

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/victim-blaming-creates-barriers-to-safety-and-justice>

### Public Facing Advocacy Writing

We travel frequently in our work for Veras Center on Victimization and Safety. This means spending hours on airplanes, sitting shoulder to shoulder with strangers and usually making small talk. The arc of the conversations generally goes something like this:

Traveling for business or pleasure?

Business.

Yeah, me too. What do you do?

Its complicated.

Oooh, now you have me really intrigued. Come on, tell me.

Well, I work with communities across the country to address domestic and sexual violence against people with disabilities.

On rare occasions, this response leads to an awkward, Well, that must be interesting and then blessed silence for the rest of the trip. But, more often than not, the standard refrain is, Wow, Ive never understood how women get themselves into those types of situations. Lest you think only business travelers believe that victims of domestic or sexual violence are culpable in their own victimization, let me reassure you they are not. Family gatherings, social events, even professional networking events always circle around to the same conversation and, more often than not, the same refrain.

When it comes to domestic and sexual violence, common opinion and the criminal justice response tend to consider both parties involved as culpable, often equally or more harshly blaming the victims for somehow failing to keep themselves safe or making choices that put themselves in harm's way. This perspective too often results in the criminal justice system failing to treat sexual and domestic violence as serious crimes warranting serious consequences, thus leaving perpetrators free to continue to commit violent acts.

My colleagues and I must constantly contend with this issue in our work to address domestic and sexual violence against marginalized populations. Concepts of accountability and justice are drowned out by the cacophony of victim-blaming and victim-scrutiny coming from every possible corner. Only those victims considered blameless can expect to emerge from this scrutiny unscathed. Yet, blameless victims of sexual and domestic violence are essentially fictional within a culture and system that scrutinizes each and every choice that was made leading up to the victimization: Why was she drinking? Why did she go to the hotel room? Why did she separate from her friends? Couldnt she tell there was something "off"? Why didn't she trust her gut? Why did she stay? Why did she go back? What about her innocent children? And so on.

Filing charges, seeking justice, and finding safety come with a significant price to the victim, such as having intimate details of her life made public during court proceedings; having her credibility attacked not only by the defense attorneys but by media and public opinion; having to tell the story of a traumatic event again and again, including to those who question its validity; angering an abusive partner, which may lead him to chose to escalate his violence; and divorcing an abusive partner and seeking custody of her children, only to lose custody or have the batterer awarded unsupervised time with her children and not being able to be present to protect them. Some victims decide they cannot afford to pay this price, that the risk is too large in the face of what little justice they are likely to receive. Still, many victims do pay the price and fight their way through a barrage of accusations to seek relief or justice only to see the crimes against them treated as a misdemeanor or thrown out altogether. For instance, according to a [2009 study](#), 70 percent of arrests for domestic violence are never prosecuted. For survivors of rape, the statistics are even bleaker: [only 9 percent](#) of sexual assaults reported to the police are prosecuted. Without the threat of meaningful consequences, perpetrators are emboldened to continue to commit violent crimes.

Veras work has long focused on creating fairer, more humane, and more effective systems. In most cases, that has meant creating alternatives to incarceration and cultivating compassion for those incarcerated. But we are also charged with ensuring that victims have options for safety and justice, and for victims of domestic and sexual violence, one of those options must be a serious criminal justice system response. We celebrate the few occasions when someone besides us asks, Why did he do this? instead of, What was she thinking? But, we also look forward to the day when nobody has to make the argument, when we no longer have to dispel victim-blaming myths, and when accountability and justice are real options for survivors of domestic and sexual violence.

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