Understanding the Needs of Criminalized Survivors

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Black women are disproportionately represented in the justice system and face a host of barriers including histories of domestic violence, sexual assault, racism, and trauma.

This document will address the specific needs of criminalized Black women and offer strategies for stakeholders who work with them.

Defining the Problem

Overrepresentation in the justice system

Over the past twenty years the U.S. has seen a significant rise in criminalized and incarcerated women, with women of color overrepresented throughout the system. Black women, however, outnumber their counterparts by almost three times, representing 30 percent of the prison population and only 13 percent of the general population.[1]

Prevalence of domestic violence and sexual assault

Domestic violence and sexual assault are unfortunately common across race and class in the United States, but Black women, in particular, experience higher rates. Four in ten Black women having experienced domestic violence throughout their lifetime.[2] In addition, Black women experience higher rates of intimate partner homicide when compared to their White counterparts.[3] In 2002, the number one killer of Black women ages 15 to 34 was homicide at the hands of a current or former intimate partner.[4] Despite these high rates of domestic violence and sexual assault, Black women are less likely to access help and services, likely due to institutional barriers and structural racism within organizations and systems.

Systemic oppression, racism, and microaggressions

The role of implicit bias, racism, and discrimination should not be ignored when acknowledging the experiences of women of color, specifically Black women.[5] Indeed, an intersectional identity requires paying attention to the ways in which race, gender, class, and other social attributes combine and make Black women more prone to a host of social justice issues. Penned in 1994 by Kimberlé Crenshaw, intersectionality addresses the duality of being both female and members of historically marginalized communities.[6] In 2010, Krim Lacey explained this phenomenon relative to domestic violence by stating, "the intersection of IPV and institutional racism doubly victimizes Black women as they try to break out of the cycle of violence."[7] The intersection of gender and cultural violence complicates Black women's ability to obtain and sustain safe environments.[8] Historical and current racism and trauma can deter Black women from reporting abuse because of past experiences or fear of discrimination in the criminal justice system or other commonly accessed systems. Furthermore, the awareness of Black men's vulnerability to police brutality and incarceration can also contribute to underreporting an intimate partner's abuse to law enforcement.[9]

In addition to experiences of overt racism, racial microaggresions (subtle forms of racism that manifest in interpersonal communications, behaviors, or environments[10]) continually impact Black women's experiences in accessing help. Whether these microaggressions occur when entering a domestic violence shelter or when receiving counseling and support services, these racial microaggressions can impact a woman's decision to access and engage in services or can

even lead her to remain in an abusive relationship.[11] A lack of awareness of the experiences of Black women, including the experience of racism, can potentially create an unwelcoming environment within justice system stakeholder programs and agencies. Black women living in low-income or impoverished communities face additional barriers due to lack of financial and/or community support. Further still, women of color who have migrated to the U.S. can encounter harsh anti-immigrant policies that make it even harder to leave a violent relationship.[12] It is important to note that Black women and girls' vulnerability to violence is not endemic to their communities; rather, social conditions compounded by discrimination place them at greater risk and disadvantage.[13]

Criminalization of survival behaviors

Not only are Black women more likely to encounter challenges when trying to access help, but the behaviors and strategies they use to survive in violent relationships are frequently criminalized. This phenomenon further contributes to the disproportion number of women of color in the criminal justice system. Women of color may be arrested and/or incarcerated for a variety of reasons related to trauma and abuse, including for acts of self-defense against perpetrators, or after being forced to engage in illegal activities to survive, such as prostitution, shoplifting, and low-level drug offenses. Often, women engage in these illegal activities out of fear of their abusers. A study of women incarcerated in the New York City jail system found that the majority of women reported engaging in illegal activity in response to experiences of abuse, the threat of violence, or coercion by their male

partners.[14] Systems often view such women as perpetrators or criminals and not as survivors of violence, thus failing to recognize the complicated duality of the survivor-defendant.

Barriers to services

Criminalized Black women often face intersecting issues that compound the violence they are experiencing. These issues include heightened economic and employment barriers, language access barriers, racism, anti-immigration sentiments, and barriers to accessing health care and mental health services, among others.[15] Additional barriers can come from traditional responses from systems, and advocates are often not equipped to address the culturally specific issues and needs of criminalized Black women. For example, some survivors of intimate partner violence are not able to access shelter services due to their status as a defendant in an open criminal matter and/or their criminal history. Policies that prevent victims of domestic violence from receiving services due to an open criminal matter re-victimize survivors of domestic violence and sexual assault put them at risk for further harm.

For those criminalized Black women who are incarcerated in jails and prisons, the lack of supportive programming for victims of domestic violence creates additional barriers. Few jails or prisons have programs in place to address women's needs related to abuse and trauma. Programming which recognizes women's history of abuse and trauma[16] is an integral part of an enhanced response to serving criminalized Black women.

Strategies to Address Criminalized Black Women's Needs

Research on justice system responses has shown that a one-size-fits-all approach is not effective. For women defendants, it is especially critical that their needs are met in an individualized, gender-responsive way. Understanding the complexity of their experiences, both social service and justice system stakeholders can improve outcomes for criminalized Black women by considering the following strategies:

1. **Develop gender and culturally-responsive programming**. Evidence suggests that the most effective way to help women in the system is through a gender-responsive approach. This begins with a clear understanding of the experiences of criminalized women. Women enter the criminal justice system though different pathways than men. Relationships play a key role in women entering the justice system, as they are often the underlying cause for system involvement.[17] Generally, pathways to the justice system can include histories of abuse, substance use, economic and social marginality, or homelessness. Gender-responsive programming integrates this knowledge and adjusts practices in ways that validates women's experiences and pathways to the justice system. Furthermore, justice system stakeholders have a responsibility to be culturally-responsive to the populations they serve, which includes understanding both historical and contemporary contexts of race and gender. To begin, ensure that all stakeholders and service providers have been trained

on both gender- and cultural responsivity so they can understand and respond appropriately to issues of race, ethnicity, gender, and culture.

2. **Integrate a trauma-informed approach.**
Because of their complex histories of trauma and abuse, it is critical to consider both trauma-informed assessment and intervention. A trauma-informed approach to working with women in the justice system will:

- *realize the widespread impact of trauma and understands potential paths for recovery;*
- *recognize the signs and symptoms of trauma in clients;*
- *respond by fully integrating knowledge about trauma into policies, procedures, and practices; and*
- *seek to actively resist re-traumatization.*[18]

Here is a sampling of gender-responsive and trauma-informed programming:

Program	Definition
Helping Women Recover: A Program for Treating Addiction	Addresses substance abuse by integrating theories of women's psychological development, trauma and addiction
Beyond Trauma: A Healing Journey for Women (Covington)	Uses psycho-educational, cognitive-behavioral and relational therapeutic approaches to help women develop coping skills and emotional wellness.
Beyond Violence: A Prevention Program for Criminal Justice-Involved Women (Covington)	An evidence-based curriculum for women in criminal justice settings with histories of aggression and/or violence. This model of violence prevention considers the complex interplay between individual, relationship, community and societal factors.

(chart continued)

Program	Definition
Moving On (Van Dieten)	Provides women with opportunities to mobilize and expand existing strengths and access community and personal resources. Incorporates cognitive-behavioral techniques with motivational interviewing and relational theory.
Seeking Safety: A Treatment Manual for PTSD and Substance Abuse (Najavits)	Treats the co-occurring disorders of trauma, PTSD and substance abuse based on research from cognitive behavioral treatment of substance abuse disorders and post-traumatic stress treatment.

3. **Promote safety and respect.**
   Research has shown that creating a sense of safety and respect are fundamental to behavioral change. As described above, criminalized Black women have experienced dysfunctional family and community environments. Interactions and programming must, therefore, ensure that the setting does not reenact past experiences (such as power and control dynamics) nor retraumatize victims. As a first step, conduct a review of the environment in which women are being served to assess current culture.

4. **Provide opportunities to improve socioeconomic conditions.**
   In order to improve long-term outcomes, the social and economic disadvantages experienced by criminalized Black women must be addressed. This can be achieved through education and training to support themselves and their children. Consider both traditional and nontraditional job

training, education, and skill-enhancing opportunities to assist women in earning a living wage.

Some effective programs include the following.

☐ *Freedom a la Cart, a survivor-led catering business based in Columbus, OH, provides job training and economic opportunities for survivors of human trafficking. By offering practical job skills training in a supportive and safe environment, Freedom a la Cart helps survivors gain sustainable employment and achieve self-sufficiency*

☐ *Sanctuary for Families Economic Empowerment Program serves survivors of gender-based violence, the vast majority of whom are mothers and women of color. Their four phase program includes:*

  ■ *career readiness workshop;*
  ■ *office operations workshop;*
  ■ *career track occupational training in fields such as finance, youth services, construction administration, health administration, A+ certification, graphic design and legal services; and*
  ■ *a 12-week paid internship relevant to their track. The program's overarching goal is to ensure that participants earn a living wage and are prepared with the knowledge and hard skills necessary to be competitive in the modern economy.*

☐ *Hot Bread Kitchen NYC provides foundational culinary knowledge in knife skills, basic cooking techniques, kitchen math and science, recipe scaling, and safety and sanitation*

along with key professional skills like English and job readiness to all women and femmes. Hot Bread Kitchen's culinary training is an intensive, paid on-the-job program for women seeking economic mobility.

5. **Rethink measures of success.**
   Program evaluation is a key component of any intervention. But typical metrics used for justice-involved populations, such as compliance and recidivism, are not effective measures for criminalized women. While recidivism is often the gold standard for measuring success, it is not a realistic measure when working with victims who have experienced high rates of trauma and abuse. So instead, consider incremental performance indicators that gauge measures such as enhancing safety, reducing barriers to services, linking to gender-responsive and trauma-informed services, incrementally completing services, reducing collateral consequences, and other systemic reforms.

6. **Develop responsive policies and practices.**
   Beyond programming and environment, agencies and systems should examine how gender and race impact their operational policies. Consider the following questions:

   ☐ *How do existing practices address the unique needs of criminalized Black women?*
   ☐ *How do their needs affect current policy and operations in terms outcomes of measures of success?*
   ☐ *How can policy and practice be improved to best meet the needs of criminalized Black women?*

Endnotes

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