A. Victims who kill are convicted of murder. Leonard:  
Elizabeth Ann Dermody Leonard, Convicted Survivors The Imprisonment of Battered Women Who Kill, December 1997

Almost without fail, **battered women who kill are charged with murder** or manslaughter and plead self-defense (Ewing 1990). Ewing’s (1990, p. 580) data on 100 cases in which battered women caused the death of their partners revealed, **Despite** generally abundant **evidence** that **they were** severely **abused by the men they killed**, many if not **most of these women are convicted because the circumstances** surrounding their homicidal acts **do not meet the requirements of** current **self-defense law**….” Moreover, Walker (1992, p. 329) notes, Those who were Black and killed Black or White partners still were twice as likely to have been convicted of murder and sentenced to longer periods in prison than those who were Caucasian or from other minority groups. Women who were poor and less educated also appeared to have a similar bias against them in the courts. In Mann’s (1992) random sample of 114 female-perpetrated spousal homicides, over half of the offenders received prison sentences, with an average of 16 years to serve. Of the women in Browne’s (1987) study, 56 percent argued their cases on the basis of self-defense, 8 percent entered a diminished capacity or insanity plea, and 33 percent pled guilty to a lesser charge in return for leniency in sentencing, and in one case, the charges were dropped; the most common plea arrangement was voluntary manslaughter with reduced jail sentence, or several years probation. Osthoff (1991) reports that the vast majority **of women accused of killing their abusive partners** (72 percent to **80 percent**) **are convicted** or accept a plea, **and** many **receive** long, **harsh sentences.**

Self-defense claims fail. Russell:  
Russel 10'-Brenda L., Battered Woman Syndrome As A Legal Defense, McFarland & Company Inc., Professor of Political Science @ Marquette University-

**Moreover, one study** -Totman, Encyclopedia of Victimology and Crime Prevention, 1978- **revealed that 93% of women serving time for killing their spouses had been** physically **beaten** by their spouses. **Within the 93 percent surveyed, 67 percent of these women believed they were defending themselves** or a child.

B. Convicted women experience physical and sexual abuse in prison. Summer:  
Nicole, Reporter for RH Reality Check, Powerless in Prison: Sexual Abuse Against Incarcerated Women, <http://www.rhrealitycheck.org/blog/2007/12/11/powerless-in-prison-sexual-abuse-against-incarcerated-women>

**The power dynamics in prison severely disadvantage the prisoner, who is at the** absolute **mercy of** her **guards and correctional officers**, relying on them for necessities such as food and for the small privileges and luxuries such as cigarettes. Guards have unlimited access to prisoners and their living environment, including where they sleep and where they bathe. **With such an imbalance of power, the likelihood of sexual assault increases.** Sexual abuse in prison can range from forcible rape to the trading of sex for certain privileges. While the latter may seem consensual to some, the drastic power disparity makes the idea of "consent" almost laughable. In fact, all 50 states have laws that make any sexual contact between inmates and correctional officers illegal, "consensual" or not. "It's always unacceptable and illegal," says Lovisa Stannow, executive director of Stop Prisoner Rape. While guard-on-prisoner sexual assault is common, putting a number on the instances is difficult because so many assaults are unreported. As with sexual assault on the outside, **many survivors in prison** are ashamed and embarrassed to come forward, fear that their claim will be hard to prove or **fear that their attackers will retaliate. In prison the fear of retaliation is heightened, as the prisoner continues to live with her attacker controlling her daily life.** And inmates who report a sexual assault are frequently put in segregated isolation, ostensibly to protect them from retaliation, but this isolation can be emotionally and physically draining, and well, terribly isolating. And many women in prison have been sexually abused in the past, before they were incarcerated, or are accustomed to using sex to get what they want, on the inside or the outside. "A lot of women don't view it as abuse," says Deborah Golden, staff attorney at the D.C. Prisoners' Project of the Washington Lawers' Committee for Civil Rights and Urban Affairs. **About 80 percent of women inmates have already experienced some kind of sexual or physical abuse before prison**, says Sarah From, director of public policy and communications at the Women's Prison Association. **Despite the widespread underreporting, some statistics exist.** First, there are about 200,000 women incarcerated in the U.S. (in federal, state, local and immigration detention settings), a number that is growing exponentially and that makes up about 10 percent of the total prison population. Amnesty International reports that in 2004, a total of 2,298 allegations of staff sexual misconduct against both male and female inmates were made, and more than half of these cases involved women as victims, a much higher percentage than the 10 percent that women comprise of the total prison population. It can vary from institution to institution, but in the worst prison facilities, **one in four female inmates are sexually abused in prison**, says Stannow.

This imbalance leads to repeated abuses. JDI:  
Just Detention International 09'- Sexual Abuse in Detention is a Public Health Issue, <http://www.spr.org/en/factsheets/Public_Health_vPrint.pdf>

**Once raped, an inmate is likely to be “marked” as a victim and repeatedly abused.** One recent study found that **nearly 75 percent of male and 57 percent of female prisoner rape survivors were sexually abused more than once, and 30 percent of all survivors endured six or more assaults.**

This outweighs domestic violence.

1. Timeframe- Victims of domestic violence always have the option of leaving or seeking some form of recourse, but once they’re in prison, they can’t just choose to leave. They are constantly stuck with their new batterers.

2. Severity- While most domestic batterers experience a cycle involving a state of guilt and reconciliation, emotionally detached strangers in prison won’t relent.

3. Reversibility- In a domestic relationship, the victim might still have a chance of reasoning with their abuser since they have a closer, voluntary relationship. However, the victim doesn’t have this ability with hardened strangers and criminals in prison.

4. Probability- The victim has more potential abusers to avoid in prison compared to a one-on-one domestic relationship, making it more likely they’ll be abused. Also, compared to the general public, prison inmates are more likely to abuse women—that’s Russell.