



**OKLAHOMA
APPLESEED**

— ♦ —
CENTER FOR LAW & JUSTICE

Interim Study 22-019:

Criminalized Domestic Violence Survivors

Rep. Toni Hasenbeck

Judiciary-Criminal Committee

Chairman Rep. Rande Worthen

September 13th, 1:30-4pm

Room 206

Agenda:

- Introduction and Welcome (**Rep. Hasenbeck**)
- Overview of the Issue (**Professor Leigh Goodmark**, University of Maryland Law School) (15 min) (via Zoom)
- Story of April Wilkens (Attorneys **Colleen McCarty** and **Leslie Briggs**) (12 min)
- **Brenda Golden**, Muscogee Citizen, Survivor & Attorney (13 min)
- **jasmine Sankofa**, Attorney/Research & Policy Manager, Criminal Justice at fwd.us (10 min)
- **Toni Hall**, cosmetologist & criminalized survivor (10 min)
- **Christie Luther**, Executive Director of RISE Program (10 min)
- **D'Marria Monday**, Executive Director of Block Builderz & advocate for criminalized survivors (10 min)
- Presentation of Domestic Violence/Intimate Partner Statistics in Oklahoma (**Margaret Black**, VP of Clinical Services DVIS / and **Brandon Pasley** from YWCA OKC) (17 min)
- Presentation of legislation being worked on in other states (New York, Ohio, Louisiana, California) **Alexandra Bailey**, Sentencing Project (17 min)
- Q & A

Overview of Criminalized Survivorship

Professor Leigh Goodmark

University of Maryland College of Law

The Story of April Wilkens

Leslie Briggs & Colleen McCarty

Attorneys and Producers of Panic

Button: The April Wilkens Case podcast




Brenda Golden,

Survivor, Muscogee Citizen & Attorney



NATIVE AMERICAN WOMEN IN PRISON

Presented by:
Brenda S. Golden – BBA, MBA, J.D.



Introduction – Who am I?

- Native American/American Indian
- Citizen of the Muscogee Creek Nation
- Grew up in rural Okfuskee County
- Traumas, Traumas, Traumas
- Attended Sequoyah Indian High School
- Veteran of USAF
- College Graduate
- Mother, Sister, Auntie and Grandmother
- Subject of Abuse and Abuser
- Survivor and Striver



The Case of Mary Fish



DOC Entry Date:
3/24/2000
OK DOC#: 107300
Birth Date: 9/7/1952

- A member of the Muscogee Creek Nation, Fish grew up in Okfuskee County on a rural dirt road, the seventh of nine children.
- Her earliest memories are of her father beating her mother or older brothers; she also remembers him frequently withholding money for groceries.
- First sentenced to prison in 1980 for A&B on a police officer (even though she didn't come close to hitting the officer) – she was 27 years old.
- In 1982 she was sentenced to 10 years in prison for stabbing a man after he attempted to rape her.

Sentences

CRF#	Court	Offense	Conviction Date	Term	Term Code	Reception Date	Discharged Date
2001-2511	OKLAHOMA COUNTY COURT	BURGLARY - FIRST DEGREE (85 PCT)	5/1/2002	8 Y 6 M	Incarceration	9/1/2017	Active
2001-2511	OKLAHOMA COUNTY COURT	ASSAULT &/OR BATTERY W/DANGEROUS WEAPON	5/1/2002	8 Y 6 M	Incarceration	9/1/2017	6/26/2020
2001-44	HUGHES COUNTY COURT	ASSAULT &/OR BATTERY W/DEADLY WEAPON	1/29/2002	40 Y	Incarceration	5/23/2002	9/1/2017
2001-44	HUGHES COUNTY COURT	ROBBERY	1/29/2002	30 Y	Incarceration	5/23/2002	5/1/2014
82-50	OKLAHOMA COUNTY COURT	MANSLAUGHTER FIRST DEGREE	11/12/1993	10 Y	Incarceration	12/16/1993	11/16/1999
93-1590	OKLAHOMA COUNTY COURT	LARCENY OF MERCH FROM RETAILER	11/12/1993	5 Y	Incarceration	12/16/1993	12/21/1996
88-2068	OKLAHOMA COUNTY COURT	OBTAIN OR ATTEMPT CDS BY FORGERY/FRAUD	11/12/1993	2 Y	Probation	12/16/1993	12/15/1995
88-1420	OKLAHOMA COUNTY COURT	GRAND LARCENY	11/12/1993	2 Y	Probation	12/16/1993	6/27/1990

The Case of Mary Fish

- In 2002, while high on drugs and methadone Mary almost killed a man for threatening to harm her son. She beat him in the head with a piece of rebar.
- She was sentenced to 40 years in prison for his A&B with intent to kill and 30 years for robbery (she took his wallet).
- Mary Fish is now 70 years old and still incarcerated.
- Mary is currently serving an 8-year sentence from 2001 for Burglary – an 85 % crime
- She has spent most of her adult life in the custody of the Oklahoma Department of Corrections



Entry at Mable Bassett
11/5/2020

Native women are imprisoned in Oklahoma
three times more often
than white women

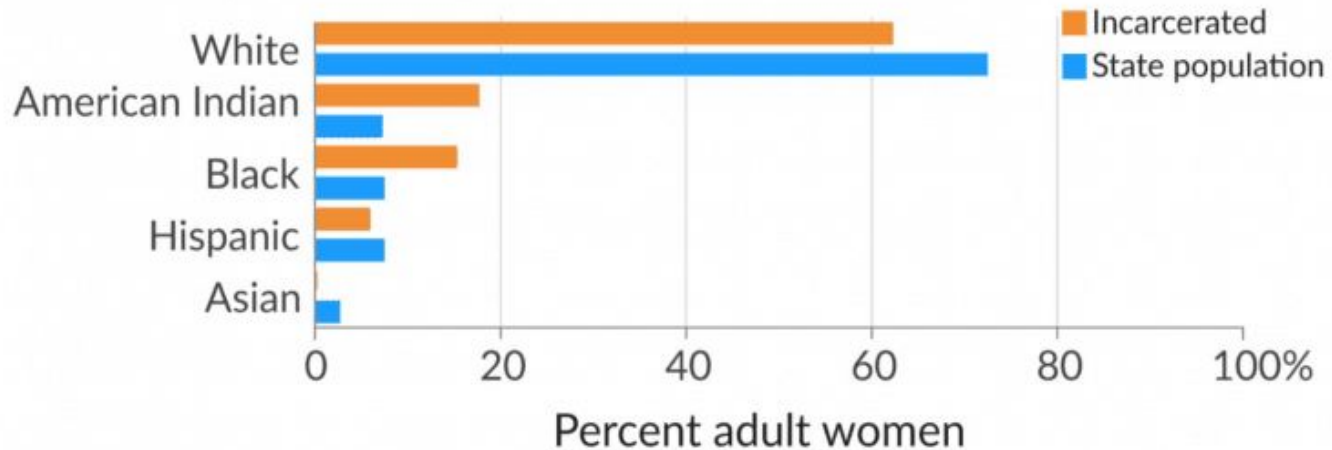


and have a *higher imprisonment rate than any other race or ethnicity* in the female incarceration category.

Racial Disparity in Oklahoma Incarceration

Female inmates vs. female adult population

Black women are incarcerated at about twice the rate of their representation in the state's adult population. For Native American women, the disparity is almost three times their share of the population.



Data: Oklahoma Department of Corrections, U.S. Census Bureau, American Community Survey, 5-Year Estimates
Graphic: Scott Pham/Reveal

According to the data, Native American women comprise 12 percent of Oklahoma's prison population, while representing only 9 percent of the state's population.

NATIVE AMERICAN WOMEN

- As an adult, Fish was left to navigate her way through poverty, parenthood, substance abuse, and an environment where violence—including violence against women—was considered the norm.
- Incarceration addressed none of these; instead, each time Fish came home, she still had to reckon with the issues that had originally sent her to prison.
- In Oklahoma there are no accessible legal resources to assist in the defense of native women who rise up against their abusers.
- The “battered women’s syndrome” is not acceptable as an argument for self defense. PTSD and traumas are considered mitigating factors.
- Mandatory sentencing laws disproportionately impact women of color – drug laws and child neglect and abuse laws
- Brenda is currently practicing law in Okmulgee County Oklahoma



jasmine Sankofa, Esq.

*Research & Policy Manager, Criminal
Justice – FWD.us*



Women's Incarceration in Oklahoma

Interim Study: Criminalized Survivors

September 13, 2022

About FWD.us

FWD.us is a bipartisan political organization that believes America's families, communities, and economy thrive when more individuals are able to achieve their full potential. For too long, our broken immigration and criminal justice systems have locked too many people out of the American dream. Founded by leaders in the technology and business communities, we seek to grow and galvanize political support to break through partisan gridlock and achieve meaningful reforms. Together, we can move America forward.

To learn more go to **www.fwd.us**.

Turning the Page

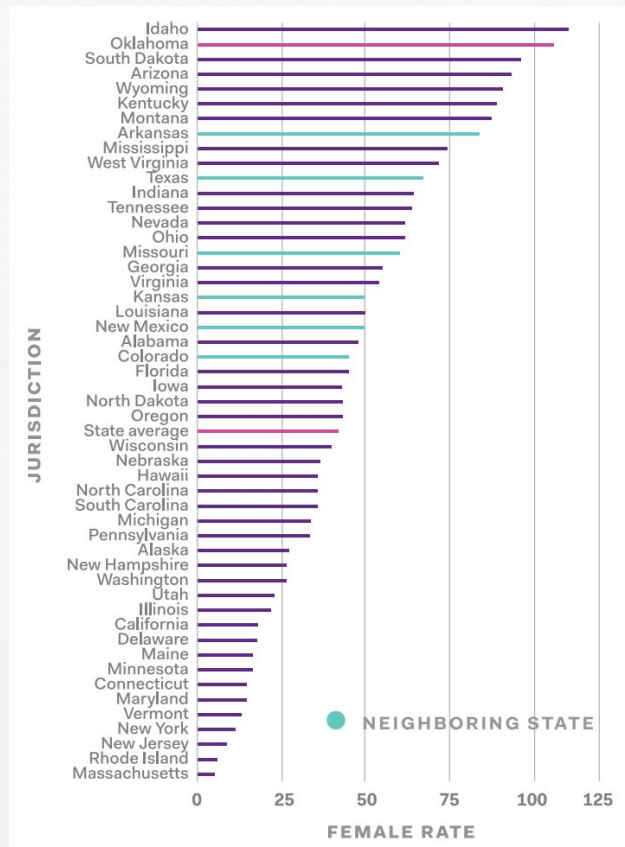
*Oklahoma's
Criminal Justice
Reform Story*



Women's incarceration

For nearly 30 years Oklahoma imprisoned more women per capita than anywhere else. Today, Oklahoma has the second-highest rate of women's imprisonment, locking up more than twice as many women in prison per capita than the average state, and imprisoning women at a far higher rate than any of its neighbors.

Oklahoma's female imprisonment rate is more than twice as high as the average state.
Female imprisonment rate by state average, 2020



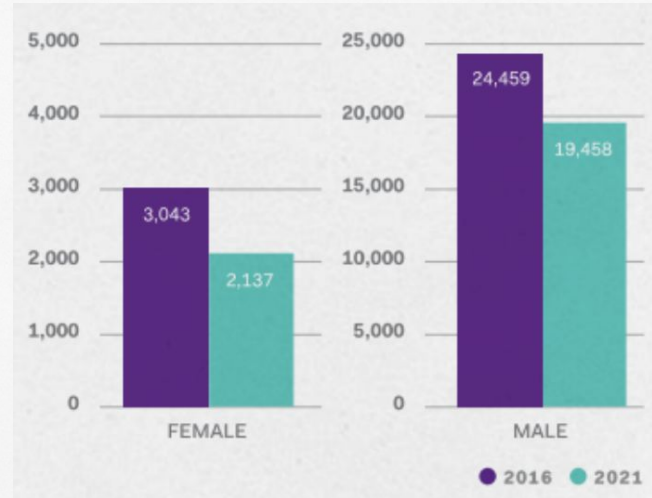
Source: Bureau of Justice
Statistics, National Prisoner
Series

Reduced prison population

Women are more likely to be in prison for nonviolent crimes, and this dramatic drop in imprisonment for drug and property crimes disproportionately impacted women, leading to a 30% decline in women in prison, compared to a 20% decline in men in prison. This decline was the primary reason Oklahoma fell out of the number one spot for women's imprisonment in the country in 2019 for the first time since 1991.

Female prison population declined 30% since 2016.

People in prison by gender, FY16 vs. FY21



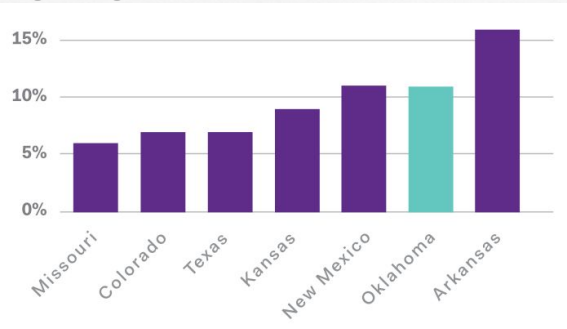
Source: Oklahoma Department of Corrections

Most women in prison are mothers with minor children

A 2014 study of women in prison in Oklahoma found that 68% had minor children, 66% were living with their children at the time of their arrest, and nearly 75% of their children were no longer living with a parent after their mother's incarceration.

Eleven percent of children in Oklahoma have had an incarcerated parent or guardian.

Percent of children who have had an incarcerated parent, Oklahoma and neighboring states, 2018 - 2019



Source: The Annie E. Casey Foundation Kids Count Data Center

“I missed my daughter crawling. I missed her first teeth. I missed her first words. I missed her walking.”

- Chinique, formerly incarcerated mother



Punishing survivors

Incarcerated people and crime survivors are not mutually exclusive groups. Most people in prison, especially women, are survivors of physical and sexual violence and other forms of abuse and neglect, and Oklahoma sends people, especially women, to prison at higher rates than other states instead of addressing the root causes of crime.

Most women in prison are survivors of physical and sexual violence and other forms of abuse and neglect.

Experiences of women in Oklahoma prisons



Source: Sharp, Jones, and McLeod, 2014

“It makes the process harder when this justice system wants to punish you instead of letting you correct it.”

- Sonya, formerly incarcerated mother

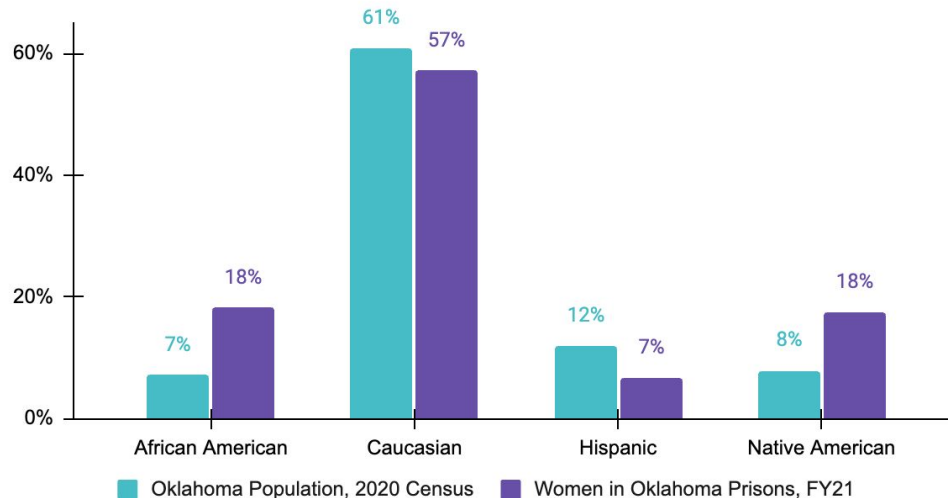
Racial disparities

Black and Indigenous women each account for 18% of the women's prison population, despite accounting for just 7% and 8% of the general population in the state, respectively.

The decline in the prison population has not impacted all women equally. The prison population for white women has declined nearly 36%, in contrast to just 27% and less than 13% for Indigenous and Black women, respectively.

Black and Indigenous women are overrepresented in the women's prison population.

Women in prison by race/ethnicity compared to general population demographics, 2021

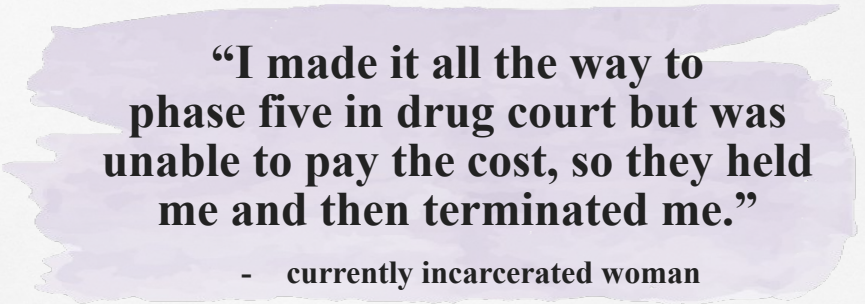


Source: U.S. Census, Oklahoma Department of Corrections

Revocation

People's debts, poverty, and the lack of support and treatment in the system frequently lead people to fail supervision and get pushed further into the system, including into prison.

Women are substantially more likely than men to enter prison as a revocation. In FY 2021, one in 3 men (34%) and 1 in 2 women (47%) entering prison were sent there not as a direct sentence but because a judge revoked their probation terms.



**“I made it all the way to
phase five in drug court but was
unable to pay the cost, so they held
me and then terminated me.”**

- currently incarcerated woman

Top controlling offenses

One in every six women in Oklahoma prisons is serving a child abuse or neglect sentence, making it the most common conviction for women in prison.

Top ten offenses for women in Oklahoma prisons, FY 2021

Controlling Offense	Number of Women	Percent of Women in Prison Population
Child Abuse/Neglect/Failure to Protect	342	16.04%
Murder First Degree	190	8.91%
Trafficking in Illegal Drugs	180	8.44%
Distribution of Controlled Dangerous Substance/PWID	144	6.75%
Manslaughter First Degree	105	4.92%
Murder Second Degree	101	4.74%
Robbery or Attempted Robbery with a Dangerous Weapon	92	4.32%
Assault and/or Battery with a Dangerous Weapon	67	3.14%
Burglary Second Degree	61	2.86%
False Personation	60	2.81%

Source: Oklahoma Department of Corrections

Sentence length

One in every 10 women in Oklahoma prisons is currently serving a life sentence, up from 1 in 15 in 2016, including nearly two dozen women serving on child abuse and neglect or related charges. As of July 2021, nearly 60 women in Oklahoma had been sentenced to die in prison as a result of a life without parole or death sentence.

One in 10 women in Oklahoma prisons is serving a life sentence.



Source: Oklahoma Department of Corrections

Thank You

jasmine Sankofa

Policy and Research Manager, Criminal Justice Reform

Email: jasmine@fwd.us

Website: fwd.us



FWDus



@FWD_us

Toni Hall,

*Commutation recipient, cosmetologist, &
advocate for survivors*

Christie Luther,

Founder & Executive Director,

RISE Program Inc.

D'Marria Monday,

*Founder & Executive Director, Block
Builderz, advocate for criminalized
survivors*



Margaret Black, M.Ed, LPC-S
Vice President of Clinical Services

The problems Oklahoma is facing....



- Per OSBI, DV rates in the state are the highest they've been in 20 years
- Per OSBI, nearly 7 out of every 1000 Oklahomans reported a DV incident to law enforcement last year
- Oklahoma ranks 8th in the nation for most women killed by men.
- As of 2020, Oklahoma had the second highest female incarceration rate in the country, with the state imprisoning women at a rate more than twice the national average.



Tulsa and Creek County 2021



DVIS:

- Provided advocacy to **419** victims of rape & sexual assault, **3,497** people seeking court protective orders, **300** victims working with law enforcement
- Provided legal services for **260** victims of domestic violence, sexual assault and stalking



The perspective of a survivor

Abusive relationships create an increased risk of incarceration for victims because their survival strategies are routinely criminalized.

These strategies include:

- self-defense,
- addiction-related to trauma,
- parental kidnapping to protect children,
- being compelled by the abuser to commit criminal acts,
- recanting due to threats by the abuser, and more.



Brandon Pasley,

Chief Compliance Officer,

YWCA-OKC

OKLAHOMA
APPLESEED

CENTER FOR LAW & JUSTICE

eliminating racism
empowering women

ywca

Oklahoma City

Brandon Pasley, CDSVRP
Chief Compliance Officer



Domestic Violence Services in Oklahoma

- Office of the Attorney General
- 30 certified Victim Service Programs with 50 locations
- Rural and Urban
- Family Justice Centers
- Batterering Intervention Programs





CRISIS

HOTLINES

24/7

365

There is always
someone here!



ADVOCACY

In the hospital, in
the courtroom, in
the capitol. We
speak up!



EMERGENCY

SHELTER

Providing space
to rest and
recover.



FORENSIC NURSE

EXAMS

Providing care
and medical
assistance to
our clients.



Impact of C.A.R.E. FY21

Answered 4,710 crisis calls

DV/SA advocates helped 2,402 clients
begin their healing journey

Provided emergency shelter services
for 417 adults and children

Performed 473 sexual
assault nurse exams



HEALING

We provide opportunities to seek counseling and community



OPPORTUNITIES

Our Economic Empowerment Program gives people the tools and skills they need to succeed



PREVENTION

Empowering young people to end the cycle of violence before it can begin



EDUCATION

Violence only rises to the level that a community allows. Education is the best way to make that level zero

The background of the slide features a large, semi-circular graphic on the left side. Inside this circle is a silhouette of two people on a rocky cliff. One person is standing on a higher ledge, reaching out their hand to assist another person who is climbing up from a lower ledge. The scene is set against a bright, glowing sunset or sunrise sky, with the sun low on the horizon. The overall color palette is dominated by oranges, yellows, and dark blues/greys.

Impact of H.O.P.E. FY21

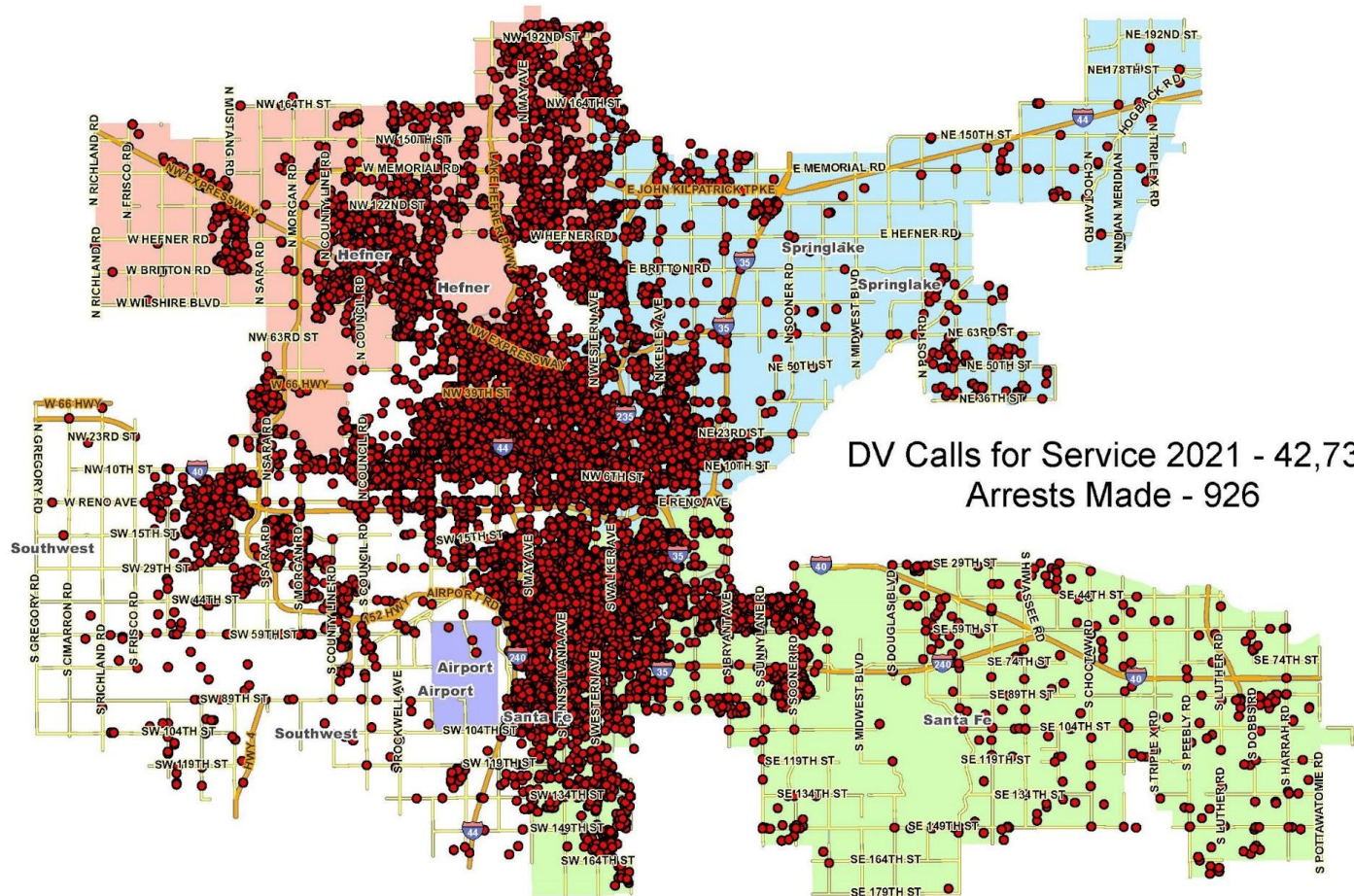
Provided more than 274 clients with
counseling

Helped 68 survivors increase their
basic employment skills

538 clients received support group
sessions

Educated 309 students about consent and healthy
relationships at local middle and high schools

Provided 23,191 services and educational
opportunities to the broader OKC community



DV Calls for Service 2021 - 42,734
Arrests Made - 926

Oklahoma Domestic Violence Fatality Review Board

Title 22 O.S. § 1602

Table 1. DVFRB Domestic Violence Homicides in Oklahoma, 2011 to 2020										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Homicide cases	92	85	86	86	89	89	75	82	97	106
Total homicide victims	96	88	90	93	94	95	82	88	114	119
IPH victims only	45	40	43	39	36	37	37	44	43	45
Child victims <18	18	14	14	18	24	15	11	14	17	13
Homicide perpetrators	93	92	89	91	100	95	83	85	108	112
Homicide perpetrators who died / were killed	18	21	10	14	17	10	9	17	19	19

Victim/Survivor Use of Force

Victim survival strategies are many and varied to **reduce, resist, cope** with, and **escape** from the violence and oppression (Osthoff & Sadusky, 2016).

- Usually not the first action taken – have often tried a variety of other methods to stop or reduce the abuse.
- Used to reclaim and restore dignity and integrity that is destroyed by the batterer – salvage self-worth - a refusal to be victimized again.
- Express their identities as “beings independent of their controlling partners – attempts at “autonomy, safety and liberty
- Used to try and stop future violence.
- **Most often used in self-defense.**

Hamlett, 1995; National Coalition Against Domestic Violence (NCADV), n.d.; Stark, 2007

Victim/Survivor Use of Force

- When a woman uses a weapon to defend herself, such as a frying pan, a knife or any other household object, the use of weapon is **sometimes construed as excessive**, and self-defense goes out the window.
- Use of a weapon may **make the victim look more violent** because she upped the stakes by introducing a weapon when he was “only” using his hands.
- Unequal size and strength puts victims at a **disadvantage** when defending themselves.
- But when the male is bigger, stronger, more physically powerful, the female has no chance of physically resisting – **the power differential is unequal**, and the use of the weapon may have been used to equalize the equation.
- Gun – **motive** to scare him away/run him off – some threatened to kill or harm him.

Victim/Survivor Use of Force



- Experiencing the most severe abuse;
- Lack of social support;
- Lack or believe they lack options for addressing the violence against them;
- Lack of access to resources;
- Afraid or unwilling to turn to the police or other professionals for assistance; and
- Marginalized status – may deprive them of the ability to make choices other than violence or retaliation.

Legislation Being Worked on in Other States,

Alexandra Bailey,

End Life Imprisonment Strategist

The Sentencing Project

QUESTIONS?