

WORKING WITH CRIMINALIZED SURVIVORS: A TOOLKIT



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**CRIMINALIZED SURVIVOR,
DETENTION, & JUSTICE CLINIC**

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OVERVIEW

This toolkit is designed to provide resources for defense attorneys who suspect or know that their client is a criminalized survivor. It is a non-exhaustive compilation of pre-existing information and tools designed to help attorneys work with and advocate for criminalized survivors. It is divided into three sections.

WHO ARE CRIMINALIZED SURVIVORS?



1

This section provides basic information on what makes someone a criminalized survivor, the crimes with which they may be charged, and the unique challenges they face when they encounter the criminal justice system.

SUPPORTING CRIMINALIZED SURVIVORS THROUGHOUT THE JUDICIAL PROCESS



2

This section provides resources to help attorneys support and best advocate for criminalized survivor clients. It is divided into different steps of the judicial process and can serve as a helpful reference guide for how best to work with people charged with crimes who have suffered abuse, including how to meet challenges when a client has difficulty disclosing past abuse, how to get to know a criminalized survivor client, and what to keep in mind during each stage of litigation.

RESOURCES FOR CLIENTS



3

This section provides resources geared towards criminalized survivors rather than attorneys. We included this section in order to give attorneys some helpful information to pass along to their clients at their discretion.

WHO ARE CRIMINALIZED SURVIVORS?

- Criminalized survivors are individuals who experienced domestic and/or gender-based violence who were then charged with a crime when the abuse was a significant contributing factor.
- In North Carolina, domestic violence is generally defined as a pattern of behavior wherein an abuser engages in physical, mental, emotional, financial, or sexual abuse against someone with whom they have a personal relationship.
- A criminalized survivor can be a person of any gender or sexuality—while women who were abused by their male intimate partners comprise the largest percentage of the criminalized survivor cohort, anyone can be a criminalized survivor if they have experienced domestic abuse and were charged with a crime where the abuse was a significant contributing factor. This includes LGBTQ+ individuals, people of all genders, minors, and individuals abused by family members or household members.
- A person considered to be a criminalized survivor is not limited to someone who has murdered their abusive partner or has otherwise committed an act of violence against that person. Instead, they may be charged with an array of different crimes, including property offenses, drug offenses, failure to protect and other offenses involving children, and firearms offenses. They may also be charged as accomplices to crimes committed by their abusers.
- Domestic abuse disproportionately impacts women of color, with 54% of Black women and 58% of Indigenous women having experienced domestic violence in their lifetime. Queer people are also subjected to higher rates of intimate partner violence (IPV) than straight people, with bisexual men and women experiencing the highest rates at 69% and 46% respectively.
- In sum, a criminalized survivor may not look how one expects them to look: anyone can be a criminalized survivor. Defense attorneys must be equipped with this knowledge in order to best support and advocate for criminalized survivor clients

ADDITIONAL RESOURCES

- [Battered Women's Justice Project: Criminalized Survivors Fact Sheet](#)
- [Battered Women's Justice Project: Building a Community Coordinated Response to the Criminalization of Survivors: A Toolkit](#)
- [The Criminalization of Survival](#)
- [Georgia Coalition Against Domestic Violence: The Criminalization of Survival National Information](#)
- [UNC School of Law Criminalized Survivor, Detention, and Justice Clinic \(See Resources Tab\)](#)

SUPPORTING CRIMINALIZED SURVIVORS THROUGHOUT THE JUDICIAL PROCESS

Criminalized survivors may encounter unique difficulties throughout the judicial process, from appearing disingenuous at trial to being reexposed to abuse upon reentry into society after incarceration. We have compiled a selection of resources to help you help a criminalized survivor client through every stage of the criminal process.

FIRST COURT DATE

- [A Criminalized Survivor's First Court Date](#)

INFORMATION GATHERING

- [Center for Court Innovation: Understanding the Needs of Criminalized Survivors](#)
- [How Trauma Impacts Four Different Kinds of Memory](#)

TRAUMA-INFORMED INTERVIEWING

- [Kate Porterfield: Trauma-Informed Interviewing Best Practices \(for journalists but helpful for attorneys\)](#)
- [Successful Trauma-Informed Victim Interviewing](#)
- [ABA: Trauma-Informed Representation Project](#)

PLEA BARGAIN

- [BWJP: Guilty Pleas](#)

SENTENCING

- Mitigation Guide (still not on website, will add when it is)
- Screening Tool (in progress)
- [The Sentencing Project: Sentencing Reform for Criminalized Survivors](#)

INCARCERATION

- [The Sentencing Project: Incarcerated Women and Girls](#)
- [Georgetown Law Center on Gender Justice & Opportunity—Criminalized Survivors: Today's Abuse to Prison Pipeline for Girls](#)

REENTRY

- [The Hardest Thing I've Ever Done: Reentry Realities of Criminalized Survivors](#)
- [Reentry Checklist for Advocates Working with Reentering Survivors](#)

RESOURCES FOR CRIMINALIZED SURVIVOR CLIENTS

These resources are designed for clients rather than for attorneys. Sometimes clients may not feel comfortable talking to anyone about their experiences with abuse, so it may be helpful to pass these resources along to clients who you know or suspect to have experienced domestic violence.

- [Battered Women's Justice Project](#)
- [Survived and Punished: Safety Planning and Intimate Partner Violence](#)
- [North Carolina Coalition Against Domestic Violence](#)
- [InterAct Wake County](#)
- [North Carolina Domestic Violence Help, Programs, and Statistics](#)
- [Traumatic Brain Injury Factsheet](#)
- [Disability Rights NC's NC BRAINS Initiative](#)