

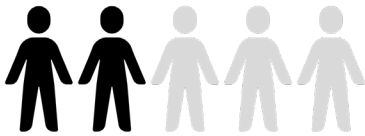
Black Women & Girls, Gender-Based Violence, and Pathways to Criminalization & Incarceration



National
Black Women's
Justice Institute

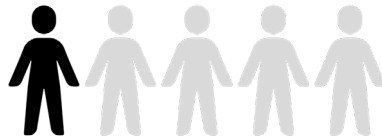
Gender-based violence impacts an astonishing number of Black women.

More than 2 in 5 Black women



have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.²

Approximately 1 in 5 Black women



have experienced rape at some point in their lives.³

What is gender-based violence?

Gender-based violence is “any form of violence against an individual based on biological sex, gender identity or expression, or perceived adherence to socially-defined expectations of what it means to be man or woman, boy or girl. This includes physical, sexual, and psychological abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation, whether occurring in public or private life. Gender-based violence is rooted in gender-related power differences.”¹

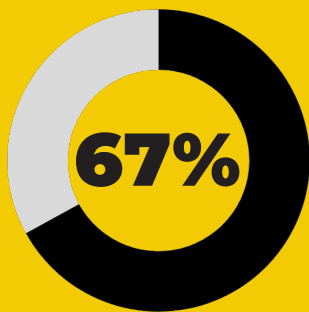
BLACK WOMEN ARE

2x more likely to be fatally shot by an intimate partner than white women.⁴

BLACK WOMEN between 18 and 34 ARE

3x more likely to be shot and killed by an intimate partner than are white women in the same age group.⁵

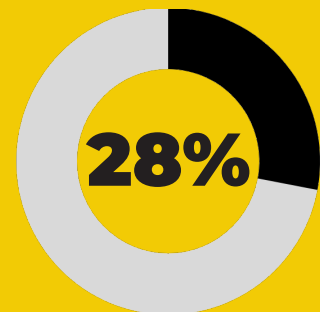
In school and out of school, Black girls report higher rates of sexual harassment than any other group.⁶



of Black girls report having been “touched, grabbed, or pinched in a sexual way” by someone in school.⁷



of Black girls report someone in school pulling at their clothing in a sexual way.⁸



of Black girls report being forced to kiss someone.⁹

Gender-based violence creates pathways to criminalization and incarceration for Black women and girls, which perpetuates cycles of abuse and victimization.

The strategies that Black women and girls take to survive are often criminalized, creating an abuse-to-incarceration pipeline that overwhelmingly targets Black women and girls.

- Black women are criminalized and incarcerated for “failing to protect” their children from their abuser.¹⁰
- Black girls are criminalized for their responses to abuse or trauma including running away, substance use, and truancy.¹¹
- Black women are criminalized & incarcerated for defending themselves against their abusers.¹²

Experiences of abuse do not end with incarceration. Women’s loss of bodily autonomy while in prison—from strip searches to being under constant surveillance—echoes their experiences of harm in their homes and communities. Black women and girls are also subjected to gender-based violence while incarcerated.

2.3% of women in prison reported staff sexual misconduct.¹⁵

6.9% of women in prison reported sexual victimization by other women.¹⁴

6.9% of girls in the juvenile legal system were sexually victimized by either another youth or staff member in the facility.¹⁶

Women who have been incarcerated are significantly more likely to report experiencing victimization across their lifespan, in comparison to women without incarceration histories.¹³

SURVIVAL IS CRIMINALIZED

Among women in jails

86% have experienced sexual violence.¹⁷

77% have experienced partner violence.¹⁸

44% of women in jail are Black.¹⁹

Among women in prison, between

70% and 80%

have experienced violence from intimate partners.²⁰

67% of women sent to prison in NYS in 2005 for killing someone close to them were abused by the victim of their crime.²⁴

Black women are incarcerated at nearly

2x the rate of white women.²¹

Among girls involved in the legal system,

84% have survived some form of family violence or abuse prior to confinement.²²

Black girls are

3x as likely as their white peers to be incarcerated.²³

True experiences of how gender-based violence creates pathways to criminalization and incarceration for Black women & girls

Erica Sheppard's Story

Erica Sheppard is a 49-year-old Black woman who has been sentenced to death in Texas. But long before she was incarcerated, Erica Sheppard experienced repeated victimization and abuse. Like many incarcerated Black women, she is a survivor of child abuse, intimate partner violence, and sexual assault. And like so many incarcerated Black women, her calls for help were ignored, and the systems that were created to keep her safe failed her. One month before the crime for which she was sentenced to death, she called the police for help after her partner repeatedly beat her, held a gun to her face, and threatened to kill her. The police did nothing. Then, she was coerced into participating in a robbery by a man who killed a woman in the process.

Despite experiencing a lifetime of trauma and harm, the prosecutor argued that Erica deserved the death penalty. The jury that sentenced Erica to death was never informed of the past traumas she endured. Erica is now physically disabled, and her death sentence, with its isolation and lack of adequate care, has continued to perpetuate the trauma and harm that she spent so much of her childhood and teenage years struggling with.

Erica has now been on death row for 27 years—more than half of her entire life. Our partners at the Cornell Center on the Death Penalty Worldwide are working alongside her attorney to get her clemency.

Pieper Lewis' Story

Pieper Lewis is 17-year-old Black girl who, at 15, escaped her 37-year-old abuser by killing him. Her story unfortunately echoes the stories of many other Black girls and women who have been caught in cycles of abuse, victimization, criminalization, and re-victimization.

To escape an unstable, abusive home life, Pieper ran away from home three times within three months. Without a place to stay, she was taken in by various people who abused her. Her last abuser raped her multiple times and trafficked her, sometimes at knifepoint, to other men for sex.

Reflecting on the act of killing her abuser, Pieper said, “My intentions that day were not to just to go out and take somebody’s life. In my mind I felt that I wasn’t safe and I felt that I was in danger, which resulted in the acts.”²⁵

The state of Iowa, where Pieper lives, does not have so-called safe harbor laws that give trafficking victims at least some level of criminal immunity, which means that instead of acknowledging Pieper’s experiences of abuse and sex trafficking and treating her as a victim/survivor, Pieper was criminalized. Not only was she sentenced to five years of closely supervised probation—and up to 20 years in prison if she violates any part of that probation—she was also ordered to pay \$150,000 restitution to her abuser’s family.

While being held in juvenile detention prior to sentencing, Pieper said, “My spirit has been burned, but still glows through the flames...Hear me roar, see me glow, and watch me grow. I am a survivor.”²⁶

Organizations Working to End the Criminalization of Survival



[Survived & Punished](#) is a prison abolition organization. They believe that prisons, detention centers, all forms of law enforcement, and punitive prosecution are rooted in systems of violence, including racial, anti-trans/queer, sexual, and domestic violence. Their work specifically focuses on criminalized survivors to raise awareness about the integrated relationship between systems of punishment and the pervasiveness of gender violence. They aim to initiate mass defense projects that will free all survivors, which would require the abolition of prisons and other systems of punishment.



Survivors Justice Project

[The Survivors Justice Project](#) fights for decarceration through the New York Domestic Violence Survivors Justice Act (DVSJA). The DVSJA takes a broad view of domestic violence as more than just intimate partner abuse and allows relief for survivors convicted of a range of offenses, including felonies categorized as violent. It allows judges to sentence survivors to shorter prison terms and,

in some cases, community-based alternative-to-incarceration programs, and provides survivors currently in prison the opportunity to apply for resentencing. Passage of this pioneering legislation was led by criminalized survivors.

Endnotes

- Centers for Disease Control and Prevention, "Ending Gender-Based Violence Globally," <https://www.cdc.gov/globalhealth/topics/gbv/index.html>.
- M.C. Black, K.C. Basile, M.J. Breiding, S.G. Smith, M.L. Walters, M.T. Merrick, J. Chen, & M.R. Stevens, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report* (Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2011), https://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf.
- M.C. Black, K.C. Basile, M.J. Breiding, S.G. Smith, M.L. Walters, M.T. Merrick, J. Chen, & M.R. Stevens, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report* (Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2011), https://www.cdc.gov/violenceprevention/pdf/nisvs_executive_summary-a.pdf.
- Federal Bureau of Investigation. Uniform Crime Reporting Program: Supplementary Homicide Reports (SHR), 2013–2017, as cited in Everytown for Gun Safety, *Guns and Violence Against Women: America's Uniquely Lethal Intimate Partner Violence Problem*, (October 2019), <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>.
- Ibid.
- Jodi Lipson, *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School* (American Association of University Women Educational Foundation, 2001), <https://files.eric.ed.gov/fulltext/ED454132.pdf>.
- Ibid.
- Ibid.
- Ibid.
- Samantha Michaels, "She Never Hurt Her Kids. So Why Is a Mother Serving More Time Than the Man Who Abused Her Daughter?" *Mother Jones*, August 9, 2022, <https://www.motherjones.com/mojo-wire/2022/08/failure-to-protect-data-oklahoma/>; <https://www.motherjones.com/crime-justice/2022/08/failure-to-protect-domestic-abuse-child-oklahoma-women-inequality-prison/>.
- F.T. Sherman, & A. Balck, *Gender Injustice: System-Level Juvenile Justice Reforms for Girls*, (National Crittenton Foundation & National Women's Law Center, 2015), <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>.
- Kellie C. Murphy, "Beyond Cyntoia Brown: How Women End Up Incarcerated for Self Defense," *Rolling Stone*, January 28, 2019, <https://www.rollingstone.com/culture/culture-features/cyntoia-brown-beyond-other-cases-775874/>; Justine van der Leun, "'No Choice but to Do It': Why Women Go to Prison," *The New Republic*, December 17, 2020, <https://newrepublic.com/article/160589/women-prison-domestic-violence-survivors>.
- M.A. Bowles, D. DeHart, & J.R. Webb, "Family influences on female offenders' substance use: The role of adverse childhood events among incarcerated women," *Journal of Family Violence*, 27, 2012, 681–686, doi: doi.org/10.1007/s10896-012-9450-4; M.S. Jones, M.G.F. Worthen, S.F. Sharp, & D.A. McLeod, "Life as she knows it: The effects of adverse childhood experiences on intimate partner violence among women prisoners," *Child Abuse & Neglect*, 85, 2018, 68–79, doi: doi.org/10.1016/j.chabu.2018.08.005; S.M. Lynch, A. Fritch, & N.M. Heath, "Looking beneath the surface: The nature of incarcerated women's experiences of interpersonal violence, treatment needs, and mental," *Feminist Criminology*, 7, 2012, 381–400, DOI:10.1177/1557085112439224.
- Elizabeth Swavola, Kristine Riley, Ram Subramanian, *Overlooked: Women and Jails in an Era of Reform*, (New York: Vera Institute of Justice, 2016), <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>.
- Allen Beck, Marcus Berzofsky, Rachel Caspar, & Christopher Krebs, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, U.S. Department of Justice, Bureau of Justice Statistics, 2013, <https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf>.
- A. Beck, D. Cantor, J. Hartge, & T. Smith, *Sexual Victimization in Juvenile Facilities Reported by Youth 2012*, (U.S. Department of Justice, Bureau of Justice Statistics, 2013), <https://www.bjs.gov/content/pub/pdf/svjfry12.pdf>.
- Elizabeth Swavola, Kristine Riley, Ram Subramanian, *Overlooked: Women and Jails in an Era of Reform*, (New York: Vera Institute of Justice, 2016), <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>.
- Ibid.
- Ibid.
- Melissa E. Dichter & Sue Osthoff, "Women's Experiences of Abuse as a Risk Factor for Incarceration: A Research Update," (National Resource Center on Domestic Violence, VAWnet Applied Research Forum, 2015, <https://vawnet.org/material/womens-experiences-abuse-risk-factor-incarceration-research-update>.
- The Sentencing Project, *Incarcerated Women and Girls*, 2022, <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>.
- Michael T. Baglivio, et al., "The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders," *OJJDP Journal of Juvenile Justice* 3, no. 2 (2014): 1–23, 8, as cited in F.T. Sherman, & A. Balck, *Gender Injustice: System-Level Juvenile Justice Reforms for Girls*, (National Crittenton Foundation & National Women's Law Center, 2015), <https://lira.bc.edu/work/ns/176a015b-8870-4d4f-baco-9becf3d21e33>.
- The Sentencing Project, *Incarcerated Women and Girls*, November 2020, <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>.
- New York State Dept. of Correctional Services, *Female Homicide Commitments: 1986 vs. 2005*, 14 (July 2007), https://docs.ny.gov/system/files/documents/2019/09/Female_Homicide_Commitments_1986_vs_2005.pdf.
- Remy Tumin, "Trafficked Teenager Who Killed One of Her Abusers Ordered to Pay Restitution," *New York Times*, Sept. 13, 2022, <https://www.nytimes.com/2022/09/13/us/pieper-lewis-sex-trafficking-iowa.html>.
- Associated Press, "An Iowa teenager who killed her accused rapist is sentenced and ordered to pay \$150K," *NPR*, Sept. 14, 2022, <https://www.npr.org/2022/09/14/1122904939/iowa-teenager-pieper-lewis-killed-accused-rapist-ordered-pay-150000>.