



March 27, 2023

To: Chair Prozanski, Vice-Chair Thatcher and Members of the Committee:

The American Association of University Women (AAUW) of Oregon strongly supports SB 1070.

This bill allows a sentencing judge to consider whether a defendant was subjected to domestic abuse which contributed to the defendant's criminal behavior. If established, evidence of this abuse shall constitute substantial and compelling reasons to justify a downward departure in imposing a sentence.

This proposal represents sound public policy and adequately protects the interests of both the state and individuals accused of committing a crime(s). Unfortunately, it reflects the reality which many defendants, predominantly women, face.

In an article titled "Woman Abuse Survivors Sent to Prison for Self-Defense" by [Keith Sanders](#) published in Prison Legal News [July, 2021](#), the author writes that America's criminal justice system is designed by and for men. It characterizes offenders as violent and victims docile, where offenders kill and victims die. Within this framework, women are often marginalized and unjustly prosecuted, especially victims of domestic violence who are left no choice but to fend off their attackers with deadly force.

A 2018 survey of incarcerated women by investigative journalist Justine van der Leun, writing for *The New Republic* (TNR) revealed that many of the women had endured years of systematic abuse. Over 60% reported physical, sexual, emotional or some combination of abuse prior to incarceration. Much of the abuse they encountered came from domestic partners: 43% said they were abused by their spouse, boyfriend, or girlfriend.

A number of members of Oregon AAUW have experience as caseworkers in homes where domestic violence has or is taking place. Everyone in these situations suffers from the predatory abuser, but it is usually that the case that the victims fail to reach out for help because of fear of retaliation.

Oregon has mandatory sentencing guidelines which aim to provide equal punishment for similar crimes. House Bill 1070 allows for exceptions to mandatory sentencing guidelines. It must be recognized that some level of sentencing guidelines are essential for equity of treatment, but they can fail if they do not allow for more complicated situations where the victim has been bullied, beaten, harassed, stalked or held captive by his or her victim.

We urge support for this bill and thank you for your public service.

*Claire Berger*

*Chair, State Public Policy Committee, American Association of University Women*