



2019 Data Report

Spotlight: Survivor-Defendants

Executive Summary

Survivors of domestic violence are sometimes themselves arrested and charged with domestic violence, or crimes related to their experience of abuse. These survivors, called “survivor-defendants,” may have used violence in self-defense or retaliation against their abuser, participated in crime as an opportunity for economic independence, or been forced into crime by an abuser. Survivor-defendants may also experience an abuser lying in order to have them arrested. Arresting and charging survivors causes long-lasting harm, decreases their safety, empowers abusers, and virtually eliminates justice in their case.

Differences in how the legal system defines domestic violence and how survivors experience abuse are at the root of this issue. Behaviors abusers use to control their partner are often legal, and methods a survivor might employ to resist abuse may be illegal. This report explores how professional stakeholders in Whatcom County view the issue of survivor-defendants.

Three major themes emerged from interviews with stakeholders and additional research:

- 1) Arresting and charging survivors causes long-term and complex harm:** loss of freedom; risk of further violence and trauma; potential loss of child custody, housing, employment, benefits and more
- 2) Misconceptions about how victims look and behave can impact who is arrested and charged with domestic violence:** normal responses to trauma that deviate from cultural ideas of a “good victim,” as well bias and oppression (including racism, sexism, transphobia, homophobia, ableism, and classism) impact who is perceived as a victim
- 3) Context matters:** the incident-focused criminal legal system, in particular Washington’s mandatory arrest law (RCW 10.31.100), do not consider domestic violence in the context of a pattern of both legal and illegal abusive behaviors

As our community, and our nation, considers the history and the future of the criminal legal system, we must ask: What is the role of the criminal legal system in providing safety to survivors of domestic violence? The harmful impacts of arresting survivors are too great to continue to allow this issue to go unaddressed. Our community will benefit from further inquiry, with a focus on survivors’ stories and ideas for improving our systems’ response to domestic violence.

Read the full report, including discipline-specific recommendations, [on our website](#).