

Currently in Oregon, once a domestic violence survivor becomes a criminal defendant, their status as a survivor—a victim in need of support and care—is stripped from them. Oregon’s criminal legal system abuses domestic violence survivors who become criminal defendants by virtue of the abuse they suffered.



Crystal’s Story

When Crystal was 14 years old, she was forced into prostitution by the man who would be the father of her daughter. Crystal gave birth at age 17. In describing her life, one in which she was terrorized and controlled, Crystal says, “[I was] bouncing around from hotel room to hotel room and praying every day that I was going to breathe another breath in my life.” After her crime occurred, a homicide committed for her own survival, the criminal system did not consider that she was living, for years, in an abusive relationship and forced into prostitution. She was sentenced under Measure 11. The judge told Crystal that she had no choice other than to sentence her to the mandatory minimum prison term of 16½ years.

Issue in Brief

In Oregon, more than one third of women have experienced domestic violence. For too many survivors of domestic abuse, their victimization is a pathway to incarceration. They are arrested and prosecuted for acts committed out of survival, like protecting themselves or their children from the abuser, responding to the abuser’s threats or coercion, fighting back or trying to escape from the abuser, or stealing out of financial need due to the abuse. They are also often blamed for the abuser’s crimes. Once a survivor becomes a criminal defendant, their status as a survivor—a victim in need of support and care—is stripped from them. In most cases, the state will prosecute and seek to punish survivor-defendants to the fullest extent of the law—either failing to see the abuse, ignoring the abuse, or using their victimization against them. Oregon’s sentencing laws do not adequately allow judges to consider the impact of domestic violence on survivors. This results in unjust and excessively long terms in prison, where survivors are continuously re-traumatized by an environment that resembles the abusive relationships from which they came.

A 2017–2018 survey of more than 140 women incarcerated in Oregon revealed the following:

65% *of women in a relationship at the time of arrest reported experiencing abuse in their relationship.*

44% *of the women in a relationship at the time of arrest said the relationship contributed to their conviction.*

The Solution: SB 1179

1) The bill requires the sentencing court to consider evidence of domestic violence and would give the judge the discretion to impose a lesser sentence if:

- The defendant was subjected to domestic abuse;
- The abuse was ongoing when the criminal behavior occurred and was a contributing factor to that behavior; and
- Sentencing the defendant to a presumptive or mandatory sentence would be unduly harsh in light of the circumstances.

Specific to this legislation, “domestic abuse” means a pattern of behavior in the relationship that is used to gain or maintain power and control over the other person. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone.

- 2) The bill allows individuals who have been convicted to petition the court for resentencing if they did not previously present evidence of domestic violence at sentencing as described above.
- 3) The bill creates a task force to make recommendations to the Oregon Department of Corrections of programs, procedures, and services needed to help ensure that incarcerated survivors return to the community healthy and safely and to prevent re-traumatization.

Zuleyma’s Story

“Good teacher.” This is how Zuleyma’s students described her. She loved her job, had a house, and close family. Then, she fell in love and found herself trapped in a relationship marked by violence, manipulation, and control. When Zuleyma found out her partner was selling drugs, she was too worn down from the abuse to resist the pressure to sell drugs too. She stopped living her own life and stopped seeing her family. Following 3-months in jail, Zuleyma tried to leave the relationship. But her partner began stalking her, came to her house, put a gun to her head, and threatened to “disappear” her sister. Her partner controlled her life, which was “a living hell,” filled with terror. Her partner used Zuleyma’s name to open a shop as a front for selling drugs. In 2012, Zuleyma was sentenced to 5½ years in prison for delivery of drugs. Her partner was not arrested. The abuse was never considered in Zuleyma’s case.

Contact **Zach Winston**, OJRC Policy Director at zwinston@ojrc.info, or **Julia Yoshimoto**, OJRC Women’s Justice Project Director at jyoshimoto@ojrc.info.

Robust Bi-Partisan Support for Protecting Criminalized Survivors



Likely Oregon Voters Support

Across the state, **70 percent** of likely voters support legislation that would allow courts to impose shorter sentences—including resentencing people already in prison—for people who are survivors of domestic violence when the abuse was a contributing factor to the offense. (2021)

“I had to do what I was told by him, he beat me, threatened me and my children. [He] wouldn’t let me leave with both kids, always kept one so I would have to come back.”

For more information about this bill, click or scan the QR code →

