalized.<sup>743</sup>

As reported in [Part V. Quantitative Results, Table 17](#), more than half of all 649 respondents felt they were treated unfairly in court due to gender (50.4%), race (50.7%), or income (57.1%). We found statistically significant differences in gender and income treatment by IPV exposure. Specifically, 53.7% of IPV positive respondents felt that they were treated unfairly because of their gender compared to 36.4% of no IPV respondents; and 60.3% of IPV positive respondents felt that they were treated

unfairly because of their income, compared to only 46.7% of no IPV respondents, suggesting that IPV survivor-defendants may perceive that they face additional constraints due to their gender and class.

### **“A woman should be caretaking and nurturing”: Stereotypes about Female Defendants and Expectations of Victimhood**

Expectations of “ideal victimhood,” often expressed through sexist language, reflected the complicated intersections of race, class, and gender. For example, a white respondent explained, “as a female I think my crime was seen as more horrendous as a violation of social norms for female behavior.”<sup>744</sup> Similarly, a white respondent who scored as being in extreme danger on the Danger Assessment and whose decedent was her ex-husband’s lover, noted, “[The] expectation of what a woman should feel, act, and respond to stressors is antiquated, and I did not conform. As a matter of fact, it was the stress of trying to conform [that] contributed to my fatal actions.” She continued to say her “looks and intelligence were used against” her when her prosecutor “commented that I was intelligent enough and looked pleasant enough that I shouldn’t have committed my crime.”<sup>745</sup> A non-white respondent shared:

I think they felt a woman should be caretaking and nurturing. When a murder is committed, then we become a monster. As for my race, most . . . are very subservient and follow all rules, of course. I didn’t have money so they could represent me any way, and honestly no one cared.<sup>746</sup>

A white respondent noted that the prosecutor “put me on a pedestal that made it so much worse that I was a white woman caught up in the crime I was in.” She continued, “I also remember him projecting that into the jury before trial, when we were opening to select jurors.”<sup>747</sup> Conversely, a Black respondent shared that a juror had expressed the sentiment that she was guilty because she was Black, and that he was determined to convince the other jurors of her culpability.<sup>748</sup>

Respondents felt that narratives about the perceived sexual mores of respondents were a discrediting tactic used against them. For example, a white respondent explained, “they attempted to sexualize me, make me sound like a slut and attack my character.”<sup>749</sup> Similarly, a non-white respondent explained that a female judge said throughout the court proceedings that the respondent “was a woman who used [her] sexuality to talk [her] boyfriend” into committing a crime.<sup>750</sup>

A respondent who identified as “some other race” shared:

The entire proceedings they stated I was a woman who used my sexuality to talk my boyfriend into driving in a robbery against a child molester. They continued to speak of me in a way that made me feel unheard when I spoke my truths.<sup>751</sup>

Another white respondent noted, “The DA portrayed me to be a vixen. She used me being a female who seduced her boyfriend to kill my ex. She said I used my looks and being a woman.”<sup>752</sup> According to another white respondent, a male judge told her that she “used [her] charm as a female to get

people killed” and was portrayed as a “femme fatale.”<sup>753</sup>

A mixed-race respondent noted:

The judge and DA came down harder on me when addressing the facts of the case. How manipulative I was to recruit all these guys to do what I wanted. This was not true. I handed the reins over to a co-defendant who escalated the entire situation by recruiting his own friends. What was supposed to be a one-on-one fight turned into a large group against one individual.<sup>754</sup>

In comparison, a white respondent shared, “The DA made numerous references to my looks in a derogatory manner and said to someone I know, in the elevator, during my trial, that I was one of those girls who wouldn’t sleep with him in high school.”<sup>755</sup>

Other respondents discussed how gendered labels were unfavorable for women but were favorable for men. One respondent shared, “I do feel that I was judged by my gender because they had more criticism, stereotypes, and inputs for me for being a female as opposed to my co-defendant who is a male.”<sup>756</sup> A Black respondent noted, “the prosecutor alluded to my employment as taking away a man’s position as well as comments about gender roles.”<sup>757</sup>

The significance of one’s military service is a further example of gendered double standards. Whereas one respondent’s military service and subsequent PTSD was not brought up as a mitigating factor,<sup>758</sup> another respondent, whose decedent was

a family member, explained that her male co-defendant’s military service was used to depict him sympathetically and less culpable for abusing her:

The DA gave my abuser and killer of his biological child slack because he was prior military and [federal law enforcement]. They made me look like the worst one when he did it. The DA had the text messages admitting he did it, but they refused to let them out.<sup>759</sup>

In comparison, another respondent’s military service was used to depict her as more culpable:

I was convicted for defending myself and they used my military training against me, but I was the one being attacked. I feel there could’ve been a different turn out, but also I’ve never been in trouble before and that wasn’t even considered, and they automatically placed me as black female instead of mixed as I told officers. My case should’ve been self-defense. If I had no military training, I would’ve went home sooner, but because of the training the court said I should’ve ran from the situation. But if someone attacks you from behind, you don’t think like that. I don’t feel it was fair. I’ve only done positive things, never been in trouble and now I’m here away from my family and life.<sup>760</sup>

Motherhood was an identity that conferred disadvantage, especially when applied to FTP cases where respondents faced an additional layer of scrutiny. There is evidence that motherhood functions as a status characteristic that leads to biased evaluations of competence when it becomes salient

in certain contexts.<sup>761</sup> As one respondent explained, “if my crime had been committed by a male/my husband, I felt he would have been convicted of a lesser crime. The DA portrayed me as evil because I protected and defended my four children’s lives.”<sup>762</sup>

As discussed in [Part VIII. A. Child Killings](#), many mothers in our sample felt that their parental status was leveraged to depict them as culpable for not preventing the children in their care from being harmed. Race can intersect with motherhood to shape notions of “good” and “bad” mothers and was used to advance a narrative of culpability particularly in FTP cases. For example, a Hispanic respondent explained she was treated unfairly “because I failed to protect my [toddler child], I was the mother and I should have known better. I am a Hispanic woman, and my DA and judge were Caucasian.”<sup>763</sup>

### **“Your race plays a part in how they view you”: Race and Ethnicity Imply Culpability**

Race is a multidimensional concept that includes aspects such as subjective self-identification, self-classification on official forms, and observed race, or the race perceived by others.<sup>764</sup> Observed race is typically shaped by appearance-based and interactional cues, such as an individual’s accent or name.<sup>765</sup> Respondents across all racial backgrounds provided accounts where criminal legal system actors drew on both their race and gender to depict them unfairly and as responsible for the offense.

Blackness was tied to criminality. For instance, one respondent explained that her identity as

a Black woman and her perceived class status were used to indicate a greater degree of culpability because the decedent was a white man:

I believe I was treated unfairly, with prejudice and bias by my counsel, DA, as well as my jurors. I say this because my victim, Mr. [Name] was Caucasian, and it was said in my transcripts that I stood out in that neighborhood by neighbors because I was a Black woman. However, they didn’t think a Black young woman that looked like me would have been the actual perpetrator. And when in trial it was mentioned they’d believe I’d fit that protocol because it could be a financial gain since I didn’t have a steady income. Which was an assumption from my DA (I was a full-time employee). No one checked my employee status.<sup>766</sup>

Another Black respondent shared “because where you come from, and your race plays a part in how they view you. How you are convicted, they feel you are dumb and ignorant [of the] law.”<sup>767</sup> Another Black respondent mentioned “negative comments were made about my race, i.e. that’s what they do. Also, my bailiff was accused of giving me deferential treatment because we were both Black and female,”<sup>768</sup> suggesting she received better treatment than a Black woman merited.

Several Hispanic respondents shared that their ethnic background was used to advance assumptions of their culpability for the crime by associating them with being undocumented or gang-affiliated. One respondent noted “because they look at us Latinos like we’re just a bunch of low life gang members with no type

of good upbringing.”<sup>769</sup> Another respondent shared:

As a Hispanic, I was judged as an illegal immigrant, even if I am an American. It didn’t matter I was homeless and as a female I did feel disregarded and less than. I felt like I was misunderstood as a homeless woman. I could have been raped and I had to always protect myself because I didn’t want to be violated in any type of way.<sup>770</sup>

Another Hispanic respondent believed that her ethnicity was used to shape perceptions of criminality despite her participation in civic life:

[T]he fact that I was Mexican and associated in criminal activity was [what made me appear] automatically guilty . . . as if it was part of our ethnicity. It did not matter that I belonged to positive organizations that did positive things in community, had a job in [city], owned my home.<sup>771</sup>

Relatedly, another Hispanic respondent shared that the harmful narratives used in her case drew on the intersection of her race, class, and gang affiliation, and that stigmatizing language was used to advance a narrative about her role in the crime:

I was the only girl, Hispanic and poor in my offense with two male co-defendants. At the time early 90’s courts were being harder on women involved with gangs because we were looked at as crack babies and trash that needed to be put away. It is a proven fact that black and brown people statistically will get a harsher sentence than a white person would.<sup>772</sup>

For one mixed-race respondent, her appearance as white came into conflict when her name was revealed: “I look like a white woman, yet when I speak, one quickly knows that I am Hispanic, Spanish speaking, and my last name is [Spanish-sounding name]. I felt stigmatized as soon as my name was said aloud, and the court people knew I was not 100% white.”<sup>773</sup>

American Indian and Asian Pacific American (AI/API)<sup>774</sup> respondents also shared that they were depicted negatively during their trials. One respondent explained that the prosecutor used an AI/API respondent’s race “to ‘prove’ (without any evidence) that [she] was not a citizen,” even when the respondent was an American citizen.<sup>775</sup> Another AI/API respondent said, “they think we are nothing but drunks and dope heads.”<sup>776</sup> A third respondent shared:

All through trial my gender and alleged persuasion was used to make these guys I just met do my bidding. I feel my judge had a hate towards me. I feel being [AI/API] and the whole gang (that I’m not a part of) factor made them convict all [AI/APIs] while a white guy got acquitted, and a Hispanic guy got his sentence reduced, and I’m still stuck with [a lifelong sentence].<sup>777</sup>

Another respondent described overt anti-AI/API racism: “My race was brought up by the prosecutor and my race-related skin complexion, which had nothing to do with identifying me as the perpetrator or other identification reasons, and also referred to me with two different animal names. The judge did likewise in both instances.”<sup>778</sup>

Other AI/API respondents felt their identity was used to portray them as privileged and justify punitive treatment. One respondent noted that the court gave her an exorbitantly high bail “because I was [AI/API] and they thought I had money and family money.”<sup>779</sup> Two respondents echoed that sentiment saying, “My race was brought up a few times. I was depicted as a well-off spoiled girl,”<sup>780</sup> and “I felt that my gender and race contributed to a long-life sentence.”<sup>781</sup>

White respondents, on the other hand, felt that their race was used to hold them to a higher standard. For example, one respondent shared:

I realize that they were holding me at a higher standard because I am white. Though I did not grow up with ‘white privilege’, I grew up poor, and in an abusive home. I strongly believe they used the ‘white privilege’ as I should have lived a better life than what I did and therefore did not take into account my adverse childhood background.<sup>782</sup>

## **Socioeconomic Status and Criminality**

Socioeconomic status or class encompasses metrics such as income, educational attainment, and occupational status. Respondents felt that their lack of economic resources was used to misrepresent them and indicate greater culpability. For example, one respondent who identified as “some other race” shared:

I was categorized as “homeless.” That term was used often in reference to me, as if I was poor, and basically a prostitute, to convince the jury to convict me. When

in reality, I was living in an apartment, but did not own it, so I was deemed homeless. In reality, I had two male co-defendants. Neither one I was with. I absolutely feel prejudice against the fact I am female, and poor.<sup>783</sup>

Other respondents receiving public assistance felt similarly stigmatized. One respondent explained, “At the time of arrest I had no income and on welfare and they kept bringing it up.”<sup>784</sup>

Similarly, another respondent noted:

They used my dependence on welfare as a means to dictate my state of mind. Basically, stating that my poverty played a role in my crime. I believe that because I was a young African American woman on welfare, I didn’t have a chance. A lot was assumed because of that.<sup>785</sup>

Respondents with lower socioeconomic status reported being judged because they were poor or unemployed. One Hispanic respondent noted, “My judge was a white man, I could see how he looked down at me and judged me because I came from a poor neighborhood and family.”<sup>786</sup>

Similarly, a Black respondent shared:

I feel that because I was a black woman living in poverty, they knew I couldn’t afford a lawyer [and] they knew I really didn’t have a good education to understand what was taking place at the time. [T]hey knew I didn’t know my rights [and] they took advantage of my youth, my gender, my race, and my income. [T]hey didn’t care because I wasn’t rich. My family



didn't come from a great background, and because of that, my life wasn't important enough to get a fair trial."<sup>787</sup>

Affluent respondents also felt their socioeconomic status was used against them, as they were depicted as being better able to avoid criminal involvement. Wealthier, white respondents were found to not fit the "ideal victim" standard, which led their judges to believe that they "should have known better and gotten help."<sup>788</sup> In comparison, a Black respondent who had a higher socioeconomic status noted that she was said to have "squandered opportunities" by committing a crime.<sup>789</sup> "Similarly, another Black respondent shared that she was treated unfairly because she "had a nice house, car, dress[ed] nice, [and] had three jobs."<sup>790</sup>

One respondent shared, "I [owned a business] and was [known in the community]. People knew me which made my class high profile."<sup>791</sup> Another respondent shared she was portrayed as if should have avoided criminal involvement because "I was smart enough to know better and because I worked [in media]."<sup>792</sup>

Likewise, another respondent shared:

It was said that they were making an example out of me because I was a middle aged, middle class, woman. If I would have been in poverty it would have been more acceptable was how it came across. Also because of that fact my restitution is so high. I can never pay it back because I wasn't destitute.<sup>793</sup>

In contrast, white respondents who came from lower socioeconomic statuses were "portrayed as a street hooker"<sup>794</sup> or a

"homeless junk[ie],"<sup>795</sup> suggesting their culpability and diminishing the prior abuse they had endured. One white respondent noted that she felt unfairly treated "because I was put out to be a wealthy white woman with money who was not capable of love and lacked empathy towards the deaths that occurred."<sup>796</sup>

## B. Criminal Legal System Actors

This section focuses on specific challenges respondents identified facing with defense counsel, judges, prosecutors, and other criminal legal system actors.

### Defense Counsel

As described in [Part V. Quantitative Results, Table 14](#), 75.8% of IPV positive respondents were represented by public defenders or court-appointed attorneys, while 21.4% had privately paid counsel, and 2.8% reported having both a public defender and privately paid attorney. Only 20.8% of IPV positive respondents indicated their lawyer adequately represented them.

### Quality of Representation

While we did not systematically ask respondents to identify issues with their defense counsel, 153 IPV positive respondents reported having an issue with their legal representation in their narrative responses. Many respondents expressed frustration with the quality of their representation: "my attorneys didn't defend me at all,"<sup>797</sup> "I was guilty because I didn't have someone willing to fight for me,"<sup>798</sup> "[my attorney] absolutely did not fight for me,"<sup>799</sup> and "[my public

defender] made me feel that my words never mattered and knew I didn't understand most of what was being said."<sup>800</sup> Other respondents shared their attorneys did not specialize in criminal law<sup>801</sup> or had not tried a murder case before,<sup>802</sup> thus compromising their client advocacy.

### **Inadequate Communication**

At least five respondents reported that their attorneys rarely met with them,<sup>803</sup> with three respondents noting that their attorneys did not meet with them until several months after being charged.<sup>804</sup> Respondents connected the lack of communication to it being more challenging for counsel to gather information, conduct psychiatric evaluations, and present a full defense at trial. As one respondent shared, "My lawyer lacked communication with me. I always felt he was in a hurry to be someplace else. He rarely met with me at the jail and was never available to talk to me about my case or my concerns."<sup>805</sup>

Another respondent, serving an indeterminate sentence, shared:

I only spoke to my attorney three times in three years and she never heard me out and pushed me to plead guilty. She told me I would get 50 years to life and that was a lie but being on psych meds made me feel like I didn't know what I was charged with. . .<sup>806</sup>

Others identified a change in representation as being disruptive. One shared that her public defender, who had represented her for two years, abruptly announced that her "last day working on my case was going to be that coming Friday. She left me hanging! She

did not do much for me. A few months later, I got a plea deal for [very long indeterminate sentence]."<sup>807</sup> Another respondent explained she was not "able to ever share what happened with one of my public defenders. Throughout the course of five and a half years, I had at least 10 different public defenders."<sup>808</sup>

### **Feeling Unprepared or Insufficiently Informed**

Some respondents felt insufficiently informed of potential defenses or litigation strategies they could utilize. At least two respondents shared that their attorney erroneously told them that California had no self-defense law.<sup>809</sup>

Some respondents shared that they took a plea deal because they lacked sufficient information about the law and were afraid that they would only fare worse if they went to trial. For example, one respondent explained:

I felt I had a defense but the attorney, while initially agreeing I had a duress defense, failed to investigate or prepare the defense for trial and, at the last minute, pressured me to take a plea bargain offer I did not want by telling me I now had no legal defense.<sup>810</sup>

Additionally, many respondents who proceeded to trial felt unprepared. For example, one shared:

Having never been in trouble before I did not know the system and my attorney made no effort to educate me on it. He saw me twice before trial and twice more for trial prep. There was no encouragement or talks of plea even to the point of making me believe freedom was mine because I'm innocent. . .<sup>811</sup>

## Judges

Although we did not systematically ask respondents about whether they had problems with their judges, 54 IPV positive respondents wrote about such issues in their narrative responses.<sup>812</sup> The most common complaint about judges was their lack of understanding of IPV or DV and harsh sentencing that reflected sexism, classism, and racism.

### Sexist Beliefs about Violence

Several respondents shared that the judges presiding over their cases perpetuated sexist beliefs that were “disrespectful of women”<sup>813</sup> or “unempathetic in the aspect of what I endured as a woman,” referring to her sexual molestation as a child by the decedent.<sup>814</sup> These sexist beliefs overlapped with their perceptions of violence. For example, one male judge told a Latina respondent that “all women can protect themselves no matter if your partner is way bigger, taller, and stronger than you.”<sup>815</sup>

Some respondents noted that female judges were particularly unsympathetic towards claims of abuse. At least 13 IPV positive respondents complained about a female judge. As one respondent summarized, “I feel that women do not have empathy for other women being abused. The judge in my case was very cold and dismissive when hearing about the domestic abuse in my case.”<sup>816</sup>

Another respondent shared that, during sentencing, the female judge:

painted me to be the one who wanted my [child] to die because of being so “in-love” with my co-defendant. They painted a whole story line that was nothing close to

the truth. The truth is, I was codependent and stayed in an abusive relationship because I thought things would get “better.”<sup>817</sup>

### Harshness of Sentences

Several respondents reported that their judges also made inappropriate comments about their presumed guilt or sentences. Respondents shared that their judges “acted as if [they] were guilty from day one,”<sup>818</sup> and encouraged prosecutors to add sentencing enhancements or pursue longer terms of incarceration even after plea deals had been made.<sup>819</sup> Consequently, respondents believed that their judges sought to “make an example” of them for their offenses.<sup>820</sup>

### Prosecutors

While we did not systematically ask respondents whether they encountered problems with their prosecuting attorneys, 62 IPV positive respondents raised such issues in their narrative responses.<sup>821</sup>

### Accusations of Masterminding

As part of their case narratives, prosecutors depicted respondents as “masterminds” of the offenses, suggesting that they had a higher degree of culpability—especially when they had male co-defendants. For example, one mixed race respondent shared, “I’m accused of masterminding these tragedies and that’s not true... there’s no text messages, no emails, no phone calls except for those between the two gentlemen and the assailant.”<sup>822</sup> A Hispanic respondent reported, “the DA believed that as a female I was manipulating my co-defendants to do what I told them to.”<sup>823</sup> Similarly, another Hispanic respondent wrote, “The DA

said regardless of me not being present, it was my fault they committed the murder. They also said that because I was a woman I had a lot of power like Adam and Eve.”<sup>824</sup> An AI/API respondent, who was the only female among five male co-defendants, shared a similar experience: “the prosecutor labeled me the ‘mastermind’ then because my case involved all [AI/API]. Also, my case was about an affair, so I was a harlot and jezebel.”<sup>825</sup>

A Hispanic respondent, who had no prior criminal history, shared, “things got switched to me being the mastermind or shot caller because the gang I’m from, the court hates [name of gang] and because I was older.”<sup>826</sup> The gang affiliation label was sometimes applied to respondents because of their race, gender, class, age, dating partner’s gang affiliation, and/or the geographic locale where the crime took place. Hispanic respondents were the most likely to indicate they were described using this label, even if it was an inaccurate representation.

### **Pawns for Prosecutor’s Gain**

A few respondents felt they were targeted by the prosecutor’s own gain. A white respondent explained, “the D.A. wanted to be the first to put a woman on death row. It was used as white supremacists and that it was less likely that I was battered because of my race.”<sup>827</sup>

Similarly, another respondent shared:

I heard DA [Name] say he was retiring and wanted a female on death row. If my abuse was brought in during trial, he’d paint me as a “black widow.” I was the oldest of the co-defendants and the only female, married (under duress) to the actual person that wanted the crime to happen.<sup>828</sup>

One AI/API respondent noted, “My public defender was only using my case to get a promotion and him and the District Attorney were in cahoots. I was misrepresented and forced to comply when I was a victim myself.”<sup>829</sup>

Another respondent shared, “as a white woman I think I was used to balance the scales in racial sentencing disparities, the DA was a [non-white] woman.”<sup>830</sup>

### **Police Officers and Investigators**

Some respondents discussed issues with police officers and investigators, though we did not systematically ask respondents about these experiences. For instance, officers expected respondents to stop their male co-defendants from engaging in criminal activity or did not believe that their abuser could physically overpower them. As one respondent shared, “[investigators] held me to a higher standard and expectation in cooperating with them. I felt judged by all of them.”<sup>831</sup>

Several respondents with injuries suggesting the possibility of TBI (e.g., being strangled, hit, beat, or kicked in the head, neck, or face) spoke about victimizing encounters with the police after the killing. For example, one respondent shared that the police “took my abusive ex’s word over mine.”<sup>832</sup> The police were described as dismissive<sup>833</sup> and potentially sympathetic towards the respondents’ abusers,<sup>834</sup> rather than the respondents themselves. Some respondents shared that the police did not believe them when they tried to confess or provide their side of the story. One respondent

explained, “When I was interviewed to make a confession, my voice was not heard.”<sup>835</sup> Another respondent who said she killed her abuser without intending to, noted, “The cops said he was too drunk to do everything I have said but he wasn’t.”<sup>836</sup>

A few respondents shared their belief that the police omitted the truth when they offered testimony in subsequent proceedings. A couple of these respondents explained that, when testifying, police officers did not discuss evidence of self-defense or of prior victimization.<sup>837</sup> For instance, “the original investigat[ing] officers were aware of the truth and fact that I was a rape/abuse victim. They knew that the man I shot and killed had threatened me with rape and/or harm.”<sup>838</sup>

## C. Co-Defendants

Overall, limited data exists on the rates of co-offending in the United States.<sup>839</sup> Available research suggests that the rate of women co-offending is highest in property crimes, such as robbery, as well as child abuse cases,<sup>840</sup> and that women are more likely to commit violent offenses when they co-offend with men rather than on their own.<sup>841</sup> Moreover, the existing scholarship suggests that when women co-offend, their co-defendant is typically an intimate partner or a family member.<sup>842</sup> Co-offending literature based on coercive control and entrapment theory<sup>843</sup> shows that men employ various abusive techniques to persuade or coerce women to co-offend with them.<sup>844</sup> Women with past experiences of trauma, neglect, or abuse are likely more vulnerable to these techniques.<sup>845</sup>

While we did not systematically ask respondents about co-defendants, the survey asked respondents whether they were “convicted for a killing that was committed by your spouse, dating partner, or ex-partner”; nearly a third of all respondents (212 of 649) answered yes to this question. However, we believe this percentage may be inaccurate, as respondents identified this question as confusing during the survey administration and the question only referred to intimate partners as the one who committed the offense, rather than other possible co-defendants. Nevertheless, approximately 88% of respondents who reported being convicted under conspiratorial or accomplice liability were IPV positive or sub-threshold IPV (173 of 212). Moreover, 63.4% of these respondents scored in the extreme danger category of the DA (118 of 186), and an additional 14.0% scored in the severe danger category (26 of 186). Most respondents who reported having a co-defendant were convicted in their adolescence or early adulthood: 10.0% of respondents were convicted before turning 20 years-old (21 of 210), and almost half were convicted between the ages of 20 and 29 years (100 of 210).

## Fear of Testifying Against Co-Defendant

Several respondents shared that they did not testify against their co-defendant or provide testimony about their experiences of IPV because they remained afraid of their co-defendants. As one shared, “I stayed quiet about the abuse I received from my partner, not because of honesty.”<sup>846</sup>

Another respondent noted:

[My abuser/co-defendant] hurt me and brainwashed me into believing it was my fault because I made him jealous. I can't believe I allowed myself to be led so far down the wrong path. I didn't plan or take part in any murder, but I let my fear cripple me so that I didn't take the stand to tell the truth . . . I really don't know why I was so afraid to speak against him, even after he was in jail.<sup>847</sup>

Some respondents did not offer mitigating testimony about their experiences of IPV because they remained fearful of their abusers even after being arrested: "Once arrested he did not cut me loose,"<sup>848</sup> and "While in the county jail he wrote me threatening letters telling me to keep my mouth shut."<sup>849</sup> Another respondent, serving an indeterminate sentence for a killing that her partner committed, indicated she was fearful that her abuser/co-defendant would harm her or her family, and as a result, did not provide her attorney with information that would be helpful to asserting a defense, such as duress. Having had her teeth knocked down her throat three weeks after the killing, she explained that she rejected a more lenient sentence out of fear of retaliation from her abuser:

I was convicted on testimony from his story to a fellow inmate. There was no evidence. I wouldn't even admit anything to my lawyer for fear of what might happen to me or my family from him. I was offered 12 years to testify against him.<sup>850</sup>

Relatedly, another respondent explained, "I finally got away from him and he got busted then tried to blame me . . . but I was so scared

of him I refused to testify so they charged me with all the same charges."<sup>851</sup> As this respondent indicated, these charges may have been added in retaliation for a refusal, or the respondent may have been offered a plea deal in exchange for the prosecution's dropping some charges.<sup>852</sup>

Notably, fear of one's abuser did not always end after conviction, as one respondent shared, "when I go to the Board [of Parole Hearings], I'm afraid that when I get out he will be there."<sup>853</sup> Such concerns were particularly salient among respondents whose co-defendants received plea deals and reduced sentences that were unavailable to respondents on account of perceived harmful courtroom narratives, their fear of and refusal to testify against their co-defendants, or gender biases.

A few respondents felt that they had to protect their co-defendants, leading them to feel betrayed when their co-defendants turned on them to receive a plea deal or to offer a false, harmful narrative at trial. As one respondent explained:

I felt obligated to stand by him for many years after because he did protect me like he said. However, I found out while facing the death penalty behind this murder, he and his lawyer were trying to portray me as a hoe and that he walked in on me having sex with "another" guy. I am doing [more than 20 years] because I couldn't get away from a man that just wanted to use me for his own personal punching bag.<sup>854</sup>



## Disparate Treatment

Some respondents shared that they were charged with the same, or potentially more serious, offenses as their co-defendants—even if they were coerced into committing the crime or were not actually present at the time of the killing. According to one respondent, “women are judged more harshly whether they were the perpetrator or not.”<sup>855</sup> Approximately 40 respondents with a co-defendant reported in their narrative that they felt they were treated differently than their co-defendant(s) on account of gender, race, or both gender and race; the majority of these respondents cited gender (34 of 40). Respondents felt that they were “singled out” and treated more harshly than their co-defendants on account of being a different gender or race than their co-defendants.<sup>856</sup> These biases pervaded plea discussions, trials, and sentencing.

## Differential Treatment: Gender and Race

Several respondents who mentioned co-defendants in their narrative described differential treatment due to both race and gender. As one mixed race respondent shared, “I feel that because I was the only person of the three defendants that was another race I was singled out as they only filed the death penalty on me and not anyone else.”<sup>857</sup> Similarly, a Black respondent, who received a very long indeterminate sentence, shared:

Overall, I strongly believe because I was a young African American, battered and abused 20-year-old woman, who simply did not speak much for either side. I got a raw end . . . Here is seven of us and they knew who the perpetrator and mastermind is and still tried me the same. All the while,

a white male in my case who has actual intent, got off with a seven to life sentence and has now been home for the last five years.<sup>858</sup>

Similarly, another respondent described differential treatment compared to her male co-defendants:

The DA pressured me to inform on my male co-defendants. . . The DA attempted twice with no time or equivalent time to the 13-year case and witness protection. When I didn’t, they tried, convicted and sentenced me the same as the actual shooter when they knew I wasn’t the actual shooter. They never offered my co-defendants a deal. And they punished me for not taking it. They said they would.<sup>859</sup>

Several white women discussed race- and gender-based biases when the respondent was the only woman among male co-defendants. Most of the respondents who spoke of race- and gender-based biases were white women whose co-defendants were non-white men. These respondents shared, “I felt unfairly judged for my gender and race because I am a white female and my abuser/co-defendant was Black,”<sup>860</sup> and “I felt they were harder on me because I was white and upper class. My co-defendants were younger, Hispanic, and had low income.”<sup>861</sup>

In these cases, some respondents were categorized in derogatory terms as controlling their male co-defendants. As one respondent noted:

Since I was the woman along with two male [co-defendants], the prosecutor



portrayed me as being a mastermind although both of my co-defendants had prior criminal records and I did not. The prosecutor constantly brought up the fact I was [late teens] and looked innocent and came from a good home to tell the jury that I was manipulative.<sup>862</sup>

At least 15 respondents reported that they played minor roles in their underlying offenses. Some respondents shared that they took plea deals when they had co-defendants because they would be unfairly judged alongside their co-defendants. As one respondent who was affiliated with a gang summarized:

I was judged before I had a chance to have a fair trial. Instead, I accepted a deal... It was my co-defendant (lover at the time) who had the control over men. He's the one who threatened me and manipulated me to believe my life was at risk and eventually set me up. He never spent a day in jail.<sup>863</sup>

## **Gangs**

Most of the IPV positive or sub-threshold IPV respondents (7 of 12) who identified that they were convicted under conspiratorial or accomplice liability and who spoke about gang activity were Hispanic with decedents who were strangers or acquaintances.<sup>864</sup> Several respondents who were affiliated with gangs shared that they were stereotyped as manipulative women by prosecutors and judges, and five respondents who had co-defendants and mentioned gang involvement also spoke about sentencing disparities. As one respondent shared, "The court/DA already seem to have a predetermined belief of guilt [because]

women in a gang will do anything for their male counterpart."<sup>865</sup>

A few respondents reported that they were not affiliated but associated with gangs through partners or friends, but were grouped alongside their gang-affiliated co-defendants nonetheless. For instance, one respondent shared, "Although I had no juvenile arrests like my co-defendants, I was grouped in with them instead of being viewed individually. I don't have a criminal history nor have I engaged in gang activities."<sup>866</sup> Similarly, one respondent who received an LWOP sentence noted, "I was the only female out of all my co-defendants (there are five defendants in my case) and all my co-defendants were gang related/validated except me."<sup>867</sup>

## **Sentencing Disparities**

Although we did not systematically ask respondents about their co-defendants' sentences, we were able to glean some information about sentencing disparities from their narrative responses. In some cases, respondents received higher sentences than their co-defendants for less culpable conduct because their co-defendants testified against them. As one respondent shared, "My ex-boyfriend was the one who did the actual crime. And both of them are already out of prison. I did not participate in the actual crime. I should have a chance to get out of prison."<sup>868</sup> Similarly, many co-defendants took plea deals to [testify against] respondents—even if the respondent did not cause the killing. As one respondent explained:

My male co-defendant killed the victims in my crime. He also had previously violent convictions and two strikes. I

was an accomplice with no prior violent convictions. I received a life sentence and he received a determinate sentence. My trial judge and DA talked extensively about my gender and how I was a monster because my crime was violent and I am a woman. . . . He eventually admitted to one of the murders, took a plea deal to testify against me to avoid a life sentence. I went to trial and was convicted . . . [and] received a 25-to-life sentence.<sup>869</sup>

### **Trial and Plea Bargains**

Most of the IPV positive and sub-threshold IPV respondents who reported that they were convicted under conspiratorial or accomplice liability had their cases resolved by trial, rather than plea agreement. Specifically, cases were resolved by trial for 64.7% of respondents (121 of 187).<sup>870</sup> As described above, respondents often shared that they did not take more favorable deals because they feared their co-defendant/abuser and potential retaliation. These same respondents noted that their co-defendants, however, sometimes testified against them to receive better deals.

We found that respondents in the subgroup who took plea deals were slightly more likely than those who proceeded to trial to suffer from extreme abuse: While 60.0% of IPV positive or sub-threshold IPV respondents (72 of 120) who went to trial scored in the extreme danger category on the Danger Assessment, 70.0% respondents (46 of 66) whose cases were resolved by plea bargain scored as extreme danger. Further research is necessary to substantiate and explain these patterns.

## **D. Intimate Partner Violence Evidence at Trials**

This section summarizes respondents' descriptions of their courtroom experiences, specifically evidence that was submitted related to self-defense and abuse.

### **Defense Counsel Failures to Present Mitigating Evidence or Self-Defense Claims**

As shared in [Part V. Quantitative Results, Table 16](#), only 26.6% of all survey respondents reported that their attorneys argued that the homicide for which they were convicted was justified or excused.

Additionally, respondents who self-reported that the decedent ever hurt or abused them physically, sexually, or emotionally shared that mitigating evidence was often not submitted to support their cases, either because their lawyers did not present it or the judge prevented its inclusion. Only 21.6% of respondents reported that their lawyer submitted evidence of abuse that occurred on the day of the killing. More than 37% of respondents reported that the judge prevented their lawyer from submitting evidence of abuse that occurred on the day of the killing. In comparison, 28.0% of respondents reported that their lawyer submitted evidence of a history or pattern of abuse, whereas 41.0% of respondents reported that the judge prevented their lawyer from submitting evidence of a history or pattern of abuse. Only 21.6% of respondents reported that an expert gave testimony on abuse and 39.6% of respondents reported that they had a psychological evaluation that was submitted to court.

## **Defense Counsel Failures to Present Mitigating Evidence or Self-Defense Claims**

Respondents reported that their defense counsel failed to present mitigating evidence relating to IPV (e.g., past 911 calls, prior domestic violent reports, and medical records) or did not allow the respondent or an expert witness to testify about abuse. For example, one respondent's attorney said evidence of IPV would "show motive" and hurt their defense strategy, rather than provide a mitigating effect.<sup>871</sup> Another respondent serving an indeterminate sentence noted that her entire defense was a single paragraph. As indicated above in Part IX.C. Co-Defendants, this respondent rejected a more lenient sentence because of fear of her abuser. She explained:

I told my lawyer I feared for my life to [testify against my co-defendant/partner] and [my lawyer] refused to submit any of the recorded phone calls of manipulation and abuse or documentation of the broken facial bones and teeth in my face.<sup>872</sup>

Another respondent, who was abused for eight years prior to the offense including being strangled by her partner, explained:

I was told I could not use any of my domestic violence in court because I did not have any proof because I never called the police. So my public defender never presented any of the abuse I told her about. I also asked to see a psychologist but I never did.<sup>873</sup>

One respondent felt that her attorney didn't make the most of an expert who did testify in her case, nor did she adequately present an effective self-defense claim:

I had a DV expert testify, however because of the inadequacy of my attorney, she only gave a vague description of DV and not specifics to my case parameters or the effects in the African American community. . . The attorney presented implied self defense but didn't support that claim or the DV claim although my ex-husband had been previously convicted of spousal abuse.<sup>874</sup>

And another identified her counsel's failure to argue for appropriate jury instructions, explaining: "My lawyer declined the jury instruction that there was a domestic violence defense prepared by the judge. He could have combined it with my complex PTSD."<sup>875</sup>

## **Judges' Exclusion of Mitigation Evidence**

In cases where defense counsel introduced IPV evidence, it was sometimes excluded by judges. One respondent summarized her experience:

My defense was so limited by the trial judge. Whatever the prosecutor objected to, the judge went along with it. My defense was not allowed to present an adequate defense due to the great bias and limitations imposed by the judge, especially when there were witnesses on my behalf, they were not able to present all that would have benefited me.<sup>876</sup>

Similarly, another respondent explained:

My judge rushed us through the process and ignored our expert witness, a psychologist. He testified that he believed I was a battered woman who suffered duress and post trauma while committing

my crimes. My judge kept interrupting his testimony while on the stand. She even made a comment, “how long is this going to take because I have to take my husband to the doctor?” Another time, she interrupted him because she wanted the bailiff to close the window. She was anxious and uninterested in hearing the [expert witness’] psychology report.<sup>877</sup>

A third respondent shared that she “had substantial evidence and expert testimony reports i.e. documents that this was an accidental killing. . . There were police reports, pictures, hospital reports proving I was a battered woman.” She continued:

However, the courts could not have cared less about my story. Concentrating more on the fact that I was a prostitute and drug addict. The evidence I had was not submitted. The expert reports from the district attorney side and my attorney side [were] not submitted. The jury never knew their finding that this was an accidental killing.<sup>878</sup>

One respondent whose decedent was a child explained: “The court would not even let the psychiatrist testify about my adverse childhood experiences because he did not want the jury to hear anything mitigating. He only let him testify about my personality style. I feel the jury would have had a better understanding of my position.”<sup>879</sup>

Another respondent lamented:

I feel that the public defender on my case didn’t dig deep enough into my situation, mental health at the time and also my upbringing. None of that was ever

explored and I feel like if I had the money to pay for a lawyer, I would not have gotten this much time. . . I was completely honest and I still got arrested for a life sentence, the public defender managed to get a deal and I jumped at because it would give me an out date instead of life, but it was still [more than 10] years. . . There was nothing I could do or say to my public defender that he used to help me with my case. . . . The police, my public defender or the DA, none of them asked any of them anything about me. They took my abusive ex’s word over mine.<sup>880</sup> ●

## PART X.

# Regret, Responsibility, and Healing



Although we did not systematically ask respondents about regret or remorse, many raised these themes in describing and reflecting on their roles in the deaths in which they were involved. This was true across decedent categories. Many respondents expressed feelings of responsibility for their actions, and several noted they have improved their understanding of abusive relationship dynamics, the circumstances that led to the offense, and have attempted to heal from some of the trauma that contributed to them being in prison.

### **“I’m not excusing my behavior...” Role and Responsibility**

Numerous respondents acknowledged their role in the killing, and some respondents noted they took immediate steps to do so. As one respondent shared, “It was a terrible accident, but it was my fault. I truly admit that and took responsibility right away with talking to the cops. . . .”<sup>881</sup>

Other respondents expressed sympathy for the decedents and understanding that the constraints they were under did not reduce their responsibility for their actions. For example, one respondent shared, “I’m not excusing my behavior or the fact that I killed my boyfriend. We both lost that mutual combat and we are both victims.”<sup>882</sup> Another respondent said, “My speaking of intimate partner violence does not take away from the fact of my neglect towards my [child] that day or the night before. I just want to make that clear.”<sup>883</sup> Similarly, another respondent explained, “Although it was never my intention to kill him, I am responsible for his death.”<sup>884</sup>

Two others shared:

While I accept responsibility for giving away my power and letting someone abuse me, the fact is I allowed resentment to build up until I snapped. Without any premeditation, in a fit of rage during a verbal argument I strangled my wife to death to stop the pain and emotional/psychological abuse.<sup>885</sup>

I didn’t plan to kill him. It really was an accident to me. . . . I know I deserve to be punished. I’m sorry [my partner] is gone. But I know [20+ years] to life is not what he would have wanted. He knows I didn’t mean to kill him. I just wanted the abuse to end. To stop.<sup>886</sup>

Another respondent shared, “I lost my baby due to horrible choices, fear, bad self-esteem, and a lack of knowledge. I am forever going to be tortured by my choices.”<sup>887</sup>

### **“I wish I would have walked away”: Regret**

Regret was another emotion that several respondents expressed. Sometimes, regret was shown by immediately calling 911 after

the incident. One respondent shared, “At the time, I felt so belittled and insignificant, and wanted to make him feel as small as I felt. I immediately regretted my decision and called 911 for help, but it was too late.”<sup>888</sup>

Similarly, another explained:

I did not mean for him to die and thought stabbing him in the side of the neck wouldn’t kill him, but I hit an artery. I tried to take him to get a towel but he fell. I tried to call the cops, but it wouldn’t go through on my cell so I called my mom to call them. I did not want him to die.<sup>889</sup>

Other respondents expressed regret upon reflecting on the killing. One respondent noted, “I didn’t mean to kill her . . . I wish I would have walked away.”<sup>890</sup> Another respondent who regretted her actions noted she is “still dealing with the emotional scars.”<sup>891</sup>

Several respondents regretted not seeking help for abuse earlier. One respondent explained, “I take full responsibility because I should have left him a long time ago.”<sup>892</sup>

Another wrote:

That day I lost everything, the man I loved, my son, and myself. I was too afraid to ever report him to the police prior to that, so I didn’t have that history of violence from him on record and it’s something I regret because I would have then. Maybe I wouldn’t be here and he’d be alive.<sup>893</sup>

Another respondent expressed that she felt immediate regret and has continued to grapple with the consequences of her actions:

I instantly reacted and regretted

everything, and I have kept regretting until now that I did not ask for help from either the police or a refuge for mistreated women. It was very late when I reacted. Every day I feel regret and I miss my dead son very much and also my son who is still alive because I cannot be with either of them—my two loves, the little son and the older boy.<sup>894</sup>

### **“...his family has lost and so has mine”: Remorse**

Other respondents expressed general and enduring feelings of remorse. One respondent noted, “I wish with all my heart to go back and stop it all from happening.”<sup>895</sup> Another shared, “I feel hurt by all of this and I am very remorseful because his family has lost and so has mine.”<sup>896</sup> Similarly, a different respondent wrote, “I feel horrible for taking his life and I am living with that everyday. I miss him everyday and wish I had never taken his life. I am so sorry to his family and my family and the whole community and the people I affected by my crime.”<sup>897</sup>

Remorse was profound among respondents who accidentally killed the decedent. One respondent, whose decedent died during her suicide attempt, explained:

And the same night I killed [Name], my victim, I was trying to kill myself in the crash. I felt so hopeless and worthless, but I was too much of a coward to try it any other way, and too wrapped up in myself and my own misery to think of how someone else could be affected, and someone else paid the price.<sup>898</sup>



Another respondent, whose decedent was a stranger killed in a motor vehicle accident shared, “the man was special and loved by many people, I crashed my life into his. I am very remorseful.”<sup>899</sup>

Others asked for forgiveness, often referencing their children. For example:

[M]y biggest suffering is that God let me be the one to do this great damage to my biggest loves, my children. God took care of me a lot in this time to not die and although I don’t understand what has happened in my life and the father of my children is no longer here, it is something that I can never forgive myself for, for taking their father from my children . . .<sup>900</sup>

Another respondent explained:

I was scared that he would do something to me or my kids. That’s why I had to commit my crime. I know that does not justify taking somebody’s life, I am sorry for having committed my crime, I asked God for forgiveness and from his family and my family. I only ask that God give me the strength that I need, and that my time be short so I can go back and hug my son and my mom who is now elderly.<sup>901</sup>

### **“I truly am a woman worthy of love and respect”: Healing from Abuse**

Several respondents expressed feelings of self-compassion and greater understanding of how trauma has impacted their lives. For instance, one respondent noted, “Today I am sober. I understand that I have to heal my trauma and not let my trauma control me.”<sup>902</sup>

Two other respondents shared:

It’s so painful to know now [in] hindsight and remorse has given me the understanding and wisdom and change. It’s so horrible that I genuinely love my [child] today and can never give to him the love that was his right from his birth that I robbed him of . . . but I had to dig deep to find out what fictional finalism I was living by, and what my intrinsic motivators were. I had to reteach and reparent myself to gain self awareness and self love, to be at a place I could actually parent another life at this point.<sup>903</sup>

There are so many things I know now and have learned that I wish I could have and would have known then. My abuse throughout my life left me unable to stop my abuser or myself from allowing the abuse of others in my family and life. The ripple effect that I see and know now is horrific and everyday I strive to better myself so I can be the best me possible for my children and grandchildren. I have failed myself and so many in my life because I didn’t have the courage or resources to get out sooner and not continue the pattern. I have learned so much about myself and my abuse since I have been incarcerated. I wish I could have done that before, but anything I can do now to help anyone I will. I would have never thought that my future would be me in prison and having to be there to find myself I am free inside. Today I have found my voice. I love myself and know that I have value and worth.<sup>904</sup>

Another respondent noted, “Today I am a certified alcohol and other drugs counselor



and do my best to help others while helping myself. I am working on building myself up and being who I truly am, a woman worthy of love and respect.” One respondent, convicted under FTP liability for the deaths of her children, explained that being in prison has fostered self-understanding:

Prison is where I learned about domestic violence and everything that goes with it. I learned how terrible my life really was, and there was nothing normal about it. I came to a place of accountability for my role of failing to protect my children, I came to understand fully the hell I allowed them to go through, I came to understand the cycle of violence, I understand my role as a victim of domestic violence and my role as a victimizer of domestic violence. I’ve come a long way on this journey of change, insight, forgiveness, and positive change. I don’t think I ever would have got the help I desperately needed if I didn’t come to prison. I live in amends today. . .<sup>905</sup>

Another, whose faith has contributed to her healing, shared:

Now every day in and day out I think to myself, what could I have done differently? What could I have done? I do take full responsibility for all my actions. But now thank God I found God and I’ve learned that He, the Almighty has forgiven me, now I have to forgive myself. . . . I am taking anger management classes, parenting classes, and I’m getting to know myself as a person and realizing that I allowed anger to control my actions and my behavior. I pray to God that He gets me out of here when He knows that I am ready. Also, I pray for my ex-husband and his entire family.

I’ve been doing a Life Skills program, and I realized that my crime had a ripple effect on so many people that I never knew. I have opened my eyes and I’ve also realized that yes, anger can be a good emotion, but also a negative one. And I’ve also realized that because of my trauma as a child and growing up, I felt that the way I was raised was a good way. But I didn’t know. I now know certain things and, unfortunately, the teachings were late. But I pray that one day not too far I get to sit down with the family of my victim, and we can talk. Facing a life sentence is scary, but I have hope in God, that this is not the end of my journey.<sup>906</sup>

And a third respondent focused her narrative on looking forward:

The experience of living with domestic violence was very very painful and sad for me because I had to be silent about this violence out of fear and shame about what people would say because I thought that I did not have rights. I thought that I did not have the right to request help. That I had to stay silent and tolerate this violence all my life. This process was very very difficult. Now that everything is past, I understand that I have the right to ask for help. I think that if I had known that I could have asked for help, I would have never committed my crime. It is never too late to start again. I cannot go back in time. The past is the past and now I live in the present, day by day. I am about to finish my sentence, thanks to God. I am in the process of continuing rehabilitation, doing groups (against domestic violence and other abuses suffered by women—to prevent these abuses). I ask nothing more.<sup>907</sup> ●

## PART XI.

# Moving Forward



The purpose of this study was to understand the pathways through which people experiencing violence are criminalized for actions they took to survive abuse. The results are stark and deeply distressing. They reveal that a high percentage of people incarcerated in California's women's prisons for murder or manslaughter offenses report having experienced significant and potentially lethal IPV in the year preceding their offenses. We have no reason to believe that our findings on the prevalence of violence among this population would differ in other jurisdictions. Indeed, IPV rates could be higher elsewhere, as California law provides more opportunities than the law of many other states for a survivor-defendant's experience of IPV to be raised as a factor warranting leniency. Given similarities across states in homicide liability and national trends in IPV, we believe our findings have significant policy and practical implications across the United States.

### Key Findings

We found that **nearly three out of four respondents (74.2%) were abused by an intimate partner the year before their offense** and that **two-thirds of those being abused (66.4%) were at extreme risk of being killed by their intimate partner in that year**. In comparison to the general population, our respondents' past year IPV incidence rate is tenfold that of women in the U.S. (7.3% vs. 74.2%, respectively) and is even still greater than the national IPV rate of 47.4%, as reported by the National Intimate Partner and Sexual Violence Survey.

Despite our hypothesis that women who killed an intimate partner would have higher Danger Assessment scores than those who killed a non-intimate partner, we found no statistically significant differences in IPH risk by decedent category. In other words, **no matter who was killed, respondents were in potentially lethal abusive relationships**. This finding underscores the notion that IPV is a form of violence that has diffuse and broad

consequences beyond the relationships in which it occurs. Not only did potentially lethal IPV put the person being abused at risk for homicide, but our research shows that it may have contributed to an increased homicide risk for those around them as well. This statement is evidenced by the high rates of extreme danger for IPH across decedent types. For example, the highest proportion of IPV positive respondents who were in extreme danger had a decedent who was a family member or relative (85.7%), followed by stranger (64.7%), intimate partner (64.5%), all other decedents (70.9%), and finally child decedents (60.0%).<sup>908</sup> Further research is necessary to substantiate and explain this pattern.

Our findings align with prior research that shows **adverse childhood experiences (e.g., physical, sexual, and emotional abuse and witnessing violence) are common among incarcerated women**. Many respondents with histories of childhood maltreatment found themselves in adult romantic relationships that mirrored the abuse and violence they

experienced in early life, an association that is also established in literature.<sup>909</sup> For a meaningful portion of respondents, this polyvictimization appeared to influence the events leading to their offense and should be addressed to avoid conferring another layer of disadvantage among IPV survivors who become ensnared in the criminal legal system. Additionally, respondents' childhood experiences and cultural or family dynamics often led them to use violence against others rather than to recognize and counteract it. Such experiences also prevented respondents from engaging in help-seeking behaviors.

Specific to women who killed their intimate partners, **we found high levels of coercive control, extreme jealousy, and severe physical abuse, including strangulation and threats with weapons.** For many, this violence could be described as *intimate partner terrorism*, due to its risk for serious injury and homicide.<sup>910</sup> Respondents echoed the difficulties all IPV survivors face attempting to escape abuse—few resources or support; nonexistent, slow, or unsuccessful criminal legal responses; escalating violence; and threats that their partner would kill the respondent, their children, or their family, which contributed to entrapment<sup>911</sup> and a sense of fatal peril. Even respondents who left their partners continued to be stalked and terrorized by their abusers. Most respondents were extremely fearful for their lives, and in an attempt of *violent resistance*,<sup>912</sup> killed their abusive partners. Importantly, not all respondents who resisted their partners intended to kill them. Many respondents shared that they acted suddenly, without premeditation, and expressed remorse for their actions.

It is also important to note that **severe abuse and coercive control from an intimate partner resulted in respondents being forced by their partner to commit or facilitate criminal activity, including homicide** of their children, family, acquaintances, and strangers. In fact, almost a third of all respondents (212 of 649) reported being convicted of a killing their partner committed, nearly 88% of whom experienced IPV. Respondent narratives revealed how fear of their partner prevented some from testifying against their co-defendant or providing testimony about their experiences of IPV due to past threats to kill the respondent or their family.

In addition to IPV, other **commonalities exist across decedent types.** Defense of oneself and others, accidental killings, and killings related to mental health and substance use were pathways to murder and manslaughter convictions for all decedent types. With regard to defensive and accidental killings, most respondents reported reacting to what they perceived as an immediate threat of physical harm and lacked the intention to kill the decedent. For example, a few respondents were fleeing an abusive or triggering situation and caused an accident that killed strangers, neighbors, and family members, including children. Several respondents directly attributed the cumulative effect of childhood and adult violence to alcohol and/or substance use that led to accidental killings from psychosis and motor vehicle homicides. Other respondents acted with force upon being triggered by a situation that reminded them of past abuse. Mental health challenges resulting from and exacerbated by IPV also contributed to a sense of fatal peril for women

who killed their children in failed attempts to die by suicide.

We also found that **a significant portion of respondents suffered TBI-producing injuries due to IPV, adding to a nascent body of research linking TBI to IPV.**<sup>913</sup> These injuries included being strangled to unconsciousness; punched or kicked in the head, neck or jaw; and being slammed on countertops, walls and doors, often repeatedly. Several respondents who reported TBI-producing injuries said the killing occurred suddenly, without premeditation and often arose in self-defense while they were being attacked and within a broader pattern of abuse. Some shared that they blacked out, had tunnel vision, head pain, and/or could not remember the killing itself. Prior research has observed “impulsive aggression”<sup>914</sup> and a lack of premeditation among individuals who have experienced TBIs.<sup>915</sup>

Over half of all respondents felt they were treated unfairly in court on account of their gender, race, or income. Furthermore, **survivor-defendants who experienced IPV were more likely to perceive gender and income bias in court compared to those who did not.** Respondents shared that criminal legal actors perpetuated harmful stereotypes, using phrases such as vixen, femme fatale, mastermind, gang-members, or bad mothers, or drawing on status characteristics such as race, class, and history of sex work that triggered beliefs about the respondent’s culpability. These stereotypes may have disproportionately affected IPV survivor-defendants given that half as many lawyers argued the killing was justified due to self-

defense, stand your ground, provocation, domestic violence, or a similar reason compared to respondents with non-intimate partner decedents (33.6%, 48 of 143 vs. 66.4%, 95 of 143, respectively). Respondents also attributed unfair or harsh treatment by judges, prosecutors, and police tied to sexism and a lack of understanding of IPV.

Respondents reported **challenges with their own defense counsel’s preparation, communication, and potential defenses** using IPV or litigation strategies on self-defense law. A common theme shared by some respondents was that their counsel failed to search for and/or present evidence of abuse. They also felt judged because they did not exhibit the help-seeking behaviors that actors within the criminal legal system expected them to demonstrate. These views, if true, ignore the ways that IPV survivors are systematically denied help, including administrative barriers to obtaining orders of protection, ineffective police response, and historical and institutional racism that creates barriers to criminal legal action, especially for people of color. Relatedly, some respondents shared that their abusive partner was a police officer or other powerful person, making them too afraid to seek help or being denied criminal legal intervention because of their partner’s position.

It is also important to highlight that **options for seeking help are limited and incur risks,** as affirmed by extant research.<sup>916</sup> Our findings show that the most common sources of formal help came from police or orders of protection, and they typically resulted in an escalation of violence and coercive behaviors towards respondents. Though we did not

systematically ask respondents about access to domestic violence services, only one respondent shared that she went to a DV shelter and several stated they lacked access to them. Even separation, an action that nearly half of respondents attempted to take the year before the offense, did not protect them from violence. These narratives challenge the myth that women in abusive relationships are free to leave and that leaving is an effective way to escape the abuse. Respondents reported that their partners did not allow them to seek help by preventing them from calling emergency services and threatening to kill the respondent, children, family, or themselves if the respondent called the police or attempted to separate from them. Additionally, close to half of all respondents shared that their partner avoided arrest the year before the offense.

## **Overarching Recommendations**

Our findings have significance for every stage of the criminal legal process—from policing to charging to trial to sentencing to imprisonment to reentry—and the professionals who work within it. Criminal legal system actors and advocates, who are experts in their specific jurisdiction and the various areas of policy and practice, should determine how to utilize our report and craft a comprehensive response in an effort to ensure that survivors are not further harmed when they navigate the criminal legal system. However, we offer three considerations in crafting these responses:

**1. We need to listen to the stories of IPV survivors.** Too often, individuals are denied the ability to present or explain the impact of IPV at trial, and they are locked away and

remain silenced. Their stories are painful, but vital to hear and absorb. Given the robust participation rate of our survey, we can conclude survivors want to share their stories. Moreover, their voices should inform how the criminal legal system addresses these nuanced and complicated issues; indeed, survivors must have a seat at the table for policy discussions. We further encourage readers to review existing scholarship focusing on ways to make the criminal legal system more attentive to the effects of trauma and the needs and characteristics of criminalized survivors.<sup>917</sup>

## **2. We should make broader use of IPV screenings and lethality risk assessment tools at all phases of the criminal legal system.**

The legal system inconsistently screens for IPV. Our understanding is that this study is the first time both the Composite Abuse Scale and Danger Assessment were used with a population who is incarcerated. All decision-makers—police officers, probation officers (who commonly prepare pre-sentence recommendations for judges), prosecutors, defense attorneys, judges, corrections officials, and parole board members (who determine a person’s suitability for parole release)—could benefit from the information provided by these tools. Additionally, there should be a formal process of communicating IPV and IPH risk among these decision-makers. The use of the Danger Assessment to predict fatal violence and other IPV risk assessments has been well documented.<sup>918</sup> Using these instruments can help decision-makers identify the need for policy interventions, including changes in homicide and evidence law, modified jury instructions, and prison-based

programmatic opportunities. Furthermore, violence researchers already using these assessment tools need to pay more attention to incarcerated women relative to the shelter- and community-based populations where IPV research is concentrated.

**3. The criminal legal system must take probable TBI into account.** Our results suggest that TBI may be common in women who are prosecuted for and convicted of homicide offenses. This is important because recent research shows that TBI can influence how well a person remembers details, how well they can communicate those details, how convincing they sound, whether their affect matches listeners' expectations, and whether they appear properly remorseful. Therefore, TBIs pose multiple issues for some individuals navigating the criminal legal system. Police officers should be trained about interviewing witnesses and suspects who may have suffered TBI. Similarly, prosecutors, defense attorneys, judges, probation officers, and parole commissioners need training on TBI because they regularly make decisions that dramatically affect the lives of survivor-defendants who we now realize may be affected by a TBI.<sup>919</sup> Lastly, corrections officials should assess and make accommodations for incarcerated people with TBIs that address myriad long-term outcomes, including problems with balance, vision changes, headaches, sensitivity to light and sound, poor memory and cognitive deficits, among other symptoms.

## Implications for Other Systems

This study focused on the criminal legal system's response to IPV-related homicides,

when the offense and abuse have already occurred, and intervention is too late. But the response should include a comprehensive prevention system<sup>920</sup> to address and prevent IPV at multiple levels, including individuals, communities, and society.

Several of our findings highlight the need for the following prevention and intervention strategies:

- (1) Strengthening access to mental health and substance use treatment to address cumulative trauma from polyvictimization for survivors, their children, and their partners.
- (2) Developing evidence-based batterers intervention programs and more research focused on addressing an abusive partner's mental health and predicting recidivism.
- (3) Offering economic support for families to reduce the financial burden that contributes to entrapment.
- (4) Creating job opportunities to assist women escaping abuse and to alleviate IPH risk associated with partner unemployment.
- (5) Increasing communication and coordination between domestic violence advocacy, medicine and emergency care, mental health and substance use services, law enforcement, community corrections, and child welfare agencies.
- (6) Facilitating coalitions and support networks across the social services, criminal legal, and health systems.
- (7) Creating opportunities to educate the public about IPV, particularly campaigns to destigmatize violence and encourage help-seeking behaviors.
- (8) Designing school-based programs that teach young people about healthy relationships, consent, and resources available for violence prevention.



## Areas for Future Research

A single study cannot answer the range of research questions needed to create a just and fair criminal legal system for people experiencing violence. Our study raises but does not tackle additional questions about the treatment of criminalized survivors by the criminal legal system. Below, we identify future areas of research that can build upon our findings, though we emphasize that this list is by no means comprehensive.

We did not systemically ask respondents about their experiences with **co-defendants**. A future study should analyze how common co-defendants are for cases that involve murder or manslaughter and IPV, whether and when these cases are tied together, how dynamics of coercive control impede the survivor-defendant from testifying against an abusive co-defendant, and whether there are sentencing disparities between women convicted of homicide and their male co-defendants.

Relatedly, we did not ask respondents about **sentencing enhancements**. We suspect that enhancements may disproportionately affect women who used weapons to defend themselves given the average physical differences between males and females. Notably, 24 respondents who killed an intimate partner reported using a weapon in their narratives, commonly guns or another object (e.g., scissors, knife, flashlight) obtained during a struggle with their partner or that was given to them by another individual present at the time of the offense.

We also need to learn more about the circumstances and frequency with which FTP liability is used to charge abused mothers for **child killings**. In particular, what are the specific criteria courts use to impose liability and infer knowledge? More research is needed to identify and examine sentencing disparities between those directly responsible for the child's death and women charged with FTP liability who were indirectly involved through their abusive relationships with these co-defendants.

Regrettably we did not ask respondents about their gender identity or sexual orientation. A future study should examine **whether and how the pathways to IPH for transgender people differ from cisgender women**. Additionally, a few respondents reported deadly homophobia in their narrative description about circumstances leading to the offense. Sexual orientation and homophobia were mentioned in intimate partner and partner-in-common killings linked to infidelity and in a few acquaintance, stranger, and family/relative killings, illustrating the variety of situations wherein gender and sexual minorities face an increased risk of violence.

Our study surveyed persons currently incarcerated for murder and manslaughter, and did not **examine persons who were found not guilty of similar charges, nor those who were incarcerated for less serious offenses**. How comparable were their experiences of violence and the circumstances of the offense? What role, if any, did gender, race, or income bias play in their treatment in court or throughout the criminal legal system among those found not guilty? What lessons can be



learned from their cases that can contribute to legal and policy reform? Additionally, some respondents requested more research on attempted murder cases, parental mental health and family violence that results in homicide, and vehicle homicides as a result of medical emergencies.

Relatedly, our study did not examine incarcerated survivors who have been released from prison. Among those with indeterminate sentences, what contributed to their being released by the Board of Parole Hearings or the Governor's Office? **What unique supports are necessary to facilitate survivors' successful healing and reentry?**

Finally, this study was unable to incorporate narratives from the **decedents' loved ones, who were also affected by violence and deserve closure and justice.** In particular, future research can examine what justice means to them and how reconciliation can occur, if at all. Additionally, what specific supports are needed for the children of abused mothers who are incarcerated for the death of their other parent or caregiver? Some respondents shared deep concerns about the children and families they left behind.

## Conclusion

We believe that our findings, along with prior advocacy and scholarship, can advance national policy discussions in constructive and effective ways by identifying the scale of IPV and IPH among women who are incarcerated. This study highlights the voices of a group of remarkably resilient individuals. May their determination inspire stakeholders to create a criminal legal system that helps, not harms, survivors of abuse. ●

# Appendices

**Appendix 1. Survey Instrument**

**Appendix 2. Qualitative Analysis Code Book**

**Appendix 3. Intimate Partner Decedent Survey Responses (N=134)**

**Appendix 4. Child Decedent Survey Responses (N=94)**

**Appendix 5. Family Decedent Survey Responses (N=50)**

**Appendix 6. Stranger Decedent Survey Responses (N=185)**

**Appendix 7. Friends, Acquaintance, Other Nonintimate, and Multiple Decedents  
Survey Responses (N=186)**

# APPENDIX 1

## Survey Instrument

About you	
1	What is your age? _____
2	What is your race or ethnicity? <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Latino or Hispanic <input type="checkbox"/> Mixed <input type="checkbox"/> Asian / Pacific Islander <input type="checkbox"/> White / Caucasian <input type="checkbox"/> Some Other Race <input type="checkbox"/> Black or African American
3	What is the last grade of school you completed? <input type="checkbox"/> 8th grade or less <input type="checkbox"/> Some trade, vocational, or college <input type="checkbox"/> Completed college (2- year or 4-year) <input type="checkbox"/> 9th grade or more but did not complete high school <input type="checkbox"/> Completed trade or vocational school <input type="checkbox"/> Graduate School <input type="checkbox"/> High school or GED
Conviction And Sentencing	
4	What year was your current conviction? _____
5	How long is your sentence? (you can list the number of years or terms like LWP or death) _____
6	Were you convicted for assisting, encouraging or failing to prevent, or conspiring in a killing that was committed by your spouse, dating partner, or ex-partner? <input type="checkbox"/> Yes <input type="checkbox"/> No
7	Were you convicted by trial or plea bargain? <input type="checkbox"/> Trial conviction <input type="checkbox"/> Plea bargain
8	What gender was the judge who was at your trial? <input type="checkbox"/> Male <input type="checkbox"/> Female
9	Was your lawyer a public defender/court-appointed or privately paid lawyer? (check all that apply) <input type="checkbox"/> Public defender / court-appointed <input type="checkbox"/> Privately paid lawyer <input type="checkbox"/> I don't know
10	Did you feel adequately represented by your lawyer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know
11	Do you believe you were treated unfairly in court because of your <b>gender</b> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
12	Do you believe you were treated unfairly in court because of your <b>race</b> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
13	Do you believe you were treated unfairly in court because of your <b>income</b> (ex. low income, middle class)? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes to #10, 11, 12, or 13, please explain why you feel this way. _____	

About the killing			
<b>14</b> What was your relationship to the person or people who were killed? (check all that apply)			
<input type="checkbox"/> Spouse or ex-spouse	<input type="checkbox"/> Sibling	<input type="checkbox"/> Male Friend	
<input type="checkbox"/> Dating partner or ex-partner	<input type="checkbox"/> Your child / stepchild	<input type="checkbox"/> Female Friend	
<input type="checkbox"/> Parent / Stepparent	<input type="checkbox"/> Other family member	<input type="checkbox"/> Neighbor	
<input type="checkbox"/> In-law	<input type="checkbox"/> Stranger	<input type="checkbox"/> Other (specify below)	
<b>15</b> If the person who was killed was your spouse, dating partner or ex-partner, what was their gender?			
<input type="checkbox"/> Man	<input type="checkbox"/> Woman	<input type="checkbox"/> Non-binary / Other	
<b>16</b> Did your lawyer argue that the killing was justified or excused because of self-defense, stand your ground, provocation, domestic violence, or another reason?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
<b>17</b> Did any person who was killed ever hurt or abuse you physically, sexually, or emotionally?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No (skip to #24)		
<b>18</b> Did your lawyer submit evidence of abuse that occurred <u>on the day of the killing</u> ?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
<b>19</b> Did the judge prevent your lawyer from submitting evidence of abuse that occurred <u>on the day of the killing</u> ?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
<b>20</b> Did your lawyer submit evidence of a <u>history or pattern of abuse</u> (domestic violence, battering)?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
<b>21</b> Did the judge prevent your lawyer from submitting evidence of a history or pattern of abuse (domestic violence, battering)?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
<b>22</b> Did an expert witness give testimony on abuse (domestic violence, battering) at your trial?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
<b>23</b> Did you have a psychological evaluation that was submitted to the court?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know	
About your relationship			
<p>Now we want to know about the last relationship you had before the conviction. Your "partner" means your husband or wife, boyfriend or girlfriend, dating or live-in partner, or ex-partner.</p> <p>Think back to the last year you were with your partner. Did any of the following <b>EVER</b> happen in the <b>LAST YEAR</b> of your relationship?</p> <p>If any of these happened to you, use an X mark Yes, No, or Don't remember.</p>			
Question	Yes	No	Don't remember
<b>24</b> My partner shook, pushed, grabbed or threw me.			
<b>25</b> My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.			
<b>26</b> My partner made me perform sex acts that I did not want to perform.			
<b>27</b> My partner followed me or hung around outside my home or work.			
<b>28</b> My partner threatened to harm or kill me or someone close to me.			
<b>29</b> My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).			
<b>30</b> My partner harassed me by phone, text, email, or using social media.			
<b>31</b> My partner told me I was crazy, stupid, or not good enough.			
<b>32</b> My partner hit me with a fist or object, kicked or bit me.			
<b>33</b> My partner confined or locked me in a room or other space.			
<b>34</b> My partner blamed me for causing their violent behavior.			

35	My partner made comments about my sexual past or my sexual performance that made me feel ashamed, inadequate or humiliated.			
36	I had a sprain, bruise, or cut from my partner.			
37	I felt physical pain that still hurt the next day because of an injury from my partner.			
38	I went to a doctor because of an injury from my partner.			
39	I needed to see a doctor because of an injury from my partner, but I didn't go.			
40	I had a broken bone from an injury from my partner.			

Only answer the following questions if you said YES to any item #24-40 above. The questions below are risks of severe violence in a relationship. Use an X to mark Yes, No, or Don't remember if they happened to you.

Question	Yes	No	Don't remember
41 Did the physical violence increase in the year before the killing?			
42 Did your partner own a gun?			
43 Did you leave your partner after living together in the year before the killing? 43a. If you never lived with your partner, check here:			
44 Was your partner unemployed the year before the killing?			
45 Did your partner ever use a weapon against you or threaten you with a weapon? If yes, was that weapon a gun? check here:			
46 Did your partner threaten to kill you in the year before the killing?			
47 Did your partner avoid being arrested for domestic violence in the year before the killing?			
48 Did you have a child that is not your partner's biological child? <sup>1</sup>			
49 Did partner ever force you to have sex when you did not want to?			
50 Did your partner ever try to choke or strangle you or cut off your breathing? 49a. If yes, did they do it more than once, or did it make you pass out, black out, or make you dizzy? check here:			
51 Did your partner use illegal drugs? By drugs, I mean "uppers", amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.			
52 Was your partner an alcoholic or problem drinker?			
53 Did your partner control most or all your daily activities? For example, did your partner tell you who your friends can be, when you could see family, or how much money you could use? If your partner tried to, but you did not let them, check here:			
54 Was your partner violently and constantly jealous of you? For example, did your partner say: "If I can't have you, no one can."			
55 Were you ever beaten or injured by your partner while you were pregnant? If you were never pregnant with this partner or you were never pregnant at all, check here:			
56 Did partner ever threaten or try to commit suicide?			
57 Did your partner threaten to harm your children in the year before the killing?			
58 Did you believe your partner was capable of killing you?			
59 Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?			
60 Did you feel ashamed of the things your partner did to you?			
61 Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?			
62 Did you hide the truth from others because you were afraid of your partner?			
63 Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?			

#### Additional information

If the events that led to your conviction were the result of intimate partner violence or self-defense, we are interested in knowing more about your experience. Please tell us your story below. \_\_\_\_\_

<sup>1</sup> This question was accidentally omitted from the survey, so we used the narrative responses to ascertain this information

## APPENDIX 2

# Qualitative Analysis Code Book

### Codes for Unfair Treatment in Court Narrative

#### Respondent Attributes

1. Did the narrative discuss lack of funding to hire a private attorney?
2. Did the narrative discuss lack of funding to post bail?
3. Did the respondent claim in any way that they were treated unfairly because of their citizenship status?
4. Did the narrative discuss the respondent/defendant being young/juvenile but treated as an adult?
5. Did the respondent claim/assert that this was their first crime/first brush with the law?

#### Co-Defendant

6. Did the narrative discuss the co-defendant getting less time/better deal than the respondent?
7. Did the narrative discuss the co-defendant being the one who committed the crime, and the respondent being an accomplice or having lesser responsibility?

#### Decedent Attributes

8. Was there a gender/race/class disparity between victim and defendant/respondent (victim was white, defendant was black; victim was male, defendant was female)?

#### Defense Counsel

9. Did the narrative allude to defense attorney being a different race than the respondent/defendant?
10. Did the narrative discuss challenges/problems with defense counsel?
- 10a. Caseload was too large?
- 10b. Wasn't responsive/did not return calls?
- 10c. Lacked important skills or experience?
- 10d. Failed to present some important evidence, including defenses?
- 10e. Failed to object to improper evidence?
- 10f. Failed to investigate an important issue?
- 10g. Failed to show up or was late for an appointment or court date?
- 10h. Had a conflict of interest with prosecutor or judge?
- 10i. Lacked understanding of IPV/DV issues?
- 10j. Used racist derogatory language/actions?

10k.	Used sexist derogatory language/actions (e.g., women should know better, women should not be violent, etc.)?
10l.	Used classist derogatory language/actions (e.g., wealthy people should know better, punished for being poor or homeless)?
10m.	Used LGBTQ/sexual orientation stereotypes or bias (e.g., can't rape a lesbian, looks like a man, etc.)?
10n.	Didn't believe the respondent/client?
10o.	Other (specify): _____
11.	Did the narrative discuss being pressured to take a plea deal or being uninformed of what the plea deal meant?

#### **Prosecutor**

12.	Did the narrative allude to prosecutor being a different race than the respondent/defendant?
13.	Did the narrative allude to prosecutor being biased or unfair?
13a.	Had a conflict of interest with judge or defense counsel?
13b.	Lacked understanding of IPV/DV issues?
13c.	Used racist derogatory language/actions?
13d.	Used sexist derogatory language/actions (e.g., women should know better, women should not be violent, etc.)?
13e.	Used classist derogatory language/actions (e.g., wealthy people should know better, punished for being poor or homeless)?
13f.	Used LGBTQ/sexual orientation stereotypes or bias (e.g. can't rape a lesbian, looks like a man, etc.)?
13g.	Other (specify): _____

#### **Judge**

14.	Did the narrative allude to judge being a different race than the respondent/defendant?
15.	Did the narrative allude to judge being biased or unfair?
15a.	Had a conflict of interest with prosecution or defense counsel?
15b.	Lacked understanding of IPV/DV issues?
15c.	Used racist derogatory language/actions?
15d.	Used sexist derogatory language/actions (e.g., women should know better, women should not be violent, etc.)?
15e.	Used classist derogatory language/actions (e.g., wealthy people should know better, punished for being poor or homeless)?
15f.	Used LGBTQ/sexual orientation stereotypes or bias (e.g., can't rape a lesbian, looks like a man, etc.)?
15g.	Didn't believe the respondent?
15h.	Other (specify): _____



## Jury

16. Did the narrative discuss problems regarding the composition of the jury ("jury did not look like my peers", too few women, racially unrepresentative)?
17. Did the narrative discuss challenges/problems with jury (other than composition)?
- 17a. Used racist derogatory language/actions?
- 17b. Used sexist derogatory language/actions (e.g., women should know better, women should not be violent, etc.)?
- 17c. Used classist derogatory language/actions (e.g., wealthy people should know better, punished for being poor or homeless)?
- 17d. Used LGBTQ/sexual orientation stereotypes or bias (e.g., can't rape a lesbian, looks like a man, etc.)?
- 17e. Other (specify): \_\_\_\_\_
18. Anything else to note:
19. Impactful quotes: \_\_\_\_\_
20. Unfair Narrative needs redaction?
21. Describes harmful courtroom narratives/treatment (e.g., being deemed mastermind or manipulative)?
22. Respondent describes ableism/not having disabilities accommodated at trial?
23. Narrative describes respondent being treated differently by criminal legal system because of gender, race and/or gender race differential with co-defendants?
24. Narrative describes inverted sentencing?

## Codes for Tell More if IPV or Self-Defense Related

### Childhood Maltreatment

1. Did the respondent experience physical or sexual abuse before age 18 years?
2. Did the respondent experience neglect before age 18 years?
3. Did the respondent witness abuse before age 18 years (i.e., parents/caregivers/siblings/ other co-habitants fighting or arguing a lot)?

### Adulthood Experiences of Abuse

4. Did the respondent experience physical, sexual, psychological abuse from a family member in adulthood?
5. Did the respondent experience sexual abuse by someone other than a regular partner in adulthood (e.g. stranger or gang rape)?
6. Did the respondent experience IPV in a prior relationship?
7. Did the respondent previously call police and/or have a restraining order at any time?
- 7a. If Yes, was it against the current abuser?
- 7b. If Yes, was it against the person who was killed?
8. Did the respondent speak about other related issues? Specify.

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**Respondent's Children**

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- 9. Did the respondent have children under age 18 years at the time of the offense?
  - 10. Were the respondent's children living with the respondent at the time of the killing?
  - 11. Did the respondent's children witness the killing?
  - 12. If respondent was in an IPV relationship at time of killing, were children fathered by someone other than the abuser?
  - 13. Was respondent's child(ren) being abused or threatened by the abuser?
- 

**Details of the Offense**

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- 14. Does the respondent point to IPV abuse as reason for crime taking place?
  - 15. Does the respondent point to DV abuse as reason for crime taking place?
  - 16. Does the narrative claim that respondent was coerced to commit a crime by non-partner?
  - 17. Does the narrative claim that respondent was coerced to commit a crime by an intimate partner (may or may not be abusive)?
  - 18. Did the respondent indicate that they directly caused the victim's death (as opposed to contributing to a situation where someone else caused the victim's death)?
  - 19. Did the respondent indicate that the respondent contributed to a situation where someone else caused the victim's death (e.g., accomplice, aider, abetter)?
  - 20. Did the respondent indicate that the killing occurred during the commission of another illegal activity (drug deal, sex trafficking)?
  - 21. Did the respondent use a weapon during the commission of the killing?
  - 21a. Blunt objects: Items like baseball bats, clubs, or heavy objects used to bludgeon
  - 21b. Sharp objects: Knives, scissors, or other sharp implements
  - 21c. Other household objects: hammer, screwdriver or other tools, telephone
  - 21d. Strangulation with hand
  - 21e. Strangulation with implement like rope, belt: Sometimes called "choking"; includes ligaments like ropes, belts, etc.
  - 21f. Poison
  - 21g. Motor vehicle (include when vehicle was used intentionally or unintentionally to kill victim)
  - 21h. Firearms: gun, shotgun, long gun, etc.
  - 21i. Other weapon specify:
  - 22a. Respondent claims killing occurred as defense of another person (immediate or retaliatory)?
  - 22b. Respondent describes pregnancy factors that occurred near killing (abortion, miscarriage, post-partum)?
  - 22c. Killing is described as premeditated v. self-defense/heat of passion v. accidental killing?
  - 22d. Follow-up notes (if necessary):
-

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**Mental Health**

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23. Did the respondent describe their experience with mental health issues at any point in their life?
- 24a. Did the respondent describe their experience with drug/alcohol misuse at any point in their life?
- 24b. Did the respondent describe abuse which led to substance abuse which led to crime?
25. Did the respondent discuss suicide attempts or ideation?
- 

**Traumatic Brain Injury (TBI)**

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26. Did the narrative refer to a potential TBI/strangulation as indicated by the above words?
27. Did the individual/defendant suffer more than one instance of a potential TBI (excluding strangulation/choking) that were perpetrated by someone other than the current IPV partner?
28. Did the individual/defendant suffer more than one instance of a potential TBI (excluding strangulation/choking) that were perpetrated by the current IPV partner?
29. Did the individual/defendant suffer more than one instance of potential strangulation/choking by someone other than the current IPV partner?
30. Did the individual/defendant suffer more than one instance of potential strangulation/choking by the current IPV partner?
- 

**Other Information**

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31. Did the narrative mention anything you want to flag (military experience, gang affiliation, trafficking, etc.)?
32. Any impactful quotes?
33. Tell More Section needs redaction?
34. Did the respondent describe experience with trafficking, prostitution or sex work (voluntary or involuntary)?
35. Respondent describes their recent experience of homelessness?
36. Narrative includes mention of military service and law enforcement background of abuser or respondent?
37. Narrative describes respondent having affiliation with organized group/gang/cult?
-

## APPENDIX 3

# Intimate Partner Decedent Survey Responses (N=134)

Item / Variable	IPV Positive Respondents (n=110)			Sub-threshold IPV Respondents (n=8)		
	N	%	Missing	N	%	Missing
<b>Respondent Submitted Narrative Response</b>						
Unfair Treatment in Court	85	77.3	25	3	37.5	5
Tell More if IPV or Self-Defense Related	76	69.1	34	5	62.5	3
<b>Evidence of Abuse Introduced at Trial*</b>						
Lawyer submitted evidence of abuse the day of the killing	20	21.5	17	1	20	3
Judge prevented lawyer from submitting evidence of abuse the day of the killing	22	37.3	51	1	33.3	5.0
Lawyer submitted evidence of a history of abuse	33	34.0	13	1	20.0	3.0
Judge prevented lawyer from submitting evidence of a history of abuse	32	45.7	40	1	33.3	5.0
Expert witness gave testimony on abuse	27	26.5	8	0	0.0	3.0
Psychological evaluation submitted to the court	39	42.9	19	0	0	2
<b>Composite Abuse Scale - Types of Abuse</b>						
Physical Abuse	93	84.5	0	0	0	0
Psychological Abuse	80	72.7	0	0	0	0
Sexual Abuse	85	78.0	1	0	0	0
<b>Composite Abuse Scale Questions</b>						
My partner shook, pushed, grabbed or threw me.	97	88.2	0	1	14.3	1
My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.	70	68.6	8	2	25.0	0
My partner made me perform sex acts that I did not want to perform.	72	68.6	5	0	0.0	0
My partner followed me or hung around outside my home or work.	75	71.4	5	2	25.0	0

My partner threatened to harm or kill me or someone close to me.	74	69.2	3	2	25	0
My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).	71	68.9	7	3	37.5	0
My partner harassed me by phone, text, email, or using social media.	72	69.2	6	0	0.00	0
My partner told me I was crazy, stupid, or not good enough.	90	83.3	2	5	62.5	0
My partner hit me with a fist or object, kicked or bit me.	77	70.6	1	1	12.5	0
My partner confined or locked me in a room or other space.	47	42.7	0	0	0.00	0
My partner blamed me for causing their violent behavior.	85	79.4	3	3	37.5	0
My partner made comments about my sexual past or sexual performance that made me feel ashamed, inadequate, or humiliated.	80	74.8	3	2	25	0
<b>Conflict Tactics Scale - Injuries</b>						
I had a sprain, bruise, or cut from my partner.	81	75.0	2	0	0.0	0
I felt physical pain that still hurt the next day because of an injury from my partner.	87	80.6	2	2	25.0	0
I went to a doctor because of an injury from my partner.	31	28.4	1	1	12.5	0
I needed to see a doctor because of an injury from my partner, but I didn't go.	58	53.7	2	0	0.0	0
I had a broken bone from an injury from my partner.	23	21.7	4	0	0.0	0
<b>Danger Assessment - Level of Danger</b>						
Extreme Danger	71	64.5		3	37.5	
Severe Danger	9	8.2		2	25.0	
Increased Danger	23	20.9		2	25.0	
Variable Danger	7	6.4		1	12.5	
<b>Danger Assessment Questions</b>						
Did the physical violence increase in the year before the killing?	76	73.1	6	1	14.3	1
Did your partner own a gun?	62	60.8	8	3	50.0	2

Did you leave your partner after living together in the year before the killing?	50	46.3	2	3	37.5	0
Respondent reports never living with partner.	18	29.0	18	0	0.0	6
Was your partner unemployed the year before the killing?	38	35.8	4	5	62.5	0
Did your partner ever use a weapon against you or threaten you with a weapon?	56	51.9	56			
If yes, was that weapon a gun?	35	44.9	32	0	0.0	3
Did your partner threaten to kill you in the year before the killing?	67	62.6	3	1	12.5	1
Did your partner avoid being arrested for domestic violence in the year before the killing?	61	59.8	8	2	28.6	1
Narrative respondents who said they had a child that was not their partner's biological child	8	NA	102	0	NA	8
Did your partner ever force you to have sex when you did not want to?	83	77.6	3	0	0.0	8
Did your partner ever try to choke or strangle you or cut off your breathing?	69	62.7	0	0	0.0	0
If yes, did they do it more than once, or did it make you pass out, black out, or make you dizzy?	52	60.5	24	0	0.0	3
Did your partner use illegal drugs? By drugs, I mean "uppers", amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.	61	59.8	8	2	28.6	1
Was your partner an alcoholic or problem drinker?	67	63.2	4	4	50.0	0
Did your partner control most or all of your daily activities? For example, did your partner tell you who your friends can be, when you could see family, or how much money you could use?	85	78.7	2	3	37.5	0
Respondent reports partner try to control them, but respondent did not let them.	38	47.5	30	3	75.0	4
Was your partner violently and constantly jealous of you? For example, did your partner say: 'If I can't have you, no one can.'	79	75.2	5	2	33.3	2

Were you ever beaten or injured by your partner while you were pregnant?	29	26.9	2	0	0.0	0
Respondent reports never being pregnant with this partner or never pregnant at all.	41	55.4	36	1	25.0	4
Did your partner ever threaten or try to commit suicide?	47	43.5	2	3	42.9	1
Did your partner threaten to harm your children in the year before the killing?	41	38.7	4	0	0.0	0
Did you believe your partner was capable of killing you?	91	85.0	3	2	33.3	2
Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?	83	75.5	0	2	25.0	0
<b>Danger Assessment for Immigrant Women Questions (Selected)</b>						
Did you feel ashamed of the things your partner did to you?	100	90.9	0	6	75.0	0
Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?	46	42.6	2	0	0.0	0
Did you hide the truth from others because you were afraid of your partner?	91	83.5	1	2	25.0	0
Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?	64	58.2	0	1	14.3	1

*Note.* IPV = Intimate partner violence. NA = Not applicable. Percentage excludes missing values. “No” responses not shown. \*Missing values are high because only respondents who self-identified the decedent as someone who ever hurt or abused them physically, sexually, or emotionally answered these questions.



## APPENDIX 4

# Child Decedent Survey Responses (N=94)

Item / Variable	IPV Positive Respondents (n=110)			Sub-threshold IPV Respondents (n=8)		
	N	%	Missing	N	%	Missing
<b>Respondent Submitted Narrative Response</b>						
Unfair Treatment in Court	57	76.0	18	4	66.7	2
Tell More if IPV or Self-Defense Related	50	66.7	25	3	50.0	3
<b>Evidence of Abuse Introduced at Trial*</b>						
Lawyer submitted evidence of abuse the day of the killing	2	28.6	68	0	0.0	6
Judge prevented lawyer from submitting evidence of abuse the day of the killing	0	0.0	72	0	0.0	6
Lawyer submitted evidence of a history of abuse	1	14.3	68	0	0.0	5
Judge prevented lawyer from submitting evidence of a history of abuse	1	33.3	72	0	0.0	5
Expert witness gave testimony on abuse	1	12.5	67	0	0.0	5
Psychological evaluation submitted to the court	2	22.2	66	0	0.0	6
<b>Composite Abuse Scale - Types of Abuse</b>						
Physical Abuse	66	88.0	0	0	0.0	0
Psychological Abuse	49	65.3	0	0	0.0	0
Sexual Abuse	60	81.1	1	0	0.0	0
<b>Composite Abuse Scale Questions</b>						
My partner shook, pushed, grabbed or threw me.	64	91.4	5	3	50.0	0
My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.	46	67.6	7	0	0.0	1
My partner made me perform sex acts that I did not want to perform.	51	71.8	4	0	0.0	0

My partner followed me or hung around outside my home or work.	45	64.3	5	2	33.3	0
My partner threatened to harm or kill me or someone close to me.	49	68.1	3	0	0.0	1
My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).	42	60.9	6	1	16.7	0
My partner harassed me by phone, text, email, or using social media.	39	55.7	5	3	50.0	0
My partner told me I was crazy, stupid, or not good enough.	72	97.3	1	5	100.0	1
My partner hit me with a fist or object, kicked or bit me.	60	83.3	3	1	16.7	0
My partner confined or locked me in a room or other space.	37	52.9	5	0	0.0	0
My partner blamed me for causing their violent behavior.	57	85.1	8	2	33.3	0
My partner made comments about my sexual past or sexual performance that made me feel ashamed, inadequate, or humiliated.	53	73.6	3	2	33.3	0
<b>Conflict Tactics Scale - Injuries</b>						
I had a sprain, bruise, or cut from my partner.	57	82.6	6	1	16.7	0
I felt physical pain that still hurt the next day because of an injury from my partner.	56	81.2	6	1	16.7	0
I went to a doctor because of an injury from my partner.	16	22.5	4	0	0.0	0
I needed to see a doctor because of an injury from my partner, but I didn't go.	40	58.0	6	0	0.0	0
I had a broken bone from an injury from my partner.	14	20.0	5	0	0.0	0
<b>Danger Assessment - Level of Danger</b>						
Extreme Danger	45	60.0		0	0.0	
Severe Danger	10	13.3		1	16.7	
Increased Danger	14	18.7		1	16.7	
Variable Danger	6	8.0		4	66.7	

<b>Danger Assessment Questions</b>						
Did the physical violence increase in the year before the killing?	46	68.7	8	2	33.3	0
Did your partner own a gun?	25	36.2	6	1	16.7	0
Did you leave your partner after living together in the year before the killing?	28	38.9	3	4	66.7	0
Respondent reports never living with partner.	6	12.0	25	1	25.0	2
Was your partner unemployed the year before the killing?	40	58.8	7	2	33.3	0
Did your partner ever use a weapon against you or threaten you with a weapon?	39	52.7	1	0	0.0	0
If yes, was that weapon a gun?	20	32.3	13	0	0.0	2
Did your partner threaten to kill you in the year before the killing?	35	50.0	5	0	0.0	0
Did your partner avoid being arrested for domestic violence in the year before the killing?	36	56.3	11	0	0.0	0
Narrative respondents who said they had a child that was not their partner's biological child	8	NA	67	0	NA	6
Did your partner ever force you to have sex when you did not want to?	48	67.6	4	0	0.0	0
Did your partner ever try to choke or strangle you or cut off your breathing?	47	65.3	3	0	0.0	0
If yes, did they do it more than once, or did it make you pass out, black out, or make you dizzy?	37	62.7	16	1	0.0	0
Did your partner use illegal drugs? By drugs, I mean “uppers”, amphetamines, “meth”, speed, angel dust, cocaine, “crack”, street drugs or mixtures.	52	75.4	6	1	20.0	1
Was your partner an alcoholic or problem drinker?	40	58.8	7	3	50.0	0
Did your partner control most or all of your daily activities? For example, did your partner tell you who your friends can be, when you could see family, or how much money you could use?	53	74.6	4	3	50.0	0

Respondent reports partner try to control them, but respondent did not let them.	26	41.9	13	3	60.0	1
Was your partner violently and constantly jealous of you? For example, did your partner say: 'If I can't have you, no one can.'	54	75.0	3	1	16.7	0
Were you ever beaten or injured by your partner while you were pregnant?	34	45.9	1	0	0.0	0
Respondent reports never being pregnant with this partner or never pregnant at all.	16	34.8	29	0	0.0	2
Did your partner ever threaten or try to commit suicide?	24	35.8	8	1	25.0	2
Did your partner threaten to harm your children in the year before the killing?	28	40.0	5	1	20.0	1
Did you believe your partner was capable of killing you?	51	71.8	4	2	33.3	0
Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?	49	68.1	3	0	0.0	0
<b>Danger Assessment for Immigrant Women Questions (Selected)</b>						
Did you feel ashamed of the things your partner did to you?	65	90.3	3	2	33.3	0
Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?	34	49.3	6	0	0.0	0
Did you hide the truth from others because you were afraid of your partner?	63	86.3	2	0	0.0	0
Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?	41	56.9	3	0	0.0	0

*Note.* IPV = Intimate partner violence. NA = Not applicable. Percentage excludes missing values. "No" responses not shown. \*Missing values are high because only respondents who self-identified the decedent as someone who ever hurt or abused them physically, sexually, or emotionally answered these questions.

## APPENDIX 5

# Family Decedent Survey Responses (N=50)

Item / Variable	IPV Positive Respondents (n=29)			Sub-threshold IPV Respondents (n=11)		
	N	%	Missing	N	%	Missing
<b>Respondent Submitted Narrative Response</b>						
Unfair Treatment in Court	20	69.0	9	8	72.7	3
Tell More if IPV or Self-Defense Related	17	58.6	12	6	54.5	5
Evidence of Abuse Introduced at Trial*						
Lawyer submitted evidence of abuse the day of the killing	1	7.7	16	1	14.3	4
Judge prevented lawyer from submitting evidence of abuse the day of the killing	2	33.3	23	2	40.0	6
Lawyer submitted evidence of a history of abuse	2	16.7	17	1	14.3	4
Judge prevented lawyer from submitting evidence of a history of abuse	4	44.4	20	1	33.3	8
Expert witness gave testimony on abuse	1	7.1	15	0	0.0	3
Psychological evaluation submitted to the court	5	50.0	19	2	40.0	6
<b>Composite Abuse Scale - Types of Abuse</b>						
Physical Abuse	27	93.1	0	0	0.0	0
Psychological Abuse	23	79.3	0	0	0.0	0
Sexual Abuse	22	75.9	0	0	0.0	0
<b>Composite Abuse Scale Questions</b>						
My partner shook, pushed, grabbed or threw me.	23	82.1	1	4	36.4	0
My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.	16	59.3	2	1	9.1	0
My partner made me perform sex acts that I did not want to perform.	17	60.7	1			0
My partner followed me or hung around outside my home or work.	18	64.3	1	0	0.0	1

My partner threatened to harm or kill me or someone close to me.	21	77.8	2	2	18.2	0
My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).	19	73.1	3	1	10.0	1
My partner harassed me by phone, text, email, or using social media.	20	74.1	2	1	10.0	1
My partner told me I was crazy, stupid, or not good enough.	26	92.9	1	5	50.0	1
My partner hit me with a fist or object, kicked or bit me.	23	82.1	1	9	90.0	1
My partner confined or locked me in a room or other space.	15	51.7	0	10	100.0	1
My partner blamed me for causing their violent behavior.	24	82.8	0	2	20.0	1
My partner made comments about my sexual past or sexual performance that made me feel ashamed, inadequate, or humiliated.	22	75.9	0	2	20.0	1
<b>Conflict Tactics Scale - Injuries</b>						
I had a sprain, bruise, or cut from my partner.	21	75.0	1	2	20.0	1
I felt physical pain that still hurt the next day because of an injury from my partner.	23	79.3	0	1	10.0	1
I went to a doctor because of an injury from my partner.	10	35.7	1	0	0.0	1
I needed to see a doctor because of an injury from my partner, but I didn't go.	20	69.0	0	0	0.0	2
I had a broken bone from an injury from my partner.	11	40.7	2	0	0.0	1
<b>Danger Assessment - Level of Danger</b>						
Extreme Danger	24	85.7		0	0.0	
Severe Danger	1	3.6		0	0.0	
Increased Danger	3	10.7		3	30.0	
Variable Danger	1	3.6		7	70.0	
<b>Danger Assessment Questions</b>						
Did the physical violence increase in the year before the killing?	19	70.4	2	3	30.0	1
Did your partner own a gun?	17	63.0	2	3	30.0	1

Did you leave your partner after living together in the year before the killing?	11	40.7	2	1	10.0	1
Respondent reports never living with partner.	5	26.3	10	2	33.3	5
Was your partner unemployed the year before the killing?	13	50.0	3	3	30.0	1
Did your partner ever use a weapon against you or threaten you with a weapon?	18	62.1	0			0
If yes, was that weapon a gun?	13	50.0	3	0	0.0	5
Did your partner threaten to kill you in the year before the killing?	16	57.1	1	1	10.0	1
Did your partner avoid being arrested for domestic violence in the year before the killing?	10	37.0	2	0	0.0	2
Narrative respondents who said they had a child that was not their partner's biological child	0	NA	29	0	NA	11
Did your partner ever force you to have sex when you did not want to?	21	72.4	0	0	0.0	1
Did your partner ever try to choke or strangle you or cut off your breathing?	18	64.3	1	0	0.0	1
If yes, did they do it more than once, or did it make you pass out, black out, or make you dizzy?	14	58.3	5	0	0.0	6
Did your partner use illegal drugs? By drugs, I mean "uppers", amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.	22	75.9	0	2	20.0	1
Was your partner an alcoholic or problem drinker?	21	75.0	1	4	40.0	1
Did your partner control most or all of your daily activities? For example, did your partner tell you who your friends can be, when you could see family, or how much money you could use?	28	96.6	0	1	10.0	1
Respondent reports partner try to control them, but respondent did not let them.	9	39.1	6	0	0.0	6
Was your partner violently and constantly jealous of you? For example, did your partner say: 'If I can't have you, no one can.'	24	82.8	0	3	30.0	1



Were you ever beaten or injured by your partner while you were pregnant?	12	42.9	1	0	0.0	1
Respondent reports never being pregnant with this partner or never pregnant at all.	12	54.5	7	0	0.0	7
Did your partner ever threaten or try to commit suicide?	12	42.9	1	1	11.1	2
Did your partner threaten to harm your children in the year before the killing?	8	29.6	2	0	0.0	1
Did you believe your partner was capable of killing you?	22	78.6	1	2	20.0	1
Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?	24	82.8	0	0	0.0	1
<b>Danger Assessment for Immigrant Women Questions (Selected)</b>						
Did you feel ashamed of the things your partner did to you?	28	96.6	0	1	10.0	1
Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?	11	40.7	2	0	0.0	1
Did you hide the truth from others because you were afraid of your partner?	26	89.7	0	1	10.0	1
Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?	19	65.5	0	0	0.0	1

Note. IPV = Intimate partner violence. NA = Not applicable. Percentage excludes missing values. "No" responses not shown. \*Missing values are high because only respondents who self-identified the decedent as someone who ever hurt or abused them physically, sexually, or emotionally answered these questions.

## APPENDIX 6

# Stranger Decedent Survey Responses (N=185)

Item / Variable	IPV Positive Respondents (n=120)			Sub-threshold IPV Respondents (n=14)		
	N	%	Missing	N	%	Missing
<b>Respondent Submitted Narrative Response</b>						
Unfair Treatment in Court	85	70.8	35	8	57.1	6
Tell More if IPV or Self-Defense Related	71	59.2	49	8	57.1	6
<b>Evidence of Abuse Introduced at Trial*</b>						
Lawyer submitted evidence of abuse the day of the killing	5	21.7	97	1	100	13
Judge prevented lawyer from submitting evidence of abuse the day of the killing	10	50.0	100	0	0	13
Lawyer submitted evidence of a history of abuse	8	32.0	95	1	100	13
Judge prevented lawyer from submitting evidence of a history of abuse	5	29.4	103	0	0	13
Expert witness gave testimony on abuse	8	30.8	94	0	0	13
Psychological evaluation submitted to the court	11	50.0	98	0	0	13
<b>Composite Abuse Scale - Types of Abuse</b>						
Physical Abuse	105	87.5	0	0	0	0
Psychological Abuse	89	74.2	0	0	0	0
Sexual Abuse	79	67.5	3		0	0
<b>Composite Abuse Scale Questions</b>						
My partner shook, pushed, grabbed or threw me.	104	87.4	1	3	21.4	0
My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.	68	59.6	6	2	14.3	0
My partner made me perform sex acts that I did not want to perform.	64	56.6	7	0	0.0	0

My partner followed me or hung around outside my home or work.	80	69.6	5	1	7.1	0
My partner threatened to harm or kill me or someone close to me.	74	65.5	7	1	7.1	0
My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).	74	66.1	8	4	28.6	0
My partner harassed me by phone, text, email, or using social media.	75	64.7	4	1	7.1	0
My partner told me I was crazy, stupid, or not good enough.	104	87.4	1	8	57.1	0
My partner hit me with a fist or object, kicked or bit me.	87	75.0	4	2	15.4	1
My partner confined or locked me in a room or other space.	44	38.3	5	0	0.0	0
My partner blamed me for causing their violent behavior.	96	83.5	5	2	14.3	0
My partner made comments about my sexual past or sexual performance that made me feel ashamed, inadequate, or humiliated.	88	75.9	4	5	35.7	0
<b>Conflict Tactics Scale - Injuries</b>						
I had a sprain, bruise, or cut from my partner.	84	72.4	4	1	7.1	0
I felt physical pain that still hurt the next day because of an injury from my partner.	85	73.3	4	2	14.3	0
I went to a doctor because of an injury from my partner.	29	24.6	2	0	0.0	0
I needed to see a doctor because of an injury from my partner, but I didn't go.	48	40.7	2	1	7.1	0
I had a broken bone from an injury from my partner.	21	18.4	6	0	0.0	0
<b>Danger Assessment - Level of Danger</b>			1			1
Extreme Danger	77	64.7		0	0.0	
Severe Danger	19	16.0		2	14.3	
Increased Danger	13	10.9		4	28.6	
Variable Danger	10	8.4		8	57.1	
<b>Danger Assessment Questions</b>						
Did the physical violence increase in the year before the killing?	62	55.4	8	0	0.0	0

Did your partner own a gun?	56	48.3	4	6	42.9	0
Did you leave your partner after living together in the year before the killing?	61	54.0	7	4	28.6	0
Respondent reports never living with partner.	26	32.5	40	3	30.0	4
Was your partner unemployed the year before the killing?	69	62.2	9	7	50.0	0
Did your partner ever use a weapon against you or threaten you with a weapon?	58	52.3	9			0
If yes, was that weapon a gun?	43	46.7	28	0	0.0	4
Did your partner threaten to kill you in the year before the killing?	50	46.3	12	0	0.0	0
Did your partner avoid being arrested for domestic violence in the year before the killing?	51	47.2	12	2	14.3	0
Narrative respondents who said they had a child that was not their partner's biological child	2	NA	118	0	NA	14
Did your partner ever force you to have sex when you did not want to?	73	64.6	7	0	0.0	0
Did your partner ever try to choke or strangle you or cut off your breathing?	61	53.5	6	0	0.0	0
If yes, did they do it more than once, or did it make you pass out, black out, or make you dizzy?	47	51.1	28	0	0.0	0
Did your partner use illegal drugs? By drugs, I mean "uppers", amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.	91	79.8	6	5	35.7	0
Was your partner an alcoholic or problem drinker?	67	61.5	11	2	15.4	1
Did your partner control most or all of your daily activities? For example, did your partner tell you who your friends can be, when you could see family, or how much money you could use?	81	74.3	11	1	7.1	0
Respondent reports partner try to control them, but respondent did not let them.	39	43.3	39	1	10.0	4
Was your partner violently and constantly jealous of you? For example, did your partner say: 'If I can't have you, no one can.'	89	78.8	7	1	7.1	0

Were you ever beaten or injured by your partner while you were pregnant?	36	32.1	8	0	0.0	0
Respondent reports never being pregnant with this partner or never pregnant at all.	42	50.6	37	6	54.5	3
Did your partner ever threaten or try to commit suicide?	56	50.9	10	2	16.7	2
Did your partner threaten to harm your children in the year before the killing?	16	14.3	8	0	0.0	0
Did you believe your partner was capable of killing you?	78	70.9	19	2	14.3	0
Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?	84	73.0	5	1	7.7	1
<b>Danger Assessment for Immigrant Women Questions (Selected)</b>						
Did you feel ashamed of the things your partner did to you?	107	94.7	7	3	23.1	1
Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?	32	28.1	6	1	7.1	0
Did you hide the truth from others because you were afraid of your partner?	85	76.6	9	2	14.3	0
Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?	60	53.6	8	0	0.0	0

Note. IPV = Intimate partner violence. NA = Not applicable. Percentage excludes missing values. "No" responses not shown. \*Missing values are high because only respondents who self-identified the decedent as someone who ever hurt or abused them physically, sexually, or emotionally answered these questions.

## APPENDIX 7

# Friends, Acquaintance, Other Nonintimate, and Multiple Decedents Survey Responses (N=186)

Item / Variable	IPV Positive Respondents (n=130)			Sub-threshold IPV Respondents (n=15)		
	N	%	Missing	N	%	Missing
<b>Decedent Type</b>						
Acquaintance	36	27.7	0	5	33.3	0
Friend	63	48.5	0	6	40.0	0
Nonintimate Relationship	13	10.0	0	1	6.7	0
Multiple Decedents	18	13.8	0	3	20.0	0
<b>Submitted Narrative Response</b>						
Unfair Treatment in Court	98	75.4	32	11	73.3	4
Tell More if IPV or Self-Defense Related	85	65.4	45	6	40.0	9
<b>Evidence of Abuse Introduced at Trial*</b>						
Lawyer submitted evidence of abuse the day of the killing	14	25.0	74	0	0	11
Judge prevented lawyer from submitting evidence of abuse the day of the killing	16	47.1	96	1	33.3	12
Lawyer submitted evidence of a history of abuse	16	28.6	74	0	0.0	11
Judge prevented lawyer from submitting evidence of a history of abuse	22	51.2	87	0	0.0	11
Expert witness gave testimony on abuse	10	17.5	73	1	33.3	12
Psychological evaluation submitted to the court	21	38.9	76	1	25.0	11
<b>Composite Abuse Scale - Types of Abuse</b>						
Physical Abuse	113	86.9	0	0	0.0	0
Psychological Abuse	94	72.3	0	0	0.0	0
Sexual Abuse	83	64.8	2	0	0.0	0

Composite Abuse Scale Questions						
My partner shook, pushed, grabbed or threw me.	109	87.2	5	6	42.9	1
My partner tried to convince my family, children, or friends that I am crazy or tried to turn them against me.	75	62.0	9	5	38.5	5
My partner made me perform sex acts that I did not want to perform.	71	58.2	8	0	0.0	0
My partner followed me or hung around outside my home or work.	94	75.2	5	2	13.3	0
My partner threatened to harm or kill me or someone close to me.	80	65.0	7	1	6.7	0
My partner tracked me (ex. timed me when I left the house, checked the car's odometer, used GPS technology, or other ways to check my whereabouts).	84	67.2	5	2	13.3	0
My partner harassed me by phone, text, email, or using social media.	82	66.1	6	4	26.7	0
My partner told me I was crazy, stupid, or not good enough.	108	85.0	3	8	53.3	9
My partner hit me with a fist or object, kicked or bit me.	87	70.2	6	0	0.0	3
My partner confined or locked me in a room or other space.	49	39.2	5	12	80.0	0
My partner blamed me for causing their violent behavior.	100	78.7	3	5	33.3	0
My partner made comments about my sexual past or sexual performance that made me feel ashamed, inadequate, or humiliated.	80	66.7	10	1	6.7	0
Conflict Tactics Scale - Injuries						
I had a sprain, bruise, or cut from my partner.	84	66.7	4	3	21.4	1
I felt physical pain that still hurt the next day because of an injury from my partner.	88	74.6	12	2	13.3	0
I went to a doctor because of an injury from my partner.	32	25.4	4	1	6.7	0
I needed to see a doctor because of an injury from my partner, but I didn't go.	66	53.7	7	4	26.7	0
I had a broken bone from an injury from my partner.	32	26.2	8	1	6.7	0



Danger Assessment - Level of Danger						
Extreme Danger	91	70.0		1	7.1	
Severe Danger	15	11.5		2	14.3	
Increased Danger	16	12.3		2	14.3	
Variable Danger	8	6.2		9	64.3	
Danger Assessment Questions						
Did the physical violence increase in the year before the killing?	67	57.8	14	2	15.4	2
Did your partner own a gun?	52	47.3	20	3	21.4	1
Did you leave your partner after living together in the year before the killing?	63	51.6	8	2	14.3	1
Respondent reports never living with partner.	29	33.7	44	2	20.0	5
Was your partner unemployed the year before the killing?	80	63.5	4	5	35.7	1
Did your partner ever use a weapon against you or threaten you with a weapon?	70	57.4	43	0	0.0	0
If yes, was that weapon a gun?	43	42.2	28	2	18.2	4
Did your partner threaten to kill you in the year before the killing?	59	48.8	9	1	7.1	1
Did your partner avoid being arrested for domestic violence in the year before the killing?	67	57.8	14	2	14.3	1
Narrative respondents who said they had a child that was not their partner's biological child	1	NA	111	0	NA	15
Did your partner ever force you to have sex when you did not want to?	71	58.2	8	0	0.0	4
Did your partner ever try to choke or strangle you or cut off your breathing?	83	68.0	8	0	0.0	1
If yes, did they do it more than once, or did it make you pass out, black out, or make you dizzy?	67	69.8	34	0	0.0	6
Did your partner use illegal drugs? By drugs, I mean "uppers", amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.	93	78.8	12	8	57.1	1
Was your partner an alcoholic or problem drinker?	67	55.8	10	5	35.7	1

Did your partner control most or all of your daily activities? For example, did your partner tell you who your friends can be, when you could see family, or how much money you could use?	88	70.4	5	4	28.6	1
Respondent reports partner try to control them, but respondent did not let them.	51	51.5	31	1	11.1	6
Was your partner violently and constantly jealous of you? For example, did your partner say: 'If I can't have you, no one can.'	93	76.9	9	5	35.7	1
Were you ever beaten or injured by your partner while you were pregnant?	35	28.7	8	1	7.1	1
Respondent reports never being pregnant with this partner or never pregnant at all.	54	55.1	32	1	11.1	6
Did your partner ever threaten or try to commit suicide?	51	43.6	13	4	28.6	1
Did your partner threaten to harm your children in the year before the killing?	20	16.7	10	0	0.0	1
Did you believe your partner was capable of killing you?	98	78.4	5	3	21.4	1
Did your partner follow or spy on you, leave threatening notes or messages, destroy your things, or call you when you did not want them to in the year before the killing?	88	71.5	7	1	7.1	1
<b>Danger Assessment for Immigrant Women Questions (Selected)</b>						
Did you feel ashamed of the things your partner did to you?	109	87.2	5	5	35.7	1
Did your partner ever threaten to report you to child protective services, immigration, police, or other authorities?	35	29.7	12	1	7.1	1
Did you hide the truth from others because you were afraid of your partner?	92	74.2	6	6	42.9	1
Did your partner prevent you from going to school, or getting job training, or working at a job, or learning English?	62	50.8	8	3	23.1	2

Note. IPV = Intimate partner violence. NA = Not applicable. Percentage excludes missing values. "No" responses not shown. \*Missing values are high because only respondents who self-identified the decedent as someone who ever hurt or abused them physically, sexually, or emotionally answered these questions.

# Endnotes

- 1 See, e.g., David Garland, *Introduction: The Meaning of Mass Imprisonment*, 3 PUNISHMENT & SOC'Y 5, 5 (2001) (using the term “mass imprisonment” to describe the rising rates of incarceration in American prisons and jails).
- 2 See NAT'L RSCH. COUNCIL, THE GROWTH OF INCARCERATION IN THE UNITED STATES 33 (Jeremy Travis et al eds., 2014).
- 3 E. ANN CARSON & RICH KLUCKOW, BUREAU OF JUST. STATS., U.S. DEP'T OF JUST., PRISONERS IN 2022—STATISTICAL TABLES 5 (2023), <https://perma.cc/GF35-A24Q>.
- 4 According to the Prison Policy Initiative, there are 1,071,000 people incarcerated in state prisoners, 550,000 people detained in local jails, and 208,000 people detained in federal jails and prisons as of March 2024. See Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2024*, PRISON POL'Y INITIATIVE (Mar. 14, 2024), <https://perma.cc/WZ79-4FZL>.
- 5 The only countries with higher rates of incarceration are El Salvador, Cuba, Rwanda, and Turkmenistan. See *Highest to Lowest—Prison Population Rate*, WORLD PRISON BRIEF, <https://perma.cc/KY5V-CPSR> (last visited June 24, 2024).
- 6 Aleks Kajstura & Wendy Sawyer, *Women's Mass Incarceration: The Whole Pie 2024*, PRISON POL'Y INITIATIVE (MAR. 5, 2024), <https://perma.cc/3MCY-VKLP>. Although this study focuses on women, it is important to note that the vast majority of people arrested for homicide in California are men, and most of the people incarcerated in California are men. ROB BONTA, ATT'Y GEN., HOMICIDE IN CALIFORNIA: 2022, at 2 (2023) (“89.1 percent of homicide arrestees were male [in 2022].”); *id.* at 35 tbl.27; DIV. OF CORR. POL'Y RSCH. & INTERNAL OVERSIGHT, OFF. OF RSCH., CAL. DEP'T CORR. & REHAB., OFFENDER DATA POINTS: OFFENDER DEMOGRAPHICS FOR THE 24-MONTH PERIOD ENDING DECEMBER 2019, at 4 tbl.1.4 (2020) (showing that 95.5% of the CDCR population is male). Men are also “far more likely” than women to be the victims of homicide offenses. *E.g.*, James Alan Fox & Emma E. Fridel, *Gender Differences in Patterns and Trends in U.S. Homicide, 1976–2015*, at 4 VIOLENCE & Gender 37, 39 (2017).
- 7 CARSON & KLUCKOW, note 3, above, at 7.
- 8 ZHEN ZENG, BUREAU OF JUST. STATS., U.S. DEP'T OF JUST., JAIL INMATES IN 2022—STATISTICAL TABLES 3 (2023), <https://perma.cc/6W6S-YRQN>.
- 9 CARSON & KLUCKOW, above note 3, at 5.
- 10 Michal Buchhandler-Raphael, *Survivor Homicide*, 44 CARDOZO L. REV. 1673, 1678 (2023).
- 11 See, e.g., AYA GRUBER, THE FEMINIST WAR ON CRIME: THE UNEXPECTED ROLE OF WOMEN'S LIBERATION IN MASS INCARCERATION 6–7 (2020); Leigh Goodmark, *Should Domestic Violence Be Decriminalized?*, 40 HARV. J. L. & GENDER 53, 61–65, 111–13 (2017).
- 12 See generally, e.g., Aya Gruber, A “Neo-Feminist” Assessment of Rape and Domestic Violence Law Reform, 15 J. GENDER, RACE & JUST. 583 (2012); Leigh Goodmark, *Autonomy Feminism: An Anti-Essentialist Critique of Mandatory Interventions in Domestic Violence Cases*, 37 FLA. ST. U. L. REV. 1 (2009).

- 13 Buchhandler-Raphael, above note 10, at 1679–80.
- 14 *Id.* at 1680. For example, states such as New York have passed Domestic Violence Survivor Justice Acts (DJVSA), but these laws are fairly narrow in how they prescribe relief. See, e.g., N.Y. CRIM. PROC. LAW § 440.47(1) (West 2019).
- 15 See, e.g., Michael O’Hear & Darren Wheelock, *Life “With” or “Without”? An Empirical Study of Homicide Sentencing*, 18 J. EMPIRICAL LEGAL STUDS. 377, 383 (2021) (finding that “female defendants are less likely to receive the death penalty than are male defendants in cases that otherwise appear similar”); *id.* at 384 (finding that a defendant is more likely to receive a death sentence if the homicide victim is female). Scholars have also found demographic differences between men and women who commit homicide: Although both men and women who commit homicide tend to do so as younger adults, this trend is more pronounced among male perpetrators of homicide offenses than their female counterparts, as there is a greater percentage of women who commit murder in middle age than similarly situated men. Fox & Fridel, above note 6, at 39. Finally, scholars have investigated how the circumstances of homicide differ by the perpetrator’s gender. Men are more likely to use guns to perpetrate homicide than women, and women are more likely than men to use knives or weapons other than knives or guns. *Id.* at 40 tbl.3.
- 16 For an excellent report on the abuse-to-prison pipeline, see ALISA BIERRIA & COLBY LENZ, *SURVIVED & PUNISHED, DEFENDING SELF-DEFENSE* (2022), <https://perma.cc/FJ64-5ENL>.
- 17 See CARSON & KLUCKOW, above note 3, at 7 tbl.2.
- 18 91,972 people were incarcerated in the 33 institutions as of March 31, 2024. DIV. OF CORR. POL’Y RSCH. & INTERNAL OVERSIGHT, CAL. DEP’T OF CORR. & REHAB., MONTHLY REPORT OF POPULATION AS OF MIDNIGHT, MARCH 31, 2024, at 1 (2024), <https://perma.cc/KPS6-VUAL>. For a list of correctional institutions, see *List of Adult Institutions*, CAL. DEP’T OF CORR. & REHAB., <https://perma.cc/X7MM-WWSL> (last visited June 24, 2024).
- 19 See DIV. OF CORR. POL’Y RSCH. & INTERNAL OVERSIGHT, CAL. DEP’T OF CORR. & REHAB., above note 6, at 2.
- 20 In response to a public records request, the California Department of Corrections and Rehabilitation reported on November 10, 2020, that 1,178 females were incarcerated and in CDCR custody. E-mail from Office of Research, California Department of Corrections and Rehabilitation, to Debbie Mukamal (Nov. 10, 2020) (on file with author).
- 21 *QuickFacts: California*, U.S. CENSUS BUREAU, <https://perma.cc/7PG9-858P> (last visited June 24, 2024).
- 22 *Offender Data Points*, CAL. DEP’T OF CORR. & REHAB., <https://public.tableau.com/app/profile/cdcr.or/viz/OffenderDataPoints/SummaryInCustodyandParole> (last visited June 24, 2024) (choose “Data Sources” from the menu; then choose “Parole by Ethnicity” from the menu; then select “Female” on the left-hand side).
- 23 *QuickFacts: California*, above note 21.
- 24 *Offender Data Points*, above note 22 (choose “Data Sources” from the menu; then choose “In-Custody by Ethnicity” from the menu; then select “Female” on the left-hand side).

- 25 *Id.*
- 26 Folsom Women’s Facility is the third and smallest prison for women within CDCR. It is part of Folsom State Prison and houses individuals under medium and minimum security.
- 27 CAL. EVID. CODE § 1107 (West 2023).
- 28 See CAL. CODE REGS. tit. 15, §§ 2000(b), 2281(d)(5). Specifically, section 2281(d)(5) of the California Regulatory Code states: “Battered Woman Syndrome. At the time of the commission of the crime, the prisoner suffered from Battered Woman Syndrome, as defined in section 2000(b), and it appears the criminal behavior was the result of that victimization.” In this report, we opt not to use the term “Battered Woman Syndrome (BWS)” because it is believed by experts and advocates to be an inadequate articulation of the experiences of IPV survivors. In California, BWS it has been largely replaced with the California Penal Code’s “intimate partner battering and its effects” language despite its persistence in the Code of Regulations. For additional discussion of the shortcomings of BWS, see MARY ANN DUTTON, SUE OSTHOFF & MELISSA DICHTER, NAT’L ONLINE RES. CTR. ON VIOLENCE AGAINST WOMEN, UPDATE OF THE “BATTERED WOMAN SYNDROME” CRITIQUE (2009).
- 29 See, e.g., SHANA AGID ET AL., THE CR ABOLITION ORGANIZING TOOLKIT 39 (2004).
- 30 Eddie Ellis, Founder, Ctr. Leadership on Urb. Sols., An Open Letter to Our Friends on the Question of Language (2007), <https://perma.cc/HME7-A5YT>.
- 31 LAUREN COURTNEY ET AL.; GREAT WEIGHT: A REVIEW OF CALIFORNIA BOARD OF PAROLE HEARING TRANSCRIPTS TO ASSESS FREQUENCY AND CONSIDERATION OF INTIMATE PARTNER VIOLENCE AMONG WOMEN CONVICTED OF HOMICIDE OFFENSES 6 (2023).
- 32 *Id.*
- 33 Joan Tu & Brian Penti, *How We Talk About “Perpetration of Intimate Partner Violence” Matters*, 33 J. AM. BD. FAM. MED. 809, 810 (2020). Tu and Penti recommend using a “people who x” phrasing, which uses specific behaviors or describes “what happened,” as a less alienating way to describe interpersonal violence than terms like “perpetrator, abuser, batterer, [or] rapist.” *Id.* at 810-11 (emphasis omitted).
- 34 Linda Coates & Allan Wade, *Language and Violence: Analysis of Four Discursive Operations*, 22 J. FAM. VIOLENCE 511, 514 (2007).
- 35 Buchhandler-Rapahel proposes the term “survival homicide” to describe homicide cases in which “survivors of substantial and repeated domestic abuse kill abusive intimate partners or other abusive family members in circumstances where the abuse significantly contributed to their act.” See Buchhandler-Raphael, above note 10, at 1673.
- 36 See *Intimate Partner Violence*, WORLD HEALTH ORG., <https://perma.cc/V98X-PCS7> (last visited June 25, 2024).
- 37 Shane P.D. Jack et al., *Surveillance for Violent Deaths—National Violent Death Reporting System, 27 States, 2015*, MORBIDITY & MORTALITY WKLY. REP. Sept. 28, 2018, at 1, 8.
- 38 Aaron J. Kivisto, *Male Perpetrators of Intimate Partner Homicide: A Review and Proposed Typology*, 43 J. AM. ACAD. PSYCHIATRY & L. 300, 300 (2015).

- 39 Fox & Fridel, above note 6, at 39; Jack et al., above note 37, at 8.
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- 148 Orchowski et al., above note 138, at 3535–36.
- 149 *Id.*
- 150 Sarah R. Robinson, Kristen Ravi & Rachel J. Voth Schrag, *A Systemtic Review of Barriers to Formal Help Seeking for Adult Survivors of IPV in the United States, 2005–2019*, 22 TRAUMA, VIOLENCE, & ABUSE 1279, 1281, 1287 (2021).
- 151 See Elizabeth N. Wright et al., *Help-Seeking and Barriers to Care in Intimate Partner Sexual Violence: A Systematic Review*, 23 TRAUMA, VIOLENCE, & Abuse 1510, 1520–21 (2022).
- 152 Charvonne E. Holliday et al., *Racial/Ethnic Disparities in Police Reporting for Partner Violence in the National Crime Victimization Survey and Survivor-Led Interpretation*, 7 J. RACIAL & ETHNIC HEALTH DISPARITIES 468 (2020); see also Marsha E. Wolf et al., *Barriers to Seeking Police Help for Intimate Partner Violence*, J. FAM. VIOLENCE 121, 124 (2003).
- 153 Jeffrey Ackerman & Tony P. Love, *Ethnic Group Differences in Police Notification About Intimate Partner Violence*, 20 VIOLENCE AGAINST WOMEN 162, 180 (2014). This study also focused on women who experienced IPV. *Id.* at 170.
- 154 Holliday et al., above note 152.
- 155 Augustyn & Willyard, above note 138, at NP1080–81.
- 156 Athena D. F. Sherman et al., *Approach and Avoidant Coping Among Black Transgender Women Who Have Experienced Violence: A Qualitative Analysis*, 19 PSYCH. SERVS. 45, 49 (2021).



- 157 See, e.g., MEG TOWNSEND ET AL., U.S. DEP'T OF JUST., LAW ENFORCEMENT RESPONSE TO EMERGENCY DOMESTIC VIOLENCE CALLS FOR SERVICE 7 (2005); TRUMAN & MORGAN, above note 99, at 9. For further findings regarding survivors' reporting to law enforcement, see, for example, SHANNAN CATALANO ET AL., BUREAU OF JUST. STATS., U.S. DEP'T OF JUST., FEMALE VICTIMS OF VIOLENCE (2009).
- 158 Garza et al., above note 108, at NP18793–94; Crenshaw, above note 108, at 1253, 1257–58; Michele R. Decker et al., “You Do Not Think of Me as a Human Being”: Race and Gender Inequities Intersect to Discourage Police Reporting of Violence against Women, 96 J. URB. HEALTH 772, 773, 780 (2019); Sherry Lipsky et al., *The Role of Intimate Partner Violence, Race, and Ethnicity in Help-Seeking Behaviors*, 11 ETHNICITY & HEALTH 81, 83 (2006); Lee & Hadeed, above note 108, at 145 tbl.1, 147; Bushra Sabri et al., *Cumulative Violence Exposures: Black Women's Responses and Sources of Strength*, 31 SOC. WORK PUB HEALTH 127, 137 (2016).
- 159 Michele R. Decker et al., above note 158, at 773; see also Mimi E. Kim, *From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration*, 27 J. ETHNIC & CULTURAL DIVERSITY IN SOC. WORK 219, 219–20, 223–24 (2018). For an illustration of the disparate impact Black female IPV survivors face, see generally BETH E. RICHIE, *ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION* (2012).
- 160 Holliday et al., above note 152; Ackerman & Love, above note 153, at 175; Ráchael A. Powers & Kacy Bleeker, *Self-Defense and Police Reporting of Intimate Partner Violent Victimization: A Comparison of White, Black, and Hispanic Women Victims*, 38 J. INTERPERSONAL VIOLENCE NP4189, NP4193 (2023). But see Powers & Bleeker, above, at NP4201 (finding no significant difference between Black and Hispanic survivors' reporting rates).
- 161 Research preceding the enactment of many mandatory arrest laws often found underenforcement, often because DV and IPV were not considered to be criminal activity. E.g., Scott W. Phillips & James J. Sobol, *Twenty Years of Mandatory Arrest: Police Decision Making in the Face of Legal Requirements*, 21 CRIM. JUST. POL'Y REV. 98, 98 (2010) (“Prior to mandatory arrest legislation . . . police took a position of ‘underenforcement’ because domestic violence was not considered criminal.” (citation omitted)); Susan J. Hope et al., *Mandatory Arrest for Domestic Violence and Repeat Offending: A Meta-Analysis*, 53 AGGRESSION & VIOLENT BEHAV., May 4, 2020, at 1, 1. Although researchers have found that mandatory arrest laws increase the risk of arrest in cases of reported domestic violence, the arrest rate in jurisdictions with mandatory arrest policies is not very high. See, e.g., David Hirschel et al., *Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions?*, 98 J. CRIM. L. & CRIMINOLOGY 255, 257–58 (2007) (finding arrest rates of 30% or higher after mandatory arrest laws, compared to rates ranging from 7% to 15% under pre-mandatory arrest regimes); David Eitle, *The Influence of Mandatory Arrest Policies, Police Organizational Characteristics, and Situational Variables on the Probability of Arrest in Domestic Violence Cases*, 51 CRIME & DELINQ. 573, 591 (2005) (finding an arrest rate of 50% in jurisdictions with mandatory arrest policies); Amanda L. Robinson, *The Effect of a*

*Domestic Violence Policy Change on Police Officers' Schemata*, 27 CRIM. JUST. & BEHAV. 600, 619 (2000) (finding arrest rates of 33% and 36%, respectively, prior to and after policy changes to mandatory arrest laws); cf. MELISSA S. MORABITO, LINDA M. WILLIAMS & APRIL PATTAVINA, DECISION MAKING IN SEXUAL ASSAULT CASES: REPLICATION RESEARCH ON SEXUAL VIOLENCE CASE ATTRITION IN THE U.S. 106–08 (2019) (finding that reports of sexual assault are “unlikely to end in arrest[s]” and discussing the factors associated with stronger probability of arrest).

162 Allison Ward-Lasher et al., *The Association Between Homicide Risk and Intimate Partner Violence Arrest*, 14 POLICING 228, 235 tbl.1 (2018).

163 Vito Nicholas Ciraco, Note, *Fighting Domestic Violence with Mandatory Arrest, Are We Winning?: An Analysis in New Jersey*, 22 WOMEN’S RTS L. REP. 169, 170 (2001); Amy M. Zelcer, *Battling Domestic Violence: Replacing Mandatory Arrest Laws with a Trifecta of Preferential Arrest, Officer Education, and Batterer Treatment Programs*, 51 AM. CRIM. L. REV. 541, 545–46 (2014); see also April M. Zeoli, Alex Norris & Hannah Brenner, *Mandatory, Preferred, or Discretionary: How Classification of Domestic Violence Warrantless Arrest Laws Impacts Their Estimated Effects on Intimate Partner Homicide*, 35 EVALUATION REV. 129, 131 (2011) (discussing three types of “DV warrantless arrest laws”: fully discretionary laws, laws indicating a preference for arrests, and laws providing little-to-no police discretion). For examples of mandatory and preferred arrest laws, see Hirschel et al., above note 161, at 266–69 & tbls.1 & 2.

However, the Supreme Court’s decision in *Town of Castle Rock v. Gonzales*, indicates

that these “mandatory” arrest laws are essentially discretionary, which likely reduces the efficacy and deterrent effect of such statutes. 545 U.S. 748, 760–61 (2005) (discussing the “well established tradition of police discretion” and finding that police officers retain discretion to arrest notwithstanding the “shall arrest” language of a state DV mandatory arrest statute). California has a mandatory arrest law. See CAL. PENAL CODE § 13701 (West 2022).

164 Hirschel et al., above note 161, at 265; see also DAVID HIRSCHHEL, DOMESTIC VIOLENCE CASES: WHAT RESEARCH SHOWS ABOUT ARREST AND DUAL ARREST RATES 22–23 tbl.3, 19–20 tbl.1, 21 tbl.2 (2008).

165 See, e.g., Powers & Bleeker, above note 160, at NP4191.

166 See above note 161.

167 See Meghan Boone, *Perverse & Irrational*, 16 HARV. L. & POL’Y REV. 393, 438 (2022).

168 See, e.g., Susan J. Hoppe et al., *Mandatory Arrest for Domestic Violence and Repeat Offending: A Meta-Analysis*, AGGRESSION & VIOLENT BEHAV., July–Aug. 2020, at 1, 7; Xie & Lynch, above note 142, at 358.

169 Zelcer, above note 163, at 548–50; see also Alexandra Pavlidakis, *Mandatory Arrest: Past Its Prime*, 49 SANTA CLARA L. REV. 1201, 1204 (2009) (“Mandatory arrest also reinforces the view that a woman cannot make her own life decisions and that the state knows what is best for her. By requiring the police to make an arrest, these laws imply that women lack the ability to appropriately respond to their abuse.” (footnote omitted)); *id.* at 1212–13.

170 Pavlidakis, above note 169, at 1214; see also Radha Iyengar, *Does the Certainty of Arrest Reduce Domestic Violence? Evidence from*

- Mandatory and Recommended Arrest Laws*, 93 J. PUB. ECON. 85, 85 (2009) (finding an increase in IPHs by approximately 60% in states with mandatory arrest laws).
- 171 *E.g.*, Yoo-Mi Chin & Scott Cunningham, *Revisiting the Effect of Warrantless Domestic Violence Arrest Laws on Intimate Partner Homicides*, J. PUB. ECON., Nov. 2019, at 1, 4 (failing to find that mandatory arrest laws increase rates of IPH).
- 172 *E.g.*, Hoppe et al., above note 168, at 2; Zeoli et al., above note 163, at 130. The Violence Against Women Act (VAWA), passed in 1994, also suggested that states implement mandatory arrest laws. See Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, tit. IV, 108 Stat. 1902 (1994) (codified in scattered sections of 8, 16, 28, and 42 U.S.C.); Boone, above note 167, at 437.
- 173 *E.g.*, Zeoli et al., above note 163, at 132; Pavlidakis, above note 169, at 1204 (noting that police arrest survivors who fight their abusers back). *But see* Hirschel et al., above note 161, at 284 (finding that mandatory arrest laws “do not significant increase the log-odds of females being arrested”).
- 174 Magdelene Thebaud & Jin Kim, *Intimate Partner Homicides: Has the Increase in Mandatory Arrest Laws Been Counterintuitive for the Very People They Were Set Out to Protect?*, JHU MACKSEY J., Sept. 1, 2020, at 1, 7; Sarah Deer & Abigail Barefoot, *The Limits of the State: Feminist Perspectives on Carceral Logic, Restorative Justice and Sexual Violence*, 28 KAN. J.L. & PUB. POL’Y 505, 511–12 (2019).
- 175 See Inès Zamouri, *Self-Defense, Responsibility, and Punishment: Rethinking the Criminalization of Women Who Kill Their Abusive Intimate Partners*, 30 UCLA J. GENDER & L. 203, 242 (2023); Pavlidakis, above note 169, at 1204.
- 176 Typically, prosecutors file a murder charge in the felony complaint and the information. In such cases, the trial court will instruct the jury on both first- and second-degree murder. If there is substantial evidence of provocation or heat of passion, or the defense raises an imperfect self-defense claim, the court will instruct on manslaughter as a lesser included offense. See, e.g., JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTIONS 505 (2024). Sometimes, however, a prosecutor will charge only second-degree murder or manslaughter (voluntary or involuntary).
- 177 Compare CAL. PENAL CODE § 187, with *id.* § 192.
- 178 *Id.* § 192.
- 179 Compare *id.* §§ 190, 190.1, and 190.5 (describing sentence lengths for murder convictions), with *id.* § 193 (describing sentence lengths for various levels of manslaughter convictions).
- 180 *Id.* § 187. Despite the language of “fetus,” abortions are not considered murder in the State of California. See *id.* § 187(b).
- 181 *Id.* § 188(a).
- 182 *Id.* § 189.
- 183 California recently changed its felony-murder rule. See below notes 221–22. Today, a defendant cannot be convicted for felony murder unless one of the following is true: (1) she was the actual killer; (2) acting with intent to kill, she aided and abetted the actual killer in the commission of a first-degree murder; or (3) acting with reckless indifference to human life, she was a major participant in the

- underlying predicate felony offense. CAL. PENAL CODE § 189(e); see *also* *People v. Wilson*, 14 Cal. 5th 839, 868-69 (2023). *But* see CAL. PENAL CODE § 189(f) (explaining that this rule does not apply to the killing of a peace officer if “the defendant knew or reasonably should have known that the victim was a peace officer engaged in the performance of the peace officer’s duties”). Therefore, to convict a defendant who was not the actual killer under the felony-murder rule, a prosecutor must prove beyond a reasonable doubt (1) the defendant knew what the actual killer was going to do; (2) the defendant had an intent or purpose to aid and abet the actual killer; and (3) the defendant’s act(s) “aid[ed], facilitate[d], promote[d], encourage[d], or instigate[d] the perpetrator’s commission of the crime.” JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTIONS 401 (2024); see *also* *People v. Curiel*, 15 Cal. 5th 433, 466 (2023). Prior to 2018, a defendant could be convicted under the felony-murder rule if an individual dies during the course of any predicate felony in which the defendant participates—even if the defendant had no intent to kill or was unaware that a homicide occurred. See, e.g., CAL. PENAL CODE § 189 (2017); Jazmine Ulloa, *California Sets New Limits on Who Can Be Charged with Felony Murder*, L.A. TIMES (Sept. 30, 2018), <https://perma.cc/R4FH-4LBA>.
- 184 CAL. PENAL CODE § 189(e). There is an exception for the felony-murder rule provided in § 189(f), wherein the homicide victim is a peace officer killed in the course of his duties, and the defendant knew or should have known that the victim was a peace officer engaged in such duties. Researchers have found that “[m]en have a greater proportionate involvement in felony murder” than women, and although “there is only a marginal difference” in men and women’s involvement in “partner or team killings,” women are typically involved in these killings “as a subordinate accomplice of their husbands or boyfriends.” Fox & Fridel, above note 6, at 41.
- 185 CAL. PENAL CODE § 190(a).
- 186 *Id.* § 190.2(a). See *also* DANIEL TRAUTFIELD, UCLA CTR. FOR THE STUDY OF WOMEN, LIFE WITHOUT PAROLE AND FELONY MURDER SENTENCING IN CALIFORNIA 4 (2023).
- 187 CAL. PENAL CODE § 190.2(a)(2).
- 188 *Id.* §§ 190.2(a)(7)–(8).
- 189 *Id.* § 190.2(a)(17). Notably, these “special” circumstances “overlap almost entirely with the category of first-degree murder,” with the most overlap occurring in the category of felony-murder. TRAUTFIELD, above note 186, at 4-5; see *also id.* at 7 (finding that the felony-murder special circumstance, CAL. PENAL CODE § 190.2(a)(17), was used in 52% of all California state cases resulting in an LWOP sentence between 1978 and 2021). Accordingly, most people convicted of first-degree murder in California are eligible for an LWOP or death sentence. *Id.* at 5. Researchers have also found that the felony-murder special circumstance is disproportionately used against Black individuals. *Id.* at 8 (finding that despite constituting 5% of California’s population, Black individuals accounted for nearly 43% of those convicted with felony murder); *id.* at 9 (“In fact, almost half of people who were sentenced to LWOP through felony murder for offenses that took place when they were under the age of 21 are Black.”). The special circumstance provision can only be applied to an individual’s sentence if the prosecutor raises the issue, and, upon

- finding the defendant guilty of first-degree murder, the trier of fact makes a separate “special finding” for each alleged special circumstance, based on evidence from trial or a special § 190.1(b) hearing. CAL. PENAL CODE §§ 190.2(2), 190.4. In addition to convicting a defendant for first-degree murder, the jury must also determine whether the allegation of the “special circumstance” is “true” beyond a reasonable doubt. *Id.* § 190.4; see also JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTION 700 (2024).
- 190 CAL. DEP’T CORR. & REHAB, *Condemned Inmate Summary*, <https://perma.cc/WKB7-CJ78> (last visited June 27, 2024). Eleven of these women are white, two are Black, four are Mexican, one is Hispanic, and two are Asian. *Id.*
- 191 CAL. DEP’T CORR. & REHAB., *Offender Data Points: In-Custody Sentence Type Source Data*, <https://public.tableau.com/app/profile/cdcr.or/viz/OffenderDataPoints/SummaryInCustodyandParole> (last visited June 27, 2024) (choose “Data Sources”; then choose “In-Custody by Sentence Type”; then select “Female” in the left-hand menu).
- 192 CAL. PENAL CODE § 189(b).
- 193 A third classification of second-degree murder—second-degree felony murder, defined as a killing directly resulting from certain felony offenses—appears to have been abrogated by the 2019 amendment to California Penal Code § 188, which precludes the imputation of malice based on an individual’s participation in a crime. CAL. PENAL CODE § 188(a)(3); *In re White*, 34 Cal. App. 5th 933, 937 n.2 (Ct. App. 2019) (“The amendments to sections 188 and 189 together change the felony murder rules and the ‘natural and probable consequences theory’ when convicting a participant in a felony for murder, who did not actually kill the victim. . . . [E]ffective January 1, 2019, the second degree felony-murder rule in California is eliminated.”). The California Penal Code also provides for post-conviction relief for individuals who were convicted under the second-degree felony-murder rule before the 2019 amendment went into effect. See CAL. PENAL CODE § 1172.6.
- 194 See 1 B.E. WITKIN, CALIFORNIA CRIMINAL LAW § 185(2) (4th ed. West 2023) (explaining that a second-degree murder conviction is “proper” if the prosecution proves “death by criminal means,” identifies the defendant as the perpetrator, but fails to offer direct or circumstantial evidence showing premeditation or an enumerated felony; or if the defense fails to meet their burden to show mitigation).
- 195 *People v. Swain*, 909 P.2d 994, 998 (Cal. 1996); *People v. Wilson*, 484 P.3d 36, 64 (Cal. 2021) (“Both first and second degree murder require proof of an unlawful killing with malice aforethought, but only the former requires evidence of willfulness, premeditation, or deliberation.”); see also JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTIONS 520 (2024). California courts have concluded that there is sufficient evidence to imply malice in cases, such as *People v. Watson*, 637 P.2d 279 (Cal. 1981), where the defendant was legally intoxicated, was aware of the dangers of driving while intoxicated, and while intoxicated drove at excessively high speeds in streets—even after nearly hitting another vehicle stopped at a red light—then proceeded to collide with a vehicle containing a driver and her young child.
- 196 *Swain*, 909 P.2d at 998; JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTIONS



- 520 (2024) (defining implied malice as an intentional action or failure to act, where “[t]he natural and probable consequences of the (act/ [or] failure to act) were dangerous to human life in that the (act/ [or] failure to act) involved a high degree of probability that it would result in death,” and at the time of the offense the defendant knew their “(act/ [or] failure to act) was dangerous to human life.”)
- 197 CAL. PENAL CODE § 190(b).
- 198 *Id.* §§ 190(b)–(c) (prescribing sentence length of twenty-five years or LWOP, depending on the circumstances of the crime).
- 199 *Id.* § 190(d).
- 200 *Id.* § 192.
- 201 *Id.*
- 202 *Id.* § 192(a); *Ortiz v. Garland*, 25 F.4th 1223, 1226 (9th Cir. 2022) (“The California Supreme Court . . . has construed the voluntary manslaughter statute as requiring some form of culpable mental state—an intent to kill or a conscious disregard for life.” (citing *People v. Bryant*, 301 P.3d 1136, 1141 (Cal. 2013)); *People v. Wynn*, 257 Cal. App. 2d 664, 670 (Ct. App. 1968) (“Voluntary manslaughter is a willful act, characterized by the presence of an intent to kill engendered by sufficient provocation and by the absence of premeditation, deliberation and (by presumption of law) malice aforethought.” (quoting *People v. Bridgehouse*, 303 P.2d 1018, 1022 (Cal. 1956)).
- 203 *E.g.*, *People v. Elmore*, 325 P.3d 951, 957 (Cal. 2014); *People v. Bryant*, 301 P.3d 1136, 1141 (Cal. 2013).
- 204 *Elmore*, 325 P.3d at 957.
- 205 *Ortiz*, 25 F.4th at 1227 (citing *Bryant*, 301 P.3d at 1141)).
- 206 *Id.*
- 207 CAL. PENAL CODE § 193(a). Unless otherwise provided, the term “imprisonment” means imprisonment in state prison.
- 208 Antonia Elise Miller, Note, *Inherent (Gender) Unreasonableness of the Concept of Reasonableness in the Context of Manslaughter Committed in the Heat of Passion*, 17 WM. & MARY J. RACE, GENDER, & SOC. JUST. 249, 254 (2010).
- 209 *Id.* at 256.
- 210 Emily L. Miller, *(Wo)manslaughter: Voluntary Manslaughter, Gender, and the Model Penal Code*, 50 EMORY L.J. 665, 667 (2001); see also Donna K. Coker, *Heat of Passion and Wife Killing: Men Who Batter/Men Who Kill*, 2 S CAL. REV. L. & WOMEN’S STUDS. 71, 80 (1992) (“[O]ne of the earliest cases to delineate the various forms of ‘adequate provocation’ notes that adultery is the ‘highest invasion of property’ and thus represents the ‘highest’ form of provocation.” (quoting *Regina v. Mawgridge*, 84 Eng. Rep. 1107, 1115 (1707))).
- 211 Miller, above note 210, at 673.
- 212 Miller, above note 208, at 258.
- 213 Joshua Dressler, *Rethinking Heat of Passion: A Defense in Search of a Rationale*, 73 J. CRIM. L. & CRIMINOLOGY 421, 422–23 (1982)
- 214 Miller, above note 208, at 257; see also Alena M. Allen, *The Emotional Woman*, 99 N.C. L. REV. 1027, 1055 (2021).
- 215 *E.g.*, *People v. Parras*, 152 Cal. App. 4th 219, 227 (Ct. App. 2007). This can occur in the commission of an unlawful but non-felonious act, or from the defendant’s commission of “a lawful act which might produce death, in an unlawful manner, or without due caution and

circumspection”—other than acts committed while driving a vehicle. CAL. PENAL CODE § 192(b). Involuntary manslaughter is not a lesser-included offense of voluntary manslaughter, but it is a lesser-included offense of murder. *People v. Orr*, 22 Cal. App. 4th 780, 784 (Ct. App. 1994) (explaining that the term “unlawful” takes on different meanings in the definitions of voluntary and involuntary manslaughter such that the latter is not a subset of the former).

Vehicular manslaughter is defined separately as a killing that occurs while driving a vehicle in certain circumstances. The three types of vehicular manslaughter are gross vehicular manslaughter, misdemeanor vehicular manslaughter, and vehicular manslaughter for financial gain. 1 B.E. WITKIN, above note 194, § 262. First, gross vehicular manslaughter is a killing that occurs during the commission “of an unlawful act, not amounting to a felony, and with gross negligence,” or “in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence,” when the individual was not intoxicated by drugs or alcohol. CAL. PENAL CODE § 192(c) (1). Gross vehicular manslaughter carries a term of imprisonment in county jail for less than a year or imprisonment in state jail for two, four, or six years. *Id.* § 193(c)(1). However, if the individual was intoxicated, the proper offense is gross vehicular manslaughter while intoxicated, which carries a sentence of four, six, or 10 years. *Id.* § 191.5. Second, misdemeanor vehicular manslaughter is a killing that involves the same conduct as gross vehicular manslaughter, but there is no gross negligence requirement, and it is punishable by imprisonment in county jail for up to one year. *Id.* §§ 192(c)(2), 193(c) (2). Third, vehicular manslaughter for

financial gain is a vehicular collision that “was knowingly caused for financial gain and proximately resulted in the death of any person,” which is subject to a term of imprisonment in state prison for four, six, or 10 years. *Id.* §§ 192(c)(3), 193(c)(3).

216 CAL. PENAL CODE § 193(b).

217 *Id.* § 31.

218 *Id.*

219 *People v. Sattiewhite*, 328 P.3d 1, 23 (Cal. 2014) (citation omitted).

220 *Id.*; *People v. Rolon*, 160 Cal. App. 4th 1206, 1212 (Ct. App. 2008).

221 CAL. PENAL CODE § 188(a) (amended as of Sept. 30, 2018); S.B. 1437 (Cal. 2018); see also *People v. Curiel*, 15 Cal. 5th 433, 462 (2023) (“[S.B. 1437] eliminated the doctrine of natural and probable consequences in its entirety . . . .”); above notes 183, 185.

222 S.B. 775 (Cal. 2021). Both the 2018 and 2021 legislation permit individuals who were previously convicted under the natural and probable consequences theory to seek vacatur and resentencing. See *id.*; S.B. 1437 (Cal. 2018). As a result, many resentencing petitions have been cases in which the court instructed the jury on this theory of liability; however, almost all of these petitions did not involve survivor-defendants.

223 CAL. PENAL CODE § 11165.2(a); see also *id.* § 11165.3.

224 Jeanne A. Fugate, *Who’s Failing Whom? A Critical Look at Failure-to-Protect Laws*, 76 N.Y.U. L. REV. 272, 279 (2001).

225 160 Cal. App. 4th 1206 (Ct. App. 2008).

226 *Id.* at 1219.



- 227 Edith Crumb & Amy Griffith Taylor, *Children, Unintentional Injuries, and Homicide*, in CHILDREN’S ENCOUNTERS WITH DEATH, BEREAVEMENT, AND COPING 109, 123 (Charles A. Corr & David E. Balk eds., 2010).
- 228 James E. McCarroll et al., *Characteristics, Classification, and Prevention of Child Maltreatment Fatalities*, 182 MIL. MED. e1551, e1553 (2017).
- 229 CAL. PENAL CODE § 273a(a).
- 230 Potter v. Hornbeak, No. 08-cv-001174, 2011 WL 306180, at \*1 (E.D. Cal. Jan. 27, 2011) (denying habeas petition where mother was convicted under § 273a(a) for starvation and abuse of 12-year-old child); *In re* E.D., 2011 WL 2412585, at \*1 (Cal. Ct. App. June 16, 2011) (discussing a charge under § 273a(a) for willfully causing great bodily harm when mother “systematically starved” child).
- 231 Sky N. v. Becerra, No. 21-cv-00507, 2021 WL 3744383, at \*3 (C.D. Cal. June 22, 2021) (denying habeas petition for defendant convicted under § 273a(b), but originally charged under § 273a(a), for leaving a crying young child in a locked car); People v. Dominguez, No. D082713, 2024 WL 2309213, at \*3 (Cal. Ct. App. May 22, 2024) (affirming a child abuse conviction under § 273a(b), which was originally charged under § 273a(a), for acts including defendant leaving his eight-year-old daughter in a hot car or unsecured in a car).
- 232 People v. Dhillon, No. F082484, 2023 WL 2183672, at \*1 (Cal. Ct. App. Feb. 23, 2023) (affirming murder charge, under § 187, for drowning her grandson); People v. Hallock, 2019 WL 4565539, at \*6 (Cal. Ct. App. Sept. 20, 2019) (finding no issue with jury instructions on § 273a(a) when defendant did not dispute that she left her baby alone in a bathtub or that her conduct caused the baby to drown).
- 233 People v. Latham, 203 Cal. App. 4th 319, 321 (Ct. App. 2012) (affirming second-degree murder conviction when defendant did not obtain medical treatment for 17-year-old with type 1 diabetes).
- 234 People v. Pineada, No. B309607, 2021 WL 5351755, at \*1, 7 (Cal. Ct. App. Nov. 17, 2021) (affirming, among other charges, a § 273a(a) charge for setting house on fire because three of the defendant’s step-siblings were home when he set fire to the house in a suicide attempt); People v. Gomez, 2010 WL 3915009, at \*3–4 (Cal. Ct. App. Oct. 7, 2010) (affirming § 273a(a) conviction when defendant set his bedroom on fire when his girlfriend and her three daughters—two of whom were minors—were present).
- 235 CAL. PENAL CODE § 199.
- 236 *Id.* §§ 197(1), (3).
- 237 *Id.* § 197(2). Homicide is also justified when it is committed, “by lawful ways and means,” to apprehend a person committing a felony, to suppress a riot, or to lawfully keep and preserve the peace. *Id.* § 197(4).
- 238 *Id.* § 198. Similarly, to establish a defense of another claim, the defendant must show that she believed that another person faced imminent death or grave injury, and that her belief was objectively reasonable under the circumstances.
- 239 People v. Aris, 215 Cal. App. 3d 1178, 1187 (Ct. App. 1989) (quoting WEST’S COMM. ON CAL. CRIM. JURY INSTRUCTIONS, CALIFORNIA JURY INSTRUCTIONS 5.17 (1989)).

- 240 *People v. Breverman*, 960 P.2d 1094, 1102 (Cal. 1998); see *also* JUD. COUNCIL OF CAL., CRIM. JURY INSTRUCTIONS 505 bench note (2024); *People v. Fuentes-Ortiz*, 2004 WL 639850, at \*3 (Cal. Ct. App. Mar. 30, 2004) (“A trial court has no duty to instruct the jury on a defense unless it is supported by substantial evidence.”).
- 241 CAL. PENAL CODE § 198.5
- 242 *E.g.*, *People v. Nguyen*, 354 P.3d 90, 115–16 (Cal. 2015) (explaining that if an imperfect self-defense claim is established, the defendant “can be convicted of no crime greater than voluntary manslaughter” (quoting *In re Christian S.*, 872 P.2d 574, 575 (Cal. 1994)). Typically, if a court instructs the jury on perfect self-defense, as described in the text accompanying note 239, it will also instruct the jury on imperfect self-defense. See JUD. COUNCIL OF CAL., CRIM. JURY INSTRUCTIONS 505 bench note (2024).
- 243 *In re Nourn*, 52 Cal. Rptr. 3d 31, 56 (Ct. App. 2006). The California Supreme Court denied review and ordered that this decision be depublished in 2007.
- 244 *People v. Anderson*, 50 P.3d 368, 379 (Cal. 2002) (“[D]uress can, in effect, provide a defense to a murder on a felony-murder theory by negating the underlying felony.”); see *also* *People v. Coffman*, 96 P.3d 30, 105 n.31 (Cal. 2004); JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTIONS 3402, Bench Notes (2024) (explaining that if the defendant is charged with murder, the court should instruct “that the [duress] defense is not applicable,” but if the “defendant is charged with felony-murder,” the court “should instruct that the defense of duress does apply to the underlying felony”).
- 245 See, *e.g.*, *People v. Vang*, 82 Cal. App. 5th 64, 70 (Ct. App. 2022); see *also* above notes 221-22.
- 246 JUD. COUNCIL OF CAL., CRIM. JURY INSTRUCTIONS 3402 (2024). “Immediate” is a more restrictive term than “imminent,” which is used in self-defense cases. However, courts considering duress claims have used the term “imminent,” so this distinction may not be highly important anymore. See, *e.g.*, *In re Nourn*, 52 Cal. Rptr. 3d at 57.
- 247 JUD. COUNCIL OF CAL., CRIM. JURY INSTRUCTIONS 3402 (2024); see *also* *United States v. Lopez*, 913 F.3d 807, 821 (9th Cir. 2019).
- 248 *E.g.*, *People v. Wilson*, 114 P.3d 758, 774 (Cal. 2006).
- 249 CAL. PENAL CODE § 1170(b)(1).
- 250 *Id.* § 12022(a). If the defendant knew or had reason to know that a firearm was stolen, the judge shall impose the upper term. *Id.* § 1170.89.
- 251 *Id.* § 12022(a).
- 252 *Id.* § 12022.5(a). Generally, this enhancement is inapplicable to individuals convicted of a crime that includes the use of a firearm as an element of the offense. See *id.* §§ 12022.5(a), (d). Additionally, if the defendant knew or had reason to know that a firearm was stolen, the judge shall impose the upper term. *Id.* § 1170.89.
- 253 *Id.* § 12022.55.
- 254 *Id.* §§ 12022.53(a)(1), (d).
- 255 *Id.* §§ 1385, 12022.53(h), 12022.5(c).
- 256 *Id.* § 186.22(b). “Criminal street gang” is statutorily defined as “an ongoing,

- organized association or group of three or more persons, whether formal or informal,” where one of their main activities is “the commission or one or more of the [criminal acts enumerated in § 186.22(e)], having a common name or common identifying symbol, and whose members collectively engage in, or have engaged in, a pattern of criminal gang activity.” *Id.* § 186.22(f).
- 257 *Id.* § 186.22(b)(1)(B); *id.* § 1192.7(c)(1).
- 258 See also *id.* § 186.28 (providing that a defendant who knowingly supplies, sells, or gives possession or control of a firearm to another person, with actual knowledge that the person will use the firearm to commit a felony enumerated in § 186.22(e), such as a robbery or drug crime, while actively participating in a criminal street gang, and the person to whom the firearm was supplied actually used to commit the felony and was convicted for that felony).
- 259 *Id.* § 12021.5(a). Generally, the court has discretion when determining which sentence length to impose. See also *id.* § 1170(h). However, if the defendant knew or had reason to know that a firearm was stolen, the judge shall impose the upper term. *Id.* § 1170.89.
- 260 *Id.* § 12022.95.
- 261 *Id.* § 667(e)(2) (West 1994); MIA BIRD ET AL., COMM. ON REVISION OF THE PENAL CODE, THREE STRIKES IN CALIFORNIA 6 (2022). For more background on the Three Strikes law, see, for example, BRIAN BROWN & GREG JOLIVETTE, LEGIS. ANALYST’S OFF., A PRIMER: THREE STRIKES: THE IMPACT OF MORE THAN A DECADE (2005). Compared to similar habitual offender laws of this time, California’s three strikes law was especially broad, and it was distinct insofar as it applied sentencing enhancements to individuals with only one former serious or violent felony conviction, and the triggering conviction (i.e., the second or third strike, depending on whether the enhancement was prescribed by § 667(e)(1) or (e)(2)) need not be violent or serious. PETER W. GREENWOOD ET AL., NAT’L INST. JUST., THREE STRIKES REVISITED: AN EARLY ASSESSMENT OF IMPLEMENTATION AND EFFECTS, at i (1998).
- 262 CAL. PENAL CODE § 667(e)(1) (West 1994). Generally, the law required consecutive sentencing for individuals convicted of multiple felonies. BIRD ET AL., above note 260, at 8. Although the law was meant to curb prosecutorial and judicial discretion over sentencing decisions, prosecutors were permitted to dismiss prior strikes “in the furtherance of justice,” and the state Supreme Court vested that same power in judges. CAL. PENAL CODE § 667(f)(2) (West 1994); see also, e.g., *People v. Superior Ct. ex rel. Romero*, 917 P.2d 628, 630 (Cal. 1996). Research indicates that prosecutors sometimes exercised this discretion to mitigate the effects of the Three Strikes law. E.g., BIRD ET AL., above note 260, at 10 (“A survey of prosecutors in the early 2000s suggests that similar discretion was being exercised in 25 to 45% of cases.” (citation omitted)). Varied applications of the Three Strikes law also suggest that judges exercised discretion in at least some cases. *Id.*
- 263 CAL. PENAL CODE §§ 667, 1170.12, 1120.125, 1170.126 (West 2012).
- 264 BIRD ET AL., above note 260, at 13. By 2022, approximately 3,200 people were released under Prop. 36. *Id.* at 16.
- 265 *Id.* at 13. This study found that 28.4% of these individuals were subject to the double-

- sentencing for their second ‘strike,’ and 7.7% were given 25 years to life sentences for their third ‘strike.’ *Id.*
- 266 *Id.* at 27.
- 267 *Id.* at 26–27 tbl.4.
- 268 *Id.* at 27 tbl.4.
- 269 CAL. DEP’T CORR. & REHAB., above note 191 (choose “Data Sources”; then choose “In-Custody by Second Striker”; then select “Female” in the left-hand menu).
- 270 See, e.g., CAL. PENAL CODE §§ 1385(c)(2)(E), (c)(6)(A)–(B).
- 271 JUD. COUNCIL CAL., 2024 COURT STATISTICS REPORT: STATEWIDE CASELOAD TRENDS 2013–14 THROUGH 2022–23, at 127 tbl.8a (2024).
- 272 ADMIN. OFF. U.S. CTS., TABLE D-4: CRIMINAL DEFENDANTS DISPOSED OF, BY TYPE OF DISPOSITION AND OFFENSE, DURING THE 12-MONTH PERIOD ENDING SEPTEMBER 30, 2023 (2023).
- 273 See, e.g., *People v. Owens*, No. H049566, 2022 WL 17830253, at \*3–6 (Cal. Ct. App. Dec. 21, 2022).
- 274 CAL. PENAL CODE § 1170(b)(6).
- 275 *Id.* § 1016.7(b).
- 276 *Id.* § 1170(b)(6).
- 277 *Owens*, 2022 WL 17830253, at \*4.
- 278 CAL. PENAL CODE § 1385(c)(2).
- 279 *Id.*
- 280 *Id.* § 1382(c)(7); see also *People v. Okuwoga*, No. F083126, 2023 WL 4983883, at \*21 (Cal. Ct. App. Aug. 3, 2023).
- 281 CAL. PENAL CODE § 1170(d)(1)(A). There are several exceptions, e.g., if the decedent was a police officer. See *id.* § 1170(d)(1)(B).
- 282 *Id.* § 1170(d)(8)(C).
- 283 See *id.* § 1172.1(a)(5).
- 284 See, e.g., MARK A. MOTIVANS, BUREAU OF JUST. STATS., U.S. DEP’T OF JUST., FEDERAL JUSTICE STATISTICS, 2022, at 18 tbl.12 (2024) (estimating that there were 10 or fewer cases involving women aged nineteen or younger who were convicted of federal violent offenses in fiscal year 2022).
- 285 For example, in 2022, women constituted only 10.9% of the individuals who were arrested for homicide in California. ROB BONTA, ATT’Y GEN., CAL. DEP’T OF JUST., HOMICIDE IN CALIFORNIA: 2022, at 36 tbl.27 (2023).
- 286 *Id.* at 37 tbl.29 (showing that only 6.3% of homicides committed in 2022 in California were perpetrated by individuals, of all genders, who were younger than 18 years old at the time of the offense).
- 287 See, e.g., LEEMIS ET AL., above note 45, at 8 & fig.3 (finding that 27.1% of women who experience IPV “were first victimized by an intimate partner before turning 18”).
- 288 See, e.g., *id.* (finding that over 70% of women who experience IPV “reported that their first victimization by an intimate partner occurred before age 25”); Christina Policastro & Mary A. Finn, *Coercive Control in Intimate Relationships: Differences Across Age and Sex*, 36 J. INTERPERSONAL VIOLENCE 1520, 1524 (2021) (“[W]omen aged 18 to 24 years are generally at a higher risk of being victimized by an intimate partner.” (citations omitted)); *id.* at 1534 (“[B]eing a young female has a significant effect on experiencing

- intimidation.”); Whitney DeCamp & Heather Zaykowski, *Developmental Victimology: Estimating Group Victimization Trajectories in the Age-Victimization Curve*, 21 INT’L REV. VICTIMOLOGY 255, 267; JENNIFER L. TRUMAN & RACHEL E. MORGAN, BUREAU OF JUST., U.S. DEP’T OF JUST., NONFATAL DOMESTIC VIOLENCE, 2003–2012, at 11 tbl.11 (2014) (showing that, between 2003 and 2012, women aged 18 to 24 experienced the highest rate of domestic violence perpetrated by an intimate partner, followed by women aged 25 to 34 and further declining with age).
- 289 See above note 183.
- 290 CAL. PENAL CODE § 1172.6
- 291 CAL. EVID. CODE §§ 350, 210.
- 292 *Id.* § 352.
- 293 *People v. Humphrey*, 921 P.2d 1, 9–10 (Cal. 1996).
- 294 CAL. EVID. CODE § 1107(a). For violent felonies, defined in California Penal Code § 667.5(c), committed before August 29, 1996, California Penal Code § 1473.5 provides for a writ of habeas corpus for individuals to now reap the benefits of § 1107. Specifically, if “competent and substantial expert testimony relating to intimate partner battering and its effects,” pursuant to Cal. Evid. Code § 1107, “was not presented to the trier of fact” at trial and, had this expert testimony been presented, it is reasonably probable that it would have undermined “confidence in the judgment of conviction or sentence, [such] that the result of the proceedings would have been different,” individuals currently incarcerated can file a habeas petition under this provision. CAL. PENAL CODE § 1473.5(a). Moreover, if expert testimony was presented to a factfinder, a petition may still be valid if the testimony “was not competent or substantial.” *Id.* § 1473.5(c).
- 295 CAL. EVID. CODE § 1107(b). For violent felonies, defined in California Penal Code § 667.5(c), committed before August 29, 1996, California Penal Code § 1473.5 provides for a writ of habeas corpus for individuals to now reap the benefits of § 1107. Specifically, if “competent and substantial expert testimony relating to intimate partner battering and its effects,” pursuant to Cal. Evid. Code § 1107, “was not presented to the trier of fact” at trial and, had this expert testimony been presented, it is reasonably probable that it would have undermined “confidence in the judgment of conviction or sentence, [such] that the result of the proceedings would have been different,” individuals currently incarcerated can file a habeas petition under this provision. CAL. PENAL CODE § 1473.5. Moreover, if expert testimony was presented to a factfinder, a petition may still be valid if the testimony “was not competent or substantial.” *Id.*
- 296 CAL. EVID. CODE § 1107.5.
- 297 *E.g.*, *Doe v. Superior Ct.*, 39 Cal. App. 4th 538, 541 n.2 (Ct. App. 1995) (“Expert testimony on BWS and PTSD is routinely admitted in criminal trials in California and other states and no one suggest they are not recognized psychiatric conditions.” (citations omitted)).
- 298 *People v. Gonzalez*, 253 P.3d 185, 205 (Cal. 2011).
- 299 470 U.S. 68, 83, 86 (1985).
- 300 Lenore E. A. Walker et al., *Psychological Evaluation of Battered Women Who Kill in Self-Defense: A Review of 34 Cases*, 32 J. AGGRESSION, MISTREATMENT & TRAUMA,

Apr. 2022, at 1, 15. Additionally, defense attorneys could independently obtain psychiatric evaluations from forensic or clinical experts. There is little data on how these practices work, but many public defender offices work with social workers and individuals trained to assess clients with mental health disorders. See, e.g., Pamela Casey & Ingo Keilitz, *An Evaluation of Mental Health Expert Assistance Provided to Indigent Criminal Defendants: Organization, Administration, and Fiscal Management*, 34 N.Y. L. SCH. L. REV. 19, 22 (1989). It appears that most of the research regarding mental health experts assisting defense counsel discusses more generalized use of psychologists and psychiatrists, rather than IPV-specific experts. However, resource constraints, particularly at public defender offices, may limit the accessibility of mental health evaluations. JIM PARSONS & HENRY J. STEADMAN, *THE ROLE OF INDIGENT DEFENSE FOR DEFENDANTS WITH MENTAL HEALTH DISORDERS* 1 (2017) This is likely especially true if attorneys lack a proper understanding of IPV and its effects. Although often viewed as a permissible tactical decision, a defense attorney’s failure to investigate possible IPV-related or state of mind defenses could be the basis of a survivor-defendant’s ineffective assistance of counsel claim if, for example, defense counsel had reason to believe the survivor-defendant was abused. *E.g.*, *In re Nourn*, 52 Cal. Rptr. 3d 31, 51–53 (Ct. App. 2006) (“In the circumstances of this case, Nourn’s counsel had evidence regarding [the decedent’s] abuse of Nourn and [the decedent’s] recent threats against her family that would have led an attorney, under prevailing professional norms, to investigate further by retaining one or more experts to conduct psychological evaluation(s) of Nourn regarding possible BWS, mental

state, duress, and other defenses.”). *But see* *Brown v. Navarro*, No. 21-cv-02361, 2022 WL 17348178, at \*18–19 (C.D. Cal. June 13, 2022) (rejecting the survivor-defendant’s ineffective assistance of trial counsel claim, noting that counsel could make tactical decisions in deciding whether to call an IPV expert at trial).

- 301 *E.g.*, *People v. Douprea*, No. A131031, 2012 WL 5987896, at \*9 (Cal. Ct. App. Nov. 30, 2012); see also *id.* at \*11 (explaining that California Penal Code § 29 does not preclude an expert witness from “opining that the defendant suffers from a mental disorder or condition”).
- 302 See CAL. PENAL CODE §§ 28(a), 29; see also *People v. Humphrey*, 921 P.2d 1, 2 (Cal. 1996) (holding that the state trial court erred by instructing jurors *not* to consider BWS evidence to determine if the survivor-defendant reasonably believed she needed to use lethal force to defend herself). However, experts cannot opine as to whether the survivor-defendant had the requisite mental state for the charged offense (or the capacity to form that mental state). Compare CAL. EVID. CODE § 805, with FED. R. EVID. 704(b).
- 303 CAL. EVID. CODE § 1107. Relevance is determined by the judge. See *id.* § 352; *People v. Brown*, 94 P.3d 574, 580 (Cal. 2004) (explaining that expert testimony on IPV is relevant to whether the survivor-defendant acted reasonably and is credible, by helping the jury “dispel[] many of the commonly held misconceptions about battered women” (quoting *Humphrey*, 921 P.2d at 9)).
- 304 CAL. EVID. CODE § 1107.5



305 See Mindy B. Mechanic, *Battered Women Charged with Homicide: Expert Consultation, Evaluation, and Testimony*, 32 J.

AGGRESSION, MALTREATMENT & TRAUMA, May 2022, at 1, 7–8. For numerous examples of how IPV expert testimony could be used to further the defense’s theory of the case and survivor-defendant’s credibility, see *Nourn*, 52 Cal. Rptr. 3d at 60–61.

If an expert witness testifies about IPV and its effects, the court must give the jury an instruction. *E.g.*, JUD. COUNCIL OF CAL., CRIMINAL JURY INSTRUCTIONS 851 (2024). For example, if an expert witness testifies on IPV in support of a self-defense claim, the jury must be instructed that it can consider the evidence to decide whether the survivor-defendant “actually believed [they] needed to defend [themselves] against an immediate threat of great bodily injury or death, and whether that belief was reasonable.” *Id.* Here, defense counsel could also propose jury instructions, but the judge makes the ultimate determination. See, *e.g.*, *People v. Dowdell*, 227 Cal. App. 4th 1388, 1399, 1417 (Ct. App. 2014) (finding that the trial court erred in rejecting the defense’s proposed instructions and in failing to properly instruct the jury on IPV). In *People v. Dowdell*, the instructions were changed, in relevant part, from telling the jury that they may consider expert testimony “in determining *whether the defendant possessed the specific intent necessary to commit the crimes charged*,” to “*whether the defendant actually believed that she needed to commit the charged crimes in order to defend herself against an immediate threat of great bodily injury or death*.” *Id.* at 1417.

306 *E.g.*, *United States v. Lopez*, 913 F.3d 807, 823 (9th Cir. 2019) (explaining that survivor-defendants often must overcome

stereotypes of women who remain in IPV situations (quoting *Humphrey*, 921 P.2d at 9)); Mechanic, above note 305, at 4–5.

307 See above notes 224, 235, 241, 298–300 and accompanying text.

308 921 P.2d 1 (1996). *Humphrey* applied section 1107 of the California Evidence Code, which was enacted in 1991. That statute originally provided that expert testimony regarding “battered women’s syndrome” was admissible in criminal cases, and *Humphrey* held that evidence of this kind was admissible not just to show what a defendant was likely to have believed about the imminence of the threat she faced, but also the reasonableness of that belief—although “the ultimate question” for self-defense was “whether a reasonable person, not a reasonable battered woman, would believe in the need to kill to prevent imminent harm.” Section 1107 was amended in 2004 to refer to expert testimony about “intimate partner battering and its effects,” not expert testimony about “battered women’s syndrome,” but the amendments specifically provided that prior judicial decisions interpreting the law should continue to apply, notwithstanding this change in terminology.

309 *People v. Jackson*, 98 Cal. App. 4th 99, 107 (Ct. App. 2002).

310 *People v. Erickson*, 57 Cal. App. 4th 1391, 1399 (Ct. App. 1997) (quoting *People v. Aris*, 215 Cal. App. 3d 1178, 1197 (Ct. App. 1989)).

311 921 P.2d at 9.

312 *People v. Fuentes-Ortiz*, No. A099120, 2004 WL 639850, at \*3 (Cal. Ct. App. Mar. 30, 2004) (citing *Humphrey*, 921 P.2d at 6). However, the imminency requirement, noted above, remains: Evidence of IPV establishing the survivor-defendant’s fear



- “that the [abuser] ‘probably’ would kill her at some future time,” is insufficient to constitute “imminent peril.” *Id.* at \*4. For an examples of defense counsel relying on *Humphrey* in motions to admit IPV evidence, see, for example, Response to People’s Motion to Exclude Improper Character Evidence at 4–5, *People v. Laut*, 2016 WL 5271795 (Aug. 30, 2016) (No. 2015011510) (responding to the prosecution’s motion to exclude evidence of the defendant’s husband/victim’s “violence and abuse” to show the defendant’s “necessity and ability to defend herself” on the night in question); Reply to People’s Motion in Limine to Prevent Defense Expert Dr. Barnard from Testifying at 3–13, *People v. Potter*, 2006 WL 5339325 (Cal. Super. Ct. filed Oct. 28, 2005) (No. 02F07057) (arguing that expert testimony about IPV and its effects should be admitted at trial); see also Motion Under the Due Process Clause to Present a Full Defense at 6, *People v. Potter*, 2005 WL 6039489 (Cal. Super. Ct. filed Oct. 26, 2005) (No. 02F07057) (arguing that the Due Process Clause requires the court to admit “evidence of acts of domestic violence” against Ms. Potter “as well as the psychological ramifications of the history of abuse and the Battered Women[']s Syndrome expert she seeks to present” in making her defense).
- 313 *People v. Samson*, No. C089905, 2021 WL 3615569, at \*4 (Cal. Ct. App. Aug. 16, 2021); see also *id.* at \*5 (“The role of the expert is to educate the jury on how to determine whether defendant was able to predict the extent of violence [the abuser] might use, not to tell the jury whether the force defendant used was reasonable.”).
- 314 921 P.2d at 2.
- 315 *United States v. Lopez*, 913 F.3d 807, 822 (9th Cir. 2019).
- 316 *Samson*, 2021 WL 3615569, at \*5 (citing *Humphrey*, 921 P.2d at 9); see also *In re Walker*, 147 Cal. App. 4th 533, 546 (Ct. App. 2007). Courts have routinely noted that this use of IPV-related evidence comports with the objective, reasonable-person component of a (perfect) self-defense claim. *E.g.*, *Lopez*, 913 F.3d at 821–22.
- 317 *Lopez*, 913 F.3d at 822.
- 318 *In re Nourn*, 52 Cal. Rptr. 3d 31, 56 (Ct. App. 2006); see also Jessica R. Holliday et al., *The Use of Battered Woman Syndrome in U.S. Criminal Courts*, 50 J. AM. ACAD. PSYCHIATRY L., 2022, at 1, 4 (2022) (“Defendants have also raised BWS as part of duress defenses in U.S. criminal proceedings.”).
- 319 *Nourn*, 52 Cal. Rptr. 3d at 57–58; see also *Lopez*, 913 F.3d at 821 (“[T]he majority of courts—federal and state—that have addressed BWS in the context of a duress defense have concluded that such evidence is relevant and may be admitted.” (citation omitted)). In *People v. Anderson*, the California Supreme Court also explained that a duress argument could lead a jury to find that the killing was not premeditated, yet this is “not due to a special doctrine of duress” but rather a result of the legal definition of premeditation. 50 P.3d 368, 379 (Cal. 2002) (“If a person obeys an order to kill without reflection, the jury might find no premeditation and thus convict of second degree murder [instead of first-degree murder].”).
- 320 *People v. Callahan*, 124 Cal. App. 4th 198, 213 (Ct. App. 2004).
- 321 Holliday et al., above note 318, at 4.
- 322 *Lopez*, 913 F.3d at 822–23.

- 323 *Id.* at 823; see also *People v. Day*, 2 Cal. App. 4th 405, 416, 420 (Ct. App. 1992) (holding that the defense counsel’s failure to present expert testimony on IPV was prejudicial in part because it could have been used to rehabilitate the survivor-defendant’s credibility); *People v. Brown*, 94 P.3d 574, 582–83 (Cal. 2004).
- 324 *Brown*, 94 P.3d at 575.
- 325 John Hamel, *Intimate Partner Violence: Gender Issues and the Adjudication of Homicide and Other Cases*, 4 J. CRIMINOLOGICAL RSCH. POL’Y & PRACT. 226, 231 (2018). For an example of BWS evidence demonstrating “helplessness” of the survivor-defendant, see, for example, *People v. Osuna*, No. G041029, 2010 WL 4467302, at \*21–22 (Cal. Ct. App. Nov. 9, 2010). Experts are permitted to offer some testimony regarding the survivor-defendant’s mental state. Under *People v. Coddington*, an expert cannot opine as to whether the survivor-defendant “had the capacity to form a mental state” that is an element of the charged offense, nor can they state whether the survivor-defendant actually formed the required intent. 23 Cal.4th 529, 582–83 (Ct. App. 2000). However, an expert’s opinion regarding the survivor-defendant’s mental state is admissible as long as the expert does not testify that the defendant did or did not have the requisite mental state for the charged offense. *E.g.*, *People v. Aris*, 215 Cal. App. 3d 1178, 1197–98 (Ct. App. 1989); *People v. Cortes*, 192 Cal. App. 4th 873, 907 (Ct. App. 2011). In other ways, an expert witness cannot testify as to whether the defendant had the mental *state* for the crimes charged, but they can opine as to whether “the defendant suffers from a mental *disorder or condition*.” *People v. Douprea*, No. A131021, 2012 WL 5987896, at \*11 (Cal. Ct. App. Nov. 30, 2012); see also *People v. Samson*, No. C089905, 2021 WL 3615569, at \*4 (Cal. Ct. App. Aug. 16, 2021). Accordingly, expert testimony can contextualize the survivor-defendant’s conduct by opining as to whether she experienced IPV—and whether she suffers from a mental disorder, such as PTSD—and discussing how IPV may affect one’s behavior or perceptions. See, e.g., *Douprea*, 2012 WL 5987896, at \*7 (recounting that, at trial, Dr. Barnard stated that Ms. Douprea had PTSD, explained the effects of PTSD, and described IPV and “dissociation” generally). The court went on to explain that California Penal Code § 29 does not preclude Dr. Barnard from “opining that Douprea was in a dissociative condition on the day of the killing,” as this testimony would describe a mental condition rather than a mental state. *Id.* at \*11. Section 29 provides, in part, that an expert testifying about a defendant’s mental illness, disorder, or condition cannot testify “as to whether the defendant had or did not have the required mental states” for the charged offense. CAL. PENAL CODE § 29; see also *Callahan*, 124 Cal. App. 4th at 213.
- 326 See, e.g., Cheryl Terrance & Kimberly Matheson, *Undermining Reasonableness: Expert Testimony in a Case Involving a Battered Woman Who Kills*, 27 PSYCH. OF WOMEN Q. 37, 39 (2003) (raising concerns that relying on PTSD pathologizes survivor-defendants and suggests they have diminished capacity, which could undermine a claim of self-defense, given the objective reasonableness prong, and perpetuate harmful societal narratives of IPV victims).
- 327 Holliday et al., above note 318, at 6; Omri Berger, Dale E. McNeil & Renée L. Binder, *PTSD as a Criminal Defense: A Review of Case Law*, 40 J. AM. ACAD. PSYCHIATRY & L.

- 509, 515–17 (2012); Mary Ann Dutton & Lisa A. Goodman, *Posttraumatic Stress Disorder Among Battered Women: Analysis of Legal Implications*, 12 BEHAV. SCIS. & L. 215, 228–29 (1994).
- 328 AM. PSYCHIATRIC ASS'N, *What is Posttraumatic Stress Disorder (PTSD)?*, <https://perma.cc/T2B2-LWFN> (last visited July 4, 2024).
- 329 Holliday et al., above note 318, at 6. This approach may be particularly useful for individuals who experienced multiple abusive relationships (in adulthood or childhood), as many of these individuals experience cognitive disturbances (which are symptomatic of PTSD); specifically, they are “likely [to] confuse previous abuse experiences with current threats” or experience flashbacks which “increase[s] their perception of danger.” Michaela Dunn, Note, *Subjective Vulnerabilities or Individualized Realities: The Merits of Including Evidence of Past Abuse to Support a Duress Defense*, 54 SUFFOLK U. L. REV. 347, 355 (2021).
- 330 *Douprea v. Johnson*, No. 15-cv-06133, 2018 WL 2387839, at \*8 (N.D. Cal. May 25, 2018).
- 331 *Douprea v. Espinoza*, 809 F. App'x 410, 411 (9th Cir. 2020) (mem.).
- 332 For one of the few cases where TBI evidence was introduced, see *People Pulido*, No. B304792, 2021 WL 1115593, at \*5–6 (Cal. Ct. App. Mar. 24, 2021) (describing the defendant’s neurological examination and the neurologist’s testimony that the defendant suffered from a TBI, which coincides with emotional instability and trouble making decisions).
- 333 See, e.g., Gwen Hunnicutt et al., *The Intersection of Intimate Partner Violence and Traumatic Brain Injury: A Call for Interdisciplinary Research*, 32 J. FAM. VIOLENCE 471, 472 (2017).
- 334 C. Lefevre-Dognin et al., *Definition and Epidemiology of Mild Traumatic Brain Injury*, 67 NEUROCHIRURGIE 218, 219(2021). For further discussion of mild TBIs, see generally Jeffrey J. Bazarian et al., *Long-Term Neurological Outcomes After Traumatic Brain Injury*, 24 J. HEAD TRAUMA & REHAB. 439 (2009); Linda J. Carroll et al., *Prognosis for Mild Traumatic Brain Injury: Results of the WHO Collaborating Centre Task Force on Mild Traumatic Brain Injury*, 43 J. REHAB. MED. SUPPLEMENT 84 (2004).
- 335 David B. Arciniegas et al., *Mild Traumatic Brain Injury: A Neuropsychiatric Approach to Diagnosis, Evaluation, and Treatment*, 1 NEUROPSYCHIATRIC DISEASE & TREATMENT 311, 316 (2005); Christine E. Murray et al., *Practice Update: What Professionals Who Are Not Brain Injury Specialists Need to Know About Intimate Partner Violence—Related Traumatic Brain Injury*, 17 TRAUMA, VIOLENCE, & ABUSE 298, 300 (2016).
- 336 John D. Corrigan et al., *Early Identification of Mild Traumatic Brain Injury in Female Victims of Domestic Violence*, 188 AM. J. OBSTETRICS & GYNECOLOGY S71, S72 (2003).
- 337 Jerrod Brown et al., *Traumatic Brain Injury and Confabulation: An Introduction for Criminal Justice and Legal Professionals*, 1 J. SPECIAL POPULATIONS, Aug. 2020, at 1, 2.
- 338 *Id.* (citation omitted).
- 339 *Id.* at 3 (citation omitted).
- 340 *Id.* at 6.
- 341 Marlena M. Wald, Sharyl R. Helgeson & Jean A. Langlois, *Traumatic Brain Injury Among*

- Prisoners*, BRAIN INJURY PRO. (Nov. 3, 2008), <https://perma.cc/4LVP-GSCZ>.
- 342 At CIW, 338 individuals were invited to participate in the study based on having a murder or manslaughter conviction. At CCWF, the number was 778 individuals.
- 343 Marilyn Ford-Gilboe et al., *Development of a Brief Measure of Intimate Partner Violence Experiences: The Composite Abuse Scale (Revised)—Short Form (CASR-SF)*, BMJ OPEN, 2006, at 1, 1.
- 344 See generally NADINE WATHEN ET AL., W. UNIV., ANALYSIS OF INTIMATE PARTNER VIOLENCE DATA FROM THE 2018 SURVEY OF SAFETY IN PUBLIC AND PRIVATE SPACES: TECHNICAL REPORT (2022); C. NADINE WATHEN & COLLEEN VARCOE, IMPLEMENTING TRAUMA- AND VIOLENCE-INFORMED CARE: A HANDBOOK (2023).
- 345 Jacquelyn C. Campbell, Daniel W. Webster & Nancy Glass, *The Danger Assessment Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide*, 24 J. INTERPERSONAL VIOLENCE 653, 654 (2009).
- 346 For information about the DA-I, see generally Jill Theresa Messing et al., *Culturally Competent Intimate Partner Violence Risk Assessment: Adapting the Danger Assessment for Immigrant Women*, 37 SOC. WORK RSCH. 263 (2013).
- 347 Respondents are sometimes more willing to share sensitive information on a survey versus an interview format. See, e.g., Timo Gnambs & Kai Kaspar, *Disclosure of Sensitive Behaviors Across Self-Administered Survey Modes: A Meta-Analysis*, 47 BEHAV. RSCH. 1237, 1251 (2015) (“[Survey] modes removing the person of the interviewer from the survey process have been shown to elicit higher self-disclosure of sensitive behaviors than, for example, telephone or personal interviews.” (citations omitted)).
- 348 See, e.g., Margarete Sandelowski, *What’s in a Name? Qualitative Description Revisited*, 33 RSCH. NURSING & HEALTH 77, 78 (2010).
- 349 Carmel Bradshaw, Sandra Atkinson & Owen Doody, *Employing a Qualitative Description Approach in Health Care Research*, GLOBAL QUAL. NURSING RSCH., 2017, at 1, 3.
- 350 For examples of the use of this theory in qualitative research, see generally CYNTHIA FUCHES EPSTEIN, *DECEPTIVE DISTINCTIONS: SEX, GENDER, AND THE SOCIAL ORDER* (1988); NANCY LEVIT & ROBERT R.M. VERCHICK, *FEMINIST LEGAL THEORY: A PRIMER* (2d ed. 2016); CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* (1989); 1 *FEMINIST LEGAL THEORY: FOUNDATIONS* (D. Kelly Weisberg ed., 1993).
- 351 For discussion of narrative research techniques, see generally CATHERINE KOHLER RIESSMAN, *NARRATIVE METHODS FOR THE HUMAN SCIENCES* (2007).
- 352 This has been confirmed by the creators of both assessments.
- 353 See *Offender Data Points*, CAL. DEP’T CORR. & REHAB., <https://public.tableau.com/app/profile/cdcr.or/viz/OffenderDataPoints/SummaryInCustodyandParole> (last visited July 4, 2024) (choose “Data Sources” from the menu; then choose “In-Custody by Age”; then select “Female” from the left-hand menu).
- 354 Note that we calculated each respondent’s age at time of conviction using their reported age at the time of the survey and reported year of conviction. There are 22 missing responses for our age at time of conviction variable.

- 355 Respondents were only able to select one category for race or ethnicity.
- 356 *Offender Data Points*, CAL. DEP'T CORR. & REHAB., <https://public.tableau.com/app/profile/cdcr.or/viz/OffenderDataPoints/SummaryInCustodyandParole> (last visited July 4, 2024) (choose "Data Sources" from the menu; then choose "In-Custody by Ethnicity"; then select "Female" from the left-hand menu).
- 357 See *Office of Correctional Education*, CDCR, <https://perma.cc/TX4L-3C4N> (last visited July 4, 2024) (CDCR generally); Luciana Chavez, *Education Offers Hope, Opportunity for Incarcerated Women*, MERCED COLL. (Jun. 28, 2023), <https://perma.cc/K95P-6896> (discussing educational programming at CCWF); William Newborg, *CIW Celebrates Rehabilitation Through Education*, CCWF (July 27, 2023), <https://perma.cc/8YLY-ZF6F> (discussing educational programming at CIW).
- 358 As discussed in Part III.A. Homicide Law, individuals convicted of manslaughter in California typically are sentenced to a determinate sentence of imprisonment of two, three or four years for involuntary manslaughter and three, six or 11 years for voluntary manslaughter.
- 359 An individual serving an indeterminate sentence will appear before the Board of Parole Hearings for their initial hearing one year before their minimum eligible parole date unless they are eligible to receive an earlier hearing based on other provisions of California law, including the youth offender law or the elderly parole program. See CAL. PENAL CODE §§ 3041(a)(2), 3046, 3051(a)(2)(C), 3051.1; CAL. CODE REGS., tit. 15, § 2249.41(b) (2022). For further discussion of California's parole hearings, see generally CAL. BD. PAROLE HEARINGS, *THE CALIFORNIA PAROLE HEARING PROCESS HANDBOOK* (2024).
- 360 To view the grant rates for initial hearings held by the California Board of Parole Hearings, see *Parole Grant Rates*, CAL. DEP'T OF CORR. & REHAB., <https://perma.cc/5RHN-5XMT> (last visited July 4, 2024). Although the initial grant rate has increased substantially over the past ten years, less than 50% of initial hearings resulted in a grant. The highest grant rate recorded thus far was in 2020, with a rate of 42%. See BD. OF PAROLE HEARINGS, STATE OF CAL., *JUST THE FACTS: GRANT RATES* (n.d.), <https://perma.cc/8DKH-K2UE>.
- 361 If the respondent was not in a relationship the year before the killing, they were instructed to skip the CAS. A total of 24 respondents did not take the CAS.
- 362 Statistical significance refers to whether the effect observed in the sample may also occur in the population greater than chance, not its practical or clinical significance.
- 363 Federally, more than 85% of homicide cases were resolved by plea in 2023. ADMIN. OFF. U.S. CTS., *TABLE D-4: CRIMINAL DEFENDANTS DISPOSED OF, BY TYPE OF DISPOSITION AND OFFENSE, DURING THE 12-MONTH PERIOD ENDING SEPTEMBER 30, 2023* (2023) (showing that 153 of the 179 federal homicide cases were resolved by plea). The rate of plea bargaining, at least in the federal system, is lower for homicide offenses than overall federal offenses. See *id.* (showing a plea bargain rate of 85.5% for homicide offenses and 97.6% for all federal offenses). However, this data is not fully applicable to our population, as it is referencing only cases in federal courts. It also does not differentiate between severity of cases. The more severe

- and complicated the charge, the more likely it would be that the case was settled by trial, rather than plea.
- 364 See Part III.E. Evidence Law.
- 365 R\_6LKLABTMEITT.
- 366 R\_6SANKTABVORQ.
- 367 R\_6TSRXLNBOKXU.
- 368 MICHAEL R RAND, BUREAU OF JUST. STATS., U.S. DEP'T OF JUS., VIOLENCE-RELATED INJURIES TREATED IN HOSPITAL EMERGENCY DEPARTMENTS 1 (1997).
- 369 R\_6XVYYUQXIKGS.
- 370 R\_6VEBJKQJJMXQ.
- 371 R\_6NBRTKCXCGAZ.
- 372 R\_6PQMZIZTUFME.
- 373 R\_6AZEJIIITVCH.
- 374 Nancy Glass et al., *Non-Fatal Strangulation is an Important Risk Factor for Homicide of Women*, 35 J. EMERGENCY MED. 329, 332 (2008).
- 375 R\_6RORVLVAWVOID.
- 376 R\_6TDPHDJADSVB.
- 377 R\_6TXKAZEVO MJQ.
- 378 R\_6AQUJFSVDQVL.
- 379 R\_6RLLOMAZZBCR.
- 380 R\_6WQHDRRFRXSX.
- 381 R\_6UOACOAIGLFQ.
- 382 R\_6IUXHDLJXQZC.
- 383 R\_6AIRAWZDVYSZ.
- 384 R\_6ESBXJYSOULA.
- 385 See R\_6KNSLVUBSDUY;  
R\_6LNBFWFXUPDH; R\_6FXQDCURIHQX;  
R\_6IZYEESKLTJA; R\_6JOMDRQUMWXM;  
R\_6BVIVTPGWFOE; R\_6OXYKOMUKMLA.
- 386 R\_6RROGUABFIRF.
- 387 R\_6JYWHS DHAQUZ.
- 388 R\_6NRHQYGARDGS.
- 389 For discussion of the link between pregnancy and abuse, see generally Charlotte Cliffe, Maddalena Miele & Steven Reid, *Homicide in Pregnant and Postpartum Women Worldwide: A Review of the Literature*, 40 J. PUB. HEALTH POL'Y 180, 198 (2019) (finding that women are most at risk of homicide when pregnant, and “[t]he most common perpetrator” of such homicides are intimate partners); Diana Cheng & Isabelle L. Horon, *Intimate-Partner Homicide Among Pregnant and Postpartum Women*, 115 OBSTETRICS & GYNECOLOGY 1181, 1181 (2010) (“Homicides . . . were the leading cause of death during pregnancy and the first postpartum year. Women who were African American, younger than 25 years, and unmarried were at the highest risk for homicide.”). See generally Jacquelyn C. Campbell et al., *Risk Factors for Femicide Among Pregnant and Nonpregnant Battered Women*, 93 AM. J. PUB. HEALTH 1089 (1998).
- 390 R\_6XCXAORFWUYV.
- 391 R\_6RQERADZSIAS.
- 392 R\_6XWVEIAFURND.
- 393 R\_6IHCTXZLCTZX.
- 394 R\_6LZGAFGWOWKC.
- 395 R\_6MSNKKGC BYMW.
- 396 R\_6AFFMFEIENQR.



397	R_6HFQUBKFOQUP.	422	R_6FJAIUWAKHTU.
398	See R_6MSNKKGCBYMW; R_6ZGGYMCQTJDG; R_6LIEZCOMYBUK; R_6QEHTXMHPSWU; R_6YLLMJUBAPWA.	423	R_6HDFMYGVPZCI.
399	R_6VKHGENWXJPW.	424	R_6NRHQYGARDGS.
400	R_6LIEZCOMYBUK.	425	R_6RQEDKTKWYIO.
401	R_6RQERADZSIAS.	426	R_6FXQDCURIHQX.
402	R_6FXQDCURIHQX.	427	R_6HFQUBKFOQUP.
403	R_6KHPNTUPYPBR.	428	R_6WQHDRRFRXSX.
404	R_6DBJFZURYVXH.	429	R_6ZUETYRTREW.
405	R_6BVIVTPGWFOE.	430	R_6SDPXBCYVIIS.
406	R_6EWUKOQDMNRJ.	431	Dichter et al., above note 69, at 601. A recent meta-analysis of coercive control in IPV relationships found that this form of abuse occurs in “up to 58% of IPV relationships.” Lohmann et al., above note 65, at 631.
407	R_6FXQDCURIHQX.	432	R_6ZUETYRTREW.
408	R_6LZGAFGWOWKC.	433	R_6WQHDRRFRXSX.
409	R_6IHCTXZLCTZX.	434	R_6IHCTXZLCTZX.
410	R_6HDFMYGVPZCI.	435	R_6XVYYUQXIKGS.
411	See, for example, R_6IJGIRHJMNK; R_6HOSFMGZUELJ; R_6LIEZCOMYBUK.	436	R_6NSKQKCNNNBV.
412	R_6LIEZCOMYBUK.	437	R_6OMDTJYTBDBA.
413	R_6EQTMYIQHAZO.	438	R_6VBTRQIJTUXH.
414	R_6MSNKKGCBYMW.	439	R_6KDARARMLZPH.
415	R_6UGWHSZIBBZK.	440	R_6ESBXJYSOULA.
416	R_6HFQUBKFOQUP.	441	R_6ARHSVHICVGY.
417	R_6VPLUWXVHZSU.	442	R_6CWNIVZPXNFP.
418	R_6JQPXOHKIZFC.	443	R_6KTQHLKHRRWR.
419	R_6GVDZTVPDLTX.	444	R_6UOACOAGLFFQ.
420	R_6UQVRFFVNFVX.	445	R_6HDBRGAVKZGO.
421	R_6RORVLVAWVOID.	446	R_6YKTBUIEVKTW.



- 447 R\_6RALBHWXSIH.
- 448 R\_6JDJLBMHCVUY.
- 449 R\_6YVREHWNGBGC.
- 450 R\_6YDSAAJRQKXB.
- 451 R\_6UGWHSZIBBZK.
- 452 R\_6BVIVTPGWFOE.
- 453 R\_6JOMDRQUMWXM.
- 454 R\_6RGZZTEKFZPZ.
- 455 R\_6OWGOAKARERM.
- 456 R\_6BMMYJELAIJZ.
- 457 R\_6EDZDSWMUESM.
- 458 R\_6SPRMFTCAML.
- 459 R\_6GFYHGOZYULI.
- 460 R\_6SELHVZRNUOE.
- 461 R\_6XAHHGIFELT.
- 462 R\_6JYFOACRGQOT.
- 463 R\_6YXGZNNRJUQB.
- 464 R\_6UGWHSZIBBZK.
- 465 R\_6IHCTXZLCTZX.
- 466 R\_6FKYNELOEVTG.
- 467 R\_6AQUJFSVDQVL.
- 468 Eve Valera et al., Special Communication, *Understanding Traumatic Brain Injury in Females: A State-of-the-Art Summary and Future Directions*, J. HEAD TRAUMA REHAB., January/February 2021, at e1, e5–6 [hereinafter *Understanding TBIs*]; see also Eve M. Valera et al., *White Matter Correlates of Mild Traumatic Brain Injuries in Women Subjected to Intimate-Partner Violence: A Preliminary Study*, 36 J. NEUROTRAUMA 661, 665 (2019).
- 469 E.g., Nazanin H. Bahraini et al., *Suicidal Ideation and Behaviours After Traumatic Brain Injury: A Systematic Review*, 14 BRAIN IMPAIRMENT 92, 93 (2013) (“Based on the most robust studies available (three population studies, one meta-analysis), the review concluded that, in comparison to the general population, individuals with TBI were at a 3.5-4 times greater risk of suicide.” (citations omitted)).
- 470 R\_6AFFMFEIENQR.
- 471 See R\_6VBTRQIJTUXH; R\_6OWGOAKARERM; R\_6OLITIHVFAWV; and R\_6MSLJEJPBMIU.
- 472 R\_6MSLJEJPBMIU.
- 473 R\_6ITICEYFIZGA.
- 474 R\_6GVDZTVPDLTX.
- 475 R\_6EJKWHRYUXBR.
- 476 R\_6UQVRFFVNF.
- 477 R\_6JQPXOHKIZFC.
- 478 E.g., R\_6AMYJMNXGFDO.
- 479 R\_6PWTWNZTGHNY.
- 480 R\_6XKQDTGLUSXN.
- 481 R\_6BMAKAWMNZWL.
- 482 R\_6YDSAAJRQKXB.
- 483 R\_6NBRTKCXCGAZ.
- 484 See R\_6YPVSUVEJWLB; R\_6BMAKAWMNZWL; R\_6JQPXOHKIZFC; R\_6TTZZQVPVJBR; R\_6ITICEYFIZGA; R\_6SPRMFTCAML; R\_6RBTRKDZWUCC; R\_6HHVAAAINMHU.
- 485 R\_6LUHICKSKGFX.

486 R\_6VKHGENWXJPW.  
 487 R\_6TJZLZDEBHOR.  
 488 R\_6ZJRFJNFKXCX.  
 489 R\_6ZJRFJNFKXCX.  
 490 R\_6DOLPTZJGCPs.  
 491 R\_6OFPTCALMKMV.  
 492 R\_6IUXHDLJXQZC.  
 493 R\_6JQPXOHKIZFC.  
 494 R\_6MDDULXLFTIE.  
 495 R\_6SXXIMYYGLTZ.  
 496 R\_6BVDWKWSDDL.  
 497 R\_6WXRPAxiwvcq.  
 498 R\_6DXDDHJBEAMT.  
 499 R\_6GSIWDTWQSGF.  
 500 R\_6AFFMFEIENQR.  
 501 R\_6OLOMOSUZBYR.  
 502 R\_6MDDULXLFTIE.  
 503 R\_6IJGIRHJMNK.  
 504 R\_6DQWZSSAEBJQ.  
 505 R\_6FXQDCURIHQX.  
 506 R\_6RQERADZSIAS.  
 507 R\_6ZJRFJNFKXCX.  
 508 R\_6RQEDKTKWYIO.  
 509 R\_6ABPDQBwVUVT.  
 510 R\_6HOGHXHYICGV.  
 511 R\_6BKYMBSGISUM.  
 512 R\_6FVMIRQUVYWK.

513 R\_6SQRUKILTGGE.  
 514 R\_6ECJVYOVYVFQ.  
 515 R\_6IUXHDLJXQZC.  
 516 R\_6LYEIOLOWCHL.  
 517 R\_6AFFMFEIENQR.  
 518 See above note 138 and accompanying text.  
 519 R\_6BVIVTPGWFOE.  
 520 R\_6DXMEYVPUBTB.  
 521 R\_6FJCJFVFYUUZ.  
 522 R\_6UZYPQSUFKVH.  
 523 R\_6USNUTPYILKZ.  
 524 R\_6KDARARMLZPH.  
 525 R\_6BVIVTPGWFOE.  
 526 R\_6UOACOAIGLFQ.  
 527 R\_6OPEHNADPWLH; R\_6KNSLVUBSDUY;  
 R\_6QEHTXMHPSWU.  
 528 R\_6QDJWEJFGOMM.  
 529 R\_6VPLUWXVHZSU.  
 530 R\_6IEPKBZTXRXL.  
 531 Janel M. Leone, Megan E. Lape & Yili Xu,  
*Women's Decisions to Not Seek Formal  
 Help for Partner Violence: A Comparison of  
 Intimate Terrorism and Situational Couple  
 Violence*, 29 J. INTERPERSONAL VIOLENCE  
 1850, 1870 (2014); cf. Ruth E. Fleury-Steiner  
 et al., *Contextual Factors Impacting Battered  
 Women's Intentions to Reuse the Criminal  
 Legal System*, 34 J. CMTY PSCYH. 327, 338  
 (2006) ("[N]early one in five victims (19%)  
 told interviewers that they had been harmed  
 again by their assailants after the arrest  
 had been made but before the case had  
 closed.").

- 532 R\_6YVREHWNOBGC.
- 533 R\_6AZEJIIITVCH.
- 534 *E.g.*, Liang et al., above note 139, at 82.
- 535 *E.g.*, Hanson et al., above note 140, at 8770.
- 536 R\_6VBTRQIJTUXH.
- 537 R\_6VBTRQIJTUXH.
- 538 R\_6RQEDKTKWYIO.
- 539 R\_6ESBXJYSOULA.
- 540 R\_6ZZAPYBDECOM.
- 541 R\_6QMXQHBPFXPG; R\_6XCFNOOFJCBZ.
- 542 R\_6FJAIUWAKHTU.
- 543 See, e.g., Liang et al., above note 139, at 75, 77. Sarah R. Robinson, Kristen Ravi & Rachel J. Voth Schrag, *A Systematic Review of Barriers to Formal Help Seeking for Adult Survivors of IPV in the United States, 2005–2019*, 22 TRAUMA, VIOLENCE, & ABUSE 1279, 1289 (2021).
- 544 R\_6LIEZCOMYBUK.
- 545 R\_6HHVAAAINMHU.
- 546 R\_6KHPNTUPYPBR.
- 547 R\_6SLELTNVNNTA.
- 548 R\_6KHPNTUPYPBR.
- 549 R\_6JOMDRQUMWXM.
- 550 R\_6LVKCNWOPFXQ.
- 551 R\_6OFPTCALMKMV.
- 552 See Robert Walker et al., *An Integrative Review of Separation in the Context of Victimization: Consequences and Implications for Women*, 5 TRAUMA, VIOLENCE, & ABUSE 143, 167 (2004).
- 553 *E.g.*, R\_6LVAUNROIDXT.
- 554 R\_6QFEJAZQCVOX.
- 555 R\_6OPEHNADPWLH.
- 556 R\_6UGDKKALNTSM.
- 557 R\_6BVIVTPGWFOE.
- 558 *Id.*
- 559 R\_6FXQDCURIHQX.
- 560 R\_6KHPNTUPYPBR.
- 561 R\_6ZUETYRTREW.
- 562 R\_6AIRAWZDVYSZ.
- 563 R\_6HRKWSIWTQCN.
- 564 R\_6IHCTXZLCTZX.
- 565 R\_6WQHDRRFRXSX.
- 566 R\_6JDJLBMHCVUY.
- 567 R\_6HDFMYGVPZCI.
- 568 R\_6OMDTJYTBDBA.
- 569 One respondent did not complete either the CAS or the Danger Assessment.
- 570 See Part XII. Appendix 4; see *also* Campbell et al., above note 345, at 655 fig.1, 656.
- 571 R\_7QBEJGNOTASB.
- 572 R\_7JTSEFVWWEUH.
- 573 R\_7XHPBACBPNP.
- 574 R\_7ABLCWKWTZBK.
- 575 R\_7JDKQPOJRWDW.
- 576 R\_7SHFZZKXDPFX.
- 577 R\_7CRSWAOAFVKN.
- 578 R\_7AJLSOVPKCQT.

- 579 R\_7TTAMTPXKKEF.
- 580 R\_7IJLYQQCXIZC.
- 581 R\_7VKHHAGPKEJH.
- 582 R\_7NJKRWRBOPID.
- 583 R\_7MZRUEIOOITT.
- 584 R\_7LRXWRPMUDWJ.
- 585 R\_7BVYQWLVSJK.
- 586 R\_7BVYQWLVSJK.
- 587 R\_7UBPBYRXIDIM.
- 588 R\_7ONCYXEZPBOM.
- 589 R\_7ZLJZXDBDBUN.
- 590 *Id.*
- 591 R\_7XIFXUVLUGOV.
- 592 R\_7VGJIHTLUZXU.
- 593 R\_7JAEIIPQMCHJ.
- 594 R\_7LVVMUNTGBJU.
- 595 R\_7DYMVQXGLGCG.
- 596 R\_7MJSVDSKWSUX.
- 597 R\_7QZLXYQSUZGL.
- 598 R\_7DZRGLVQZEFN.
- 599 R\_7LAJFAOZYNYF.
- 600 R\_7LQEYPATGEFW.
- 601 R\_7QPLFJADMLTB.
- 602 R\_7JYBTRYPTUDJ.
- 603 R\_7IHHGFWOREKN.
- 604 R\_7APIJWZTIJEQ.
- 605 R\_7DXDIYOEKAUN.
- 606 R\_7VJLWRNHKMDM.
- 607 R\_7QKPAEYFYICN.
- 608 R\_7FQZJKCUITMZ.
- 609 R\_7WMCQXFXZYSV.
- 610 *Id.*
- 611 R\_7EJTISBXNWGN.
- 612 *Id.*
- 613 See, e.g., Charlotte Barlow, *The Role of Emotions for Female Co-Offenders*, in EMOTIONS AND CRIME: TOWARDS A CRIMINOLOGY OF EMOTIONS 16, 29 (Michael Hviid Jacobsen & Sandra Walklate eds., 2019).
- 614 Thaller & Cimino above note 55, at 212–14; Asha McLachlan, *Sex Trafficking as Domestic Violence*, N.Y.U. J. LEGIS. & PUB. POL’Y QUORUM (2021).
- 615 See generally Ozieta D. Taylor, *The Sexual Victimization of Women: Substance Abuse, HIV, Prostitution, and Intimate Partner Violence as Underlying Correlates*, 21 J. HUM. BEHAV. IN SOC. ENV’T 834 (2011); Jody Raphael & Deborah H. Shapiro, *Violence in Indoor and Outdoor Prostitution Venues*, 10 VIOLENCE AGAINST WOMEN 126 (2004); Ian Lockart, Nathan Ryder & Anna M. McNulty, *Prevalence and Associations of Recent Physical Intimate Partner Violence Among Women Attending an Australian Sexual Health Clinic*, 87 SEXUALLY TRANSMITTED INFECTIONS 174 (2011); Vivian F. Go, *High Prevalence of Forced Sex Among Non-Brothel Based, Wine Shop Centered Sex Workers in Chennai, India*, 15 AIDS BEHAV. 163 (2011).
- 616 R\_7ORKBOSNDCDA.
- 617 See Part IX.A. Courtroom Narratives.

- 618 R\_7THNVYOVFVFK
- 619 R\_7RNFIPPTLHGL.
- 620 It is important to note that research and media attention on child killings disproportionately focuses on female perpetrators, ultimately contributing to the misconception these crimes are committed by mothers, when in fact, filicide rates are almost the same for men and women. See Alyssa Frederique et al., *Maternal Filicide: A Review of Psychological and External Demographic Risk Factors*, 32 J. AGGRESSION, MALTREATMENT & TRAUMA 34, 35 (2023).
- 621 See Part XII. Appendix; Campbell et al., above note 345, at 655 fig.1, 656.
- 622 Fugate, above note 223, at 279; see *also id.* at 293.
- 623 R\_8HZQUOBFIALU.
- 624 R\_8CGDGPKCJIIS.
- 625 R\_8LUVKXSHXARN.
- 626 R\_8GQBDDAVJWKO.
- 627 *Id.*
- 628 R\_8PQUIKQPFEKN; R\_8OYQFLCYWUTK; R\_8YHZQYVJCBHC; R\_8NOIEFUWFPLI; R\_8IAHHZOIHUQA; R\_8EWEIURMKILQ.
- 629 R\_8YHZQYVJCBHC.
- 630 R\_8EWEIURMKILQ.
- 631 R\_8PQUIKQPFEKN.
- 632 R\_8OYQFLCYWUTK.
- 633 R\_8ZKNHSQTHVGZ.
- 634 R\_8HIGJDMQOTKZ.
- 635 R\_8RCRIXKKZODW.
- 636 R\_8YHTZOGVVFCW.
- 637 See Phillip J. Resnick, *Child Murder by Parents: A Psychiatric Review of Filicide*, 126 AM. J. PSYCHIATRY 325, 329 (1969). Resnick's early classification scheme of child killings determined that a large portion of such killings (56%) perpetrated by mothers had "altruistic" motives, meaning that the killings were committed to alleviate a child's real or perceived pain, or to prevent a future real or perceived harm, or they were "associated with suicide" to "relieve suffering." *Id.* at 329. Altruistic killings associated with suicide comprised 14% of child killings, whereas child killings intended to relieve real or perceived present or future suffering constituted 42% of child killings. *Id.*
- 638 R\_8MZKZFGGFSFT.
- 639 R\_8FBXAZMBERRT.
- 640 R\_8OWMFGCQHZJX.
- 641 R\_8DYLXGYZFKQH.
- 642 R\_8DSANUARWRXT.
- 643 R\_8RBPFWRDXTCO.
- 644 R\_8HCGYAMQTPJT.
- 645 R\_8WJQFFOQWNQS.
- 646 R\_8PBMWNNHKXKF.
- 647 R\_8ZDTKWRPHIZQ.
- 648 R\_8TIZYWMLZYJT.
- 649 R\_8BWKDTSIIABW.
- 650 R\_8AMPLHLFXPSX.
- 651 R\_8MNLOFMBKDBP.
- 652 R\_8DXZXHRDYMMX.
- 653 R\_8GNPXDXXDHU.

654 R_8MJGELZZNVHJ.	681 R_8HCDOEMINYLU.
655 R_8GOAYYFNFTKI.	682 R_8JDFFHQHUTAL.
656 R_8CTYJJOQKNFA.	683 R_8OUDOCDJLVQY.
657 R_8IAHHZOIHUQA.	684 R_8SQLDBEMSPML.
658 R_8PQUIKQPFEKN.	685 R_8ZIPPHMHZIQS.
659 R_8LUVKXSHXARN.	686 R_8HHDFFUAKZVE.
660 R_8RKOGIZPHQUO.	687 R_8LHRVMZUDGLP.
661 R_8DMZNBCMOHAW.	688 R_8IXEYCRAAOIE.
662 R_8GVKKDIAGTBE.	689 R_8MCARJDOPMYD.
663 R_8HOOMEUWVKEJ.	690 R_8MZEJDTCMLXK.
664 R_8YHTZOGVVFCW.	691 <i>Id.</i>
665 R_8LUVKXSHXARN.	692 R_8DFZCGEBCLBD.
666 R_8GXRFWOHIHSR.	693 R_8FIYYRAGPYDR; R_8TSBQVVLEFNA; R_8SQLDBEMSPML; R_8EYTBXMKBZMX.
667 R_8HZQUOBFIALU.	694 R_8XMDNTNZTJBZ.
668 R_8CGDGPKCJIIS.	695 R_8FIYYRAGPYDR.
669 R_8OWMFGCQHZJX.	696 R_8TSBQVVLEFNA.
670 R_8HCGYAMQTPJT.	697 R_8EYTBXMKBZMX.
671 R_8WJQFFOQWNQS.	698 R_8HORISUDGKCA; R_8IWFOPLUVTKU; R_8YXTPWFJUXRE.
672 Campbell et al., above note 345, at 655 fig.1, 656.	699 R_8MZPLATHTNQT.
673 R_8MQRDJMBBVCA.	700 R_8DGOCOKFCXWT.
674 R_8NGUGHQCMSVV.	701 R_8WLJMYGBVGMP.
675 R_8QAWUYGEJPYS.	702 R_8FGCUOLGRMEX.
676 <i>Id.</i>	703 R_8UMTDXNXQJVN.
677 R_8ZPKIKMUMHOT.	704 R_8YIFKPKENLAW.
678 R_8ZUPORXNACPF.	705 R_8XOZCJJDMJMW.
679 R_8RNPOKYBUTOG.	706 R_8BZKWMRVOEZ; R_8RHCPLZDPDOE;
680 R_8XDPLTWJIGFX.	

- R\_8FMNNPZBOHMS; R\_8NGKNYUVPNPU;  
R\_8KXVLZELMIQX; R\_8IAJQBCQXTTR;  
R\_8OUGKQXLYRIU; R\_8HUHOPMIYPJL;  
R\_8YYMGPXLHZXR; R\_8LLJRXNLNOTT;  
R\_8BPBRQWNJHIR; R\_8MCBJMYFBBGY;  
R\_8MCBJMYFBBGY; R\_8HTYHGPPHHPJ;  
R\_8VRCQOYHNRRP; R\_8KSCPWWDXFKD.
- 707 R\_8BZKWMRVOEZ.
- 708 R\_8MCBJMYFBBGY.
- 709 R\_8NGKNYUVPNPU.
- 710 R\_8HTYHGPPHHPJ.
- 711 R\_8KXVLZELMIQX.
- 712 R\_8YYMGPXLHZXR.
- 713 R\_8BPBRQWNJHIR.
- 714 R\_8FMNNPZBOHMS; R\_8BPBRQWNJHIR.
- 715 R\_8FMNNPZBOHMS.
- 716 R\_8BZKWMRVOEZ; R\_8IAJQBCQXTTR;  
R\_8HUHOPMIYPJL; R\_8KSCPWWDXFKD.
- 717 R\_8HUHOPMIYPJL.
- 718 R\_8KSCPWWDXFKD.
- 719 R\_8OUGKQXLYRIU.
- 720 R\_8SOKBPKFVFBW; R\_8HIGJDMQOTKZ;  
R\_8GKWCKKIHNCZ.
- 721 R\_8GKWCKKIHNCZ.
- 722 R\_8SOKBPKFVFBW.
- 723 R\_8JUJTXZFXMMO.
- 724 R\_8LLJRXNLNOTT.
- 725 R\_8THRYBPXVPE.
- 726 R\_8CVYZYTNGZRF.
- 727 R\_8BQKVOUZRTYB.
- 728 R\_8RUXUNWBPHFA.
- 729 R\_8YFGCZFBMFAU.
- 730 R\_8HNBZVMWKVFD.
- 731 R\_8HHFGBOJZXLZ.
- 732 R\_8APELDGSXBOK.
- 733 R\_8OMVXKROTFSO.
- 734 Socioeconomic status generally encompasses income, occupation, and education, whereas class refers to income, wealth, educational level, age, and occupational prestige. Our survey intended to capture socioeconomic status, but respondents shared how their perceived class status contributed to unfair treatment. As such, sometimes the terms are used interchangeably in this Part in alignment with how respondents understood the survey questions.
- 735 Lisa A. Harrison & Cynthia Willis Esqueda, *Myths and Stereotypes of Actors Involved in Domestic Violence: Implications for Domestic Violence Culpability Attributions*, 4 AGGRESSION & VIOLENT BEHAV. 129, 134 (1999) (capitalization altered).
- 736 Pamela Jenkins & Barbara Davidson, *Battered Women in the Criminal Justice System: An Analysis of Gender Stereotypes*, 8 BEHAV. SCIS. & L. 161, 168 (1990).
- 737 See, e.g., Leigh S. Goodmark, *Telling Stories, Saving Lives: The Battered Mothers' Testimony Project, Women's Narratives, and Court Reform*, 37 ARIZ. STATE L.J. 709, 731–32 (2005).
- 738 CECILIA L. RIDGEWAY, *FRAMED BY GENDER: HOW GENDER INEQUALITY PERSISTS IN THE MODERN WORLD* 11 (2011).



- 739 See *id.* at 28.
- 740 Harrison & Willis Esqueda, above note 735, at 130, 132.
- 741 See generally Jenkins & Davidson, above note 736 (discussing the different ways in which defense counsel and prosecutors portray survivor-defendants).
- 742 *Id.* at 163–64.
- 743 Karyn M. Plumm & Cheryl A. Terrance, *Battered Women Who Kill: The Impact of Expert Testimony and Empathy Induction in the Courtroom*, 15 VIOLENCE AGAINST WOMEN 186, 189–90 (2009).
- 744 R\_9UFSACTLRWBL.
- 745 R\_9YYUVAUFEHOH.
- 746 R\_9RCDSNXLOHKE.
- 747 R\_9WPOLBTJSMIK.
- 748 R\_9AGJGFWCVIWF.
- 749 R\_9JUBVTNGRIMP.
- 750 R\_9CHJDZYTBEI.
- 751 *Id.*
- 752 R\_9WIUKEOBKRMR.
- 753 R\_9FBSAOWIXLVC.
- 754 R\_9GTFBYIJAOUO.
- 755 R\_9HGVKYZJIIHH.
- 756 R\_9DHNNRRBPOXM.
- 757 R\_9JPRIYMPBFDO.
- 758 R\_9CUFSPLIJVEH.
- 759 R\_9OWAHRHCJDAI.
- 760 R\_9KRLKWXENHEY.
- 761 Stephen Benard & Shelley J. Correll, *Normative Discrimination and the Motherhood Penalty*, 24 GENDER & SOC’Y 616, 629, 639–41 (2010); Shelley J. Correll, Stephen Benard & In Paik, *Getting a Job: Is There a Motherhood Penalty?*, 112 AM. J. SOCIO. 1297, 1303–04, 1333–34 (2007).
- 762 R\_9MKGZLGNYIZU.
- 763 R\_9OQVKMPLWKWP.
- 764 Wendy D. Roth, *The Multiple Dimensions of Race*, 39 ETHNIC & RACIAL STUDS. 1310, 1312–20 (2016).
- 765 *Id.* at 1317–18.
- 766 R\_9XYKMJILRZGQ.
- 767 R\_9EHFSVGLISAA.
- 768 R\_9JPRIYMPBFDO.
- 769 R\_9KMYOTJIPDAE.
- 770 R\_9TOXDDNDZGQJ.
- 771 R\_9YXDCKCZJTON.
- 772 R\_9YVBMPNCPVAH.
- 773 R\_9QCCXDUGKCCO.
- 774 Narrative excerpts from Asian or Pacific Islander and American Indian or Alaska Native respondents were combined to protect their anonymity.
- 775 R\_9WFEQNBQYMXU.
- 776 R\_9VSUHVICLJTP.
- 777 R\_9ERHYAOWJWOM.
- 778 R\_9WFFESARBFLV.
- 779 R\_9KDWOADOCOSR.
- 780 R\_9KERJNTJFHKK.
- 781 R\_9ZOSGHSYUZZH.

782	R_9DLGJPTIHXXQ.	807	R_9WOBGULBIMMX.
783	R_9WFKGODANQXK.	808	R_9DWLTGGKEGUR.
784	R_9SNEBHMEHVUC.	809	R_9MRBUDOKDPRH; R_9XVFWJZXWZY.
785	R_9CKXDCBMOBNA.	810	R_9AHALDSOLKZN.
786	R_9HSISLLTANIV.	811	R_9ERHYIAOJWOM.
787	R_9OSXGNRUQUQI.	812	Four sub-threshold IPV respondents discussed challenges with judges in their narrative responses.
788	R_9AYZLMBMJYPA.	813	R_9GAVLZJLDCRA.
789	R_9LOKKQCECNHF.	814	R_9DOQIYXMUUQF.
790	R_9WULNFWPCNJZ.	815	R_9QCGVSTPVAYZ.
791	R_9IDEIJWCLXKR.	816	R_9LTGQXRKXDWB.
792	R_9VDDOVZUBSKB.	817	<i>Id.</i>
793	R_9BLKBPSYWQJB.	818	R_9HPGDAMOXRNT.
794	R_9MZOBZJKRIY.	819	R_9EHNYYPVGOEQ.
795	R_9RCEJYVCUUHG.	820	R_9UINNKTSIPGN.
796	R_9SWSWQHKKPEG.	821	Five respondents who scored as sub-threshold IPV also discussed problems with prosecutors in their narrative responses.
797	R_9BEZSILYUGAM.	822	R_9XFJJMEEGRGE.
798	R_9KUWDLMKMBWA.	823	R_9UOLFHENSETW.
799	R_9SAQAESNGVWU.	824	R_9EPCGPNSIXFS.
800	R_9VRFGRGUCNLV.	825	R_9AUBOVKWWTZT.
801	R_9PLEHWGCVSDE; R_9AHALDSOLKZN; R_9BANSHTMDKG.	826	R_9HSISLLTANIV.
802	<i>E.g.</i> , R_9JPRIYMPBFDO; R_9ZHUMECJPVGB.	827	R_9QSDEEKVIFRG.
803	R_9TZYVAUUSRVL; R_9YIOUISCDROD.	828	R_9PGHQPKFEUBJ.
804	R_9ZUDKEELKRYD; R_9KUWDLMKMBWA; R_9IRULPBQXSOD.	829	R_9USXDORGFWDJ.
805	R_9INGTTZMWALN.	830	R_9UFSACTLRWBL.
806	R_9YIOUISCDROD.	831	R_9UXJTPDJMSLN.

- 832 R\_9IIUTKCLLLPH.
- 833 R\_9ZHUMECJPVGB.
- 834 R\_9UIOXJNUZULA.
- 835 R\_9TKIRNLLKFRP.
- 836 R\_9PYOYCNCYUVO.
- 837 R\_9BZHDXBPTUVV; R\_9JHLGJCAJYWW.
- 838 R\_9NDTEYHSVVID.
- 839 There is no consensus on the actual rate of co-offending in the United States, see Cecilia Meneghini & Francesco Calderoni, *Co-Offending and Criminal Careers in Organized Crime*, 8 J. DEV. LIFE-COURSE CRIMINOLOGY 337, 338 (2022), and prior research consists of small, limited samples, see generally, e.g., Brendan Lantz & R. Barry Ruback, *The Relationship Between Co-Offending, Age, and Experience Using a Sample of Adult Burglary Offenders*, 3 J. DEV. LIFE-COURSE CRIMINOLOGY 76 (2017) (analyzing a sample of 270 burglary offenders in Centre County, Pennsylvania).
- 840 E.g., Judith S. Willison, *Characteristics of Violent Crime Committed by Female Prisoners*, 31 VIOLENCE & VICTIMS 552, 557 (2016) (finding a high prevalence of co-defendants in robbery offenses).
- 841 See, e.g., Candace Kruttschnitt, Rosemary Gartner & Jeanette Hussemann, *Female Violent Offenders: Moral Panic or More Serious Offenders?*, 41 AUSTL. & N.Z. J. CRIMINOLOGY 9, 31 (2008); Sarah Becker & Jill A. McCorkel, *The Gender of Criminal Opportunity: The Impact of Male Co-Offenders on Women's Crime*, 6 FEMINIST CRIMINOLOGY 79, 91 (2011); Barbara A. Koons-Witt & Pamela J. Schram, *The Prevalence and Nature of Violent Offending by Females*, 31 J. CRIM. JUST. 361, 369 (2003).
- 842 See, e.g., Leanne Fital Alarid et al., *Women's Roles in Serious Offenses: A Study of Adult Felons*, 13 JUST. Q. 431, 447 (1996); Susan McNeeley, *Gendered Pathways into Co-Offending Among a Sample of Adult Burglary and Robbery Offenders*, 65 CRIME & DELINQ. 1711, 1715 (2019).
- 843 E.g., Susie Hulley, *Defendant "Co-offending" Women: Recognising Domestic Abuse and Coercive Control in 'Joint Enterprise' Cases Involving Women and their Intimate Partners*, 60 HOW. J. CRIME & JUST. 580, 580–81 (2021). For more information on coercive control and entrapment, see above Part VI.D. Emotional Violence and Coercive Control.
- 844 Charlotte Barlow & Siobhan Weare, *Women as Co-Offenders: Pathways into Crime and Offending Motivations*, 58 HOW. J. CRIME & JUST. 86, 91, 98 (2019); Stephen Jones, *Partners in Crime: A Study of the Relationship Between Female Offenders and their Co-Defendants*, 8 CRIMINOLOGY & CRIM. JUST. 147, 160 (2008).
- 845 E.g., Hulley, above note 843, at 583–84, 589–91.
- 846 R\_9JOVTACAUDCT.
- 847 R\_9FBSAOWIXLVC.
- 848 R\_9ZHUMECJPVGB.
- 849 R\_9JVPZADOXIZW.
- 850 R\_9UHDUXUGVSOS.
- 851 R\_9USXDORGFWDJ.
- 852 R\_9WIUKEOBKRMR;  
R\_9GAJAJDHXZAR;  
R\_9MYZYBZEEMQN;  
R\_9NMANCANNVJKH;  
R\_9LWVIWWXLHRX;  
R\_9QOKXYTFMPAF;  
R\_9TAERMYYYNAX.

<p>853 R_9QDFMLWDCDSN.</p> <p>854 R_9RCEJYVCUUHG.</p> <p>855 R_9PPOCAPIPINM.</p> <p>856 R_9UCASXZKMPYG.</p> <p>857 <i>Id.</i></p> <p>858 R_9NDFQIRIOXKE.</p> <p>859 R_9MGTSZLMXFSN</p> <p>860 R_9REFXJSXXGQU.</p> <p>861 R_9GUYVGZOOOGQ.</p> <p>862 R_9JPPOQUECDPD.</p> <p>863 R_9YXDCKCZJTON.</p> <p>864 R_9QOKXYTFMPAF; R_9YXDCKCZJTON; R_9HSISLLTANIV; R_9BIYKPMWXHTO; R_9KMYOTJIPDAE; R_9KRXJAMITZHS; R_9YVBMPNCPVAH.</p> <p>865 R_9YXDCKCZJTON.</p> <p>866 R_9GTFBYIJAOUO.</p> <p>867 R_9WXPEIPNSDHG.</p> <p>868 R_9LSWDPDEGJHQ.</p> <p>869 R_9MYZYBZEEMQN.</p> <p>870 As one would expect, respondents whose cases were resolved by plea deal received, on balance, more lenient sentences than those whose cases were resolved by trial. Most respondents whose cases were resolved by trial received years-to-life (59 respondents) or LWOP sentences (55 respondents), but five respondents received death sentences. Only three respondents whose cases were resolved by plea deal received LWOP sentences, and most received years-to-life (61). Although the reported average years-to-life sentence</p>	<p>was not much lower among respondents whose cases were resolved by plea (about 20 years) than those whose cases were resolved by trial (about 23 years), the median sentence among respondents whose cases were resolved by plea deal (15 years) was much lower than those whose cases were resolved by trial (25 years).</p> <p>871 R_9KRPTVYMKYZS.</p> <p>872 R_9UHDUXUGVSOS.</p> <p>873 R_9BTFQALDBIMQ.</p> <p>874 R_9JPRIYMPBFDO.</p> <p>875 R_9MKGZLGNYIZU.</p> <p>876 R_9JMBERVYDEYM.</p> <p>877 R_9EHNYPVGOEQ.</p> <p>878 R_9JHLGJCAJYWW.</p> <p>879 R_9DLGJPTIHXQQ.</p> <p>880 R_9IIUTKCLLLPH.</p> <p>881 R_10UMUWWTVOQUC.</p> <p>882 R_10UNDEKWBPWZV.</p> <p>883 R_10CVXGSLKEMPF.</p> <p>884 R_10VCKVKKTCSUT.</p> <p>885 R_10DEFYBUTNMUI.</p> <p>886 R_10KFPUTNGDUTA.</p> <p>887 R_10QVTVMRUDAYC.</p> <p>888 R_10LXWPEBPCCZS.</p> <p>889 R_10ZKZXTVGPJHP.</p> <p>890 R_10UOEYCHZSRYP.</p> <p>891 R_10XLHARZGPDZR.</p> <p>892 R_10ZTMXZPZGXKE.</p>
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- 893 R\_10TQIFEYZVHLE.
- 894 R\_10QNHUQMJCMSG.
- 895 R\_10TMNQYSFHQCF.
- 896 R\_10ZQRFPCOBYTE.
- 897 R\_10QTBKMTUALRU.
- 898 R\_10JUROKOUQCQSK.
- 899 R\_10XTXVKNNWUYH.
- 900 R\_10YNAKMCFRXCP.
- 901 R\_10OMZEFHGHLYM.
- 902 R\_10NFGBEHERPFY.
- 903 R\_10HXOLOSFTXKU.
- 904 R\_10BDRAEFNEEGP.
- 905 R\_10ABYIGHPSOLM.
- 906 R\_10SDZKGPVISIP.
- 907 R\_10FXPLUBYCXXL.
- 908 See Appendices 3–7.
- 909 Grella et al., above note 118, at 70–72; Messina & Grella, above note 117, at 1846–47; Capaldi et al., above note 104, at 246–49, 251–53, 264–65; see also VIOLENCE PREVENTION DIV., NAT’L CTR. FOR INJURY PREVENTION & CONTROL, CTRS. FOR DISEASE CONTROL & PREVENTION, above note 113, at 8.
- 910 JOHNSON, above note 87, at 6 fig.1, 9.
- 911 Tolmie et al., above note 67, at 65–67.
- 912 JOHNSON, above note 87, at 6 fig.1, 10.
- 913 See, e.g., Kellianne Costello & Brian D. Greenwald, *Update on Domestic Violence and Traumatic Brain Injury: A Review*, 12 BRAIN SCI. 1, 2 (2022) (“It has now been estimated that the number of women who have experienced TBI secondary to domestic violence is 11–12 times greater than the number of TBIs experienced by military personnel and athletes combined.” (footnote omitted)); Valera et al., *Understanding TBIs*, above note 468, at e5–e6 (documenting the growing body of research linking TBIs to IPV since the 1990s). Despite some more recent attention to IPV-caused TBIs, there is a dearth of neuroimaging research pertaining to this population of individuals who suffer from TBIs. For a recent neuroimaging study, see, for example, Jirapat Likitlersuang et al., *Neural Correlates of Traumatic Brain Injury in Women Survivors of Intimate Partner Violence: A Structural and Functional Connectivity Neuroimaging Study*, 37 J. HEAD TRAUMA REHAB. e30, e36 (2022) (finding significant differences in cortical thickness and functional connectivity between women who were and were not IPV survivors).
- 914 E.g., Rodger LL. Wood & Rhys H. Thomas, *Impulsive and Episodic Disorders of Aggressive Behaviour Following Traumatic Brain Injury*, 27 BRAIN INJURY 253, 253–54 (2013).
- 915 Lucien Rochat et al., *How Inhibition Relates to Impulsivity after Moderate to Severe Traumatic Brain Injury*, 19 J. INT’L NEUROPSYCHOLOGICAL SOC’Y 890, 895 (2013) (“A significant increase in urgency, lack of premeditation, and lack of perseverance in patients with TBI was observed when retrospectively compared with the preinjury condition by patients’ significant others . . .”).
- 916 Leone et al., above note 531, at 1867–68; Wolf et al., above note 152, at 126–27; Augustyn & Willyard, above note 138, at NP1080–81; Martin et al., above note 137, at 158, 168; cf. Fleury-Steiner et al., above note 531, at 338 (“[N]early one in five victims

(19%) told interviews that they had been harmed again by their assailants after the arrest had been made but before the case had closed.”).

- 917 See, for example, BIERRIA & LENZ, above note 16; LEIGH GOODMARK, *DECRIMINALIZING DOMESTIC VIOLENCE: A BALANCED POLICY APPROACH TO INTIMATE PARTNER VIOLENCE* (2018); *Defense Center for Criminalized Survivors*, BATTERED WOMEN’S JUSTICE PROJECT, <https://perma.cc/J3DP-PR97> (last visited July 5, 2024).
- 918 See, e.g., Jill Theresa Messing & Jonel Thaller, *The Average Predictive Validity of Intimate Partner Violence Risk Assessment Instruments*, 28 J. INTERPERSONAL VIOLENCE 1537, 1543, 1545 (2013); Claudia E. van der Put, Jeanne Gubbels & Mark Assink, *Predicting Domestic Violence: A Meta-Analysis on the Predictive Validity of Risk Assessment Tools*, 47 AGGRESSION & VIOLENT BEHAV. 100, 105–09 tbl.1 (2019); Laurie M. Graham et al., *The Validity and Reliability of Available Intimate Partner Homicide and Reassault Risk Assessment Tools: A Systematic Review*, 22 TRAUMA, VIOLENCE, & ABUSE 18, 22, 33 (2021); Millan Alexander AbiNader et al., *Predicting Intimate Partner Violence Reassault and Homicide: A Practitioner’s Guide to Making Sense of Predictive Validity Statistics*, 68 SOC. WORK 81, 82 tbl.1 (2023).
- 919 See Murray et al., above note 335, at 300–04 (providing practice recommendations for “supportive people” who work with survivors).
- 920 The Spectrum of Prevention from the Prevention Institute offers strategies to design a comprehensive approach to prevent IPV. See PREVENTION IN ACTION, <https://perma.cc/Y2JB-3857> (last visited July 5, 2024).

