

Domestic Violence and Incarceration

Policy Recommendations for Rep. Monroe Nichols

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Table of Contents

Executive Summary	2
Problem Statement	3
Domestic Violence Survivors	3
Failure to Protect	3
Landscape Analysis	4
Oklahoma’s Female Incarceration Crisis and Equity Implications	4
Incarcerating Mothers Disproportionately Harms Children	6
State Models for Reducing Sentences	7
Recommendations	8
‘Battered Person Defense’ State Statute Inclusion	9
85 Percent Law Amendment	10
Opposition for Criminal Justice Reform	11
<i>Court Recommendations</i>	11
Diversion Program	11
Expanding Childcare	12
Increasing Access to Safe and Affordable Housing	13
Other Considerations	14
Law Enforcement Recommendations	14
Conclusion	15
Stakeholders and Relevant Contacts	16
References	17
Appendices	20
Appendix A - Oklahoma Violent Female Offenders by Race	20
Appendix B - Oklahoma Female Child Abuse Offenders by Race	21
Appendix C - Arizona Sample Legislation for Housing	21

Executive Summary

Oklahoma has the one of the highest incarceration rates in the world, with more women incarcerated per capita than anywhere else (WSJ, 2018). While Oklahoma has made headway in commuting sentences and providing alternate sentencing for non-violent drug offenders, the same action steps haven't been taken to protect victims of domestic violence who defend themselves against their abusers (NPR 2019). This report 1) details the pervasiveness of Oklahoma's domestic violence and incarceration crises, 2) provides an analysis of state models, and 3) proposes specific recommendations that are relevant to improving the outcomes for domestic violence victims at various entry-points.

Problem Statement

Domestic Violence Survivors

Domestic violence is a prevalent problem in the United States, including in the state of Oklahoma. Most often, stories of domestic violence homicides focus on abusers killing their victims, but there are also situations in which a victim of domestic violence enacts violence on the abuser as a means of survival and self-preservation. If the victim of domestic violence acts to protect themselves from imminent danger, the law usually views that as self-defense. However, if there is not an immediate threat to someone's life, the victim of abuse can incur charges, convictions, and prison sentences for harming their abuser, even though the victim might feel an omnipresent fear for his or her own safety.

Women are more often victims of domestic violence compared to men. In Oklahoma, 49.1% of women and 40.7% of men will experience intimate partner violence, rape, and stalking in their lifetimes (CDC, 2017). Additionally, Oklahoma is ranked 3rd in the nation for women who are killed by men in single victim-single offender, homicides (Oklahoma Domestic Violence Fatality Review Board, 2013). In 2018, of the victims killed by intimate partner homicide, 77% were female and 23% were male (Oklahoma Domestic Violence Fatality Review Board, 2019). All of these statistics indicate that for women especially, their fear for their own safety and lives is not unfounded. When victims of domestic violence do come forward to tell their stories and ask for help, law enforcement and the court systems do not always choose a course of action that tangibly helps the victim. Marital rape in the United States was not even considered a crime in all 50 U.S. states until 1993. Police often do not arrest perpetrators unless there is significant evidence a crime occurred or that sex happened without consent beyond just the testimony of those involved. Similar to the reasons why perpetrators aren't arrested, it is also difficult for perpetrators to be convicted. These miscarriages of justice lead victims to feel like they must take matters into their own hands due to having no other options or means of protection.

Failure to Protect

Contributing to the unjust sentences served by female victims of domestic violence are Oklahoma's Failure to Protect laws. In their inception, the laws were meant to hold parents and guardians accountable for not reporting child abuse. In practice, these laws are incredibly inequitable based on their disparate treatment of women who fail to report the abuse and men who commit the abuse. Mothers, many of whom are survivors of abuse, who are found guilty of "enabling abuse" or "failing to protect" receive harsher sentences despite not committing the actual abuse (Herrera, 2020).

Landscape Analysis

Oklahoma's Female Incarceration Crisis and Equity Implications

The racial demographics of the entire Oklahoma population are a useful comparison to see how certain races might be overrepresented in the criminal justice system based on how much of the general population they make up. According to the 2010 United States Census, 64% of Oklahoma residents were white, 10.7% were Hispanic, 9.1% were Native American, 7.6% were black, 6.1% were two or more races, 2.3% were Asian, and 0.2% were Pacific Islander.

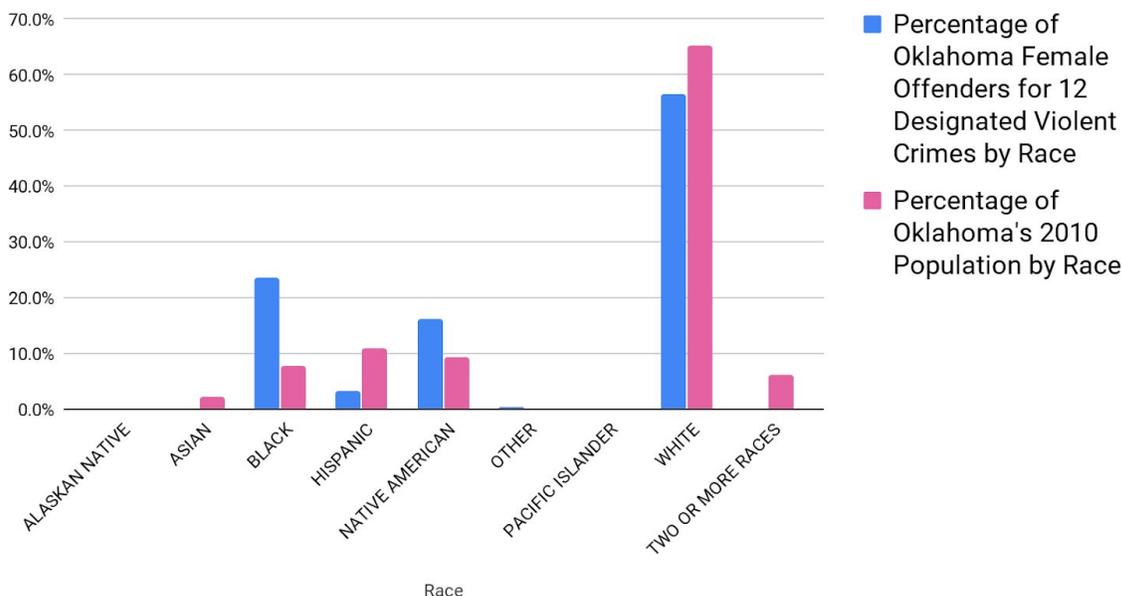
Violent Crimes by Race

The Oklahoma Department of Corrections provides current inmate data. As of March 2020, there were 2,529 females convicted and incarcerated in the state. The data listed the most serious offense for each inmate and had 177 different crimes. Nonviolent crimes were filtered out, which reduced the number of different crimes to 56. From those 56, 44 types of crimes were excluded from the analysis because they were unrelated to physical violence or attempted violence against another person that could potentially encapsulate women who have fought back against their abusers. The following 12 crimes by offender's race were included for the purpose of this analysis: assault and battery with a deadly weapon (85%), aggravated assault and battery, assault and/or battery with a dangerous weapon, assault and/or batter with a deadly weapon, assault with intent to kill (85%), maiming, first degree murder, first degree murder (85%), second degree murder, second degree murder (85%), shooting with intent to kill (85%), and shooting with intent to kill.¹ There were 334 total women incarcerated in March 2020 for these crimes. Precise data tables for offender crimes by race can be found in

¹ Crimes followed by 85% fall under an Oklahoma statute that requires that persons convicted of such crimes must serve 85% of their sentence before they are eligible for parole.

[Appendix A.](#)

Percentage of Oklahoma Female Offenders for 12 Designated Violent Crimes by Race Compared to Percentage of Oklahoma's 2010 Population by Race

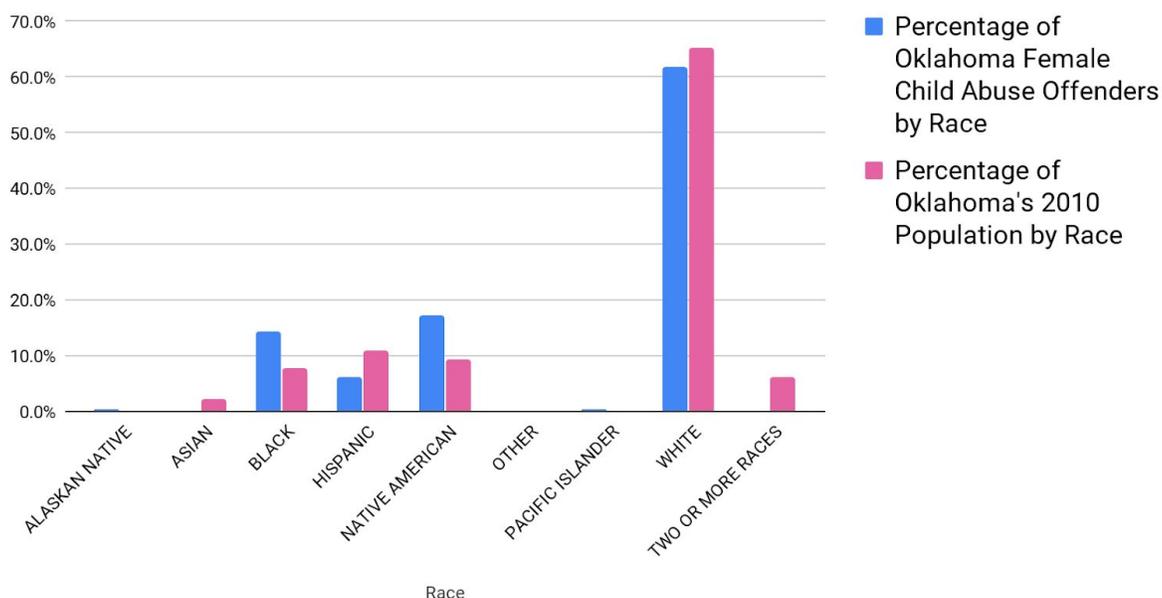


When looking at the racial breakdown of violent female offenders in Oklahoma, black females and Native American females are overrepresented compared to their numbers in the general population. The general Oklahoma population for black people is 7.8%, but black women make up 23.7% of violent female offenders. Native Americans represent 9.3% of Oklahoma's general population, yet 16.2% of violent female offenders are Native American.

Child Abuse by Race

Specifically looking at Oklahoma female child abuse offenders, there were 280 total women incarcerated. The state statute 21 O.S. § 843.5 pertains to abuse, neglect, and sexual exploitation. Failure to protect laws are codified in the same statute that outlines punishments for abusers. The data released from the Department of Corrections did not delineate between direct abusers and "enablers," so it is very likely that a subset of the 280 women never directly abused a child, but failed to protect a child against abuse at the hand of another person. It would be possible to get more detailed breakdowns if court records were manually examined to determine the exact context of the child abuse, child neglect, or child sexual exploitation committed. Precise data tables for offender crimes by race can be found in [Appendix B](#).

Percentage of Oklahoma Female Child Abuse Offenders by Race Compared to Percentage of Oklahoma's 2010 Population by Race



When looking at the racial breakdown of female child abuse offenders in Oklahoma, black females and Native American females are overrepresented compared to their numbers in the general population. The general Oklahoma population for black people is 7.8%, but black women make up 14.3% of female offenders for this type of crime. Native Americans represent 9.3% of Oklahoma's general population, yet 17.1% of female offenders who are incarcerated for child abuse. This indicates there could be racial disparities in charging and sentencing for these types of child abuse crimes.

Sentence Lengths in Oklahoma

Senate Bill 810 of Oklahoma's 2003 Legislative Session created the Special Task Force for Women Incarcerated in Oklahoma. The Task Force was asked to "study factors that have resulted in Oklahoma being one of the highest among the states in the rate of incarceration of women" (SB810, 2003). They found that the "overall average prison sentence length for women in Oklahoma sentenced during 2001 was 74 months (or slightly over 6 years)" (Wright, 2004). In the 2014 study of incarcerated mothers in Oklahoma, the mean sentence for their sample population was 12.7 years, which could indicate sentence lengths for women in Oklahoma have gotten longer in recent years.

Incarcerating Mothers Disproportionately Harms Children

Oklahoma has the highest incarceration rate of women per capita in the world (WSJ, 2018). Oklahoma incarcerates about 151 out of every 100,000 women, which is double the national

average (WSJ, 2018). National data indicates that nearly 66% of women in prison are mothers, and “incarcerated mothers are more than three times more likely than fathers to have been the only parent in the household at the time they were incarcerated” (Glaze & Maruschak, 2008).

Over the course of the year in Oklahoma, nearly 6,000 children have a mother in prison, 3,300 of which had been living with their mother prior to her imprisonment (Oklahoma Institute for Child Advocacy). A representative sample survey of incarcerated mothers in Oklahoma and their children found that of the 367 women who participated in the survey, 313 were mothers and had a total of 608 minor children. Out of 608 minor children, 344 had been living with their mother prior to the mother’s incarceration.

In addition to incarcerating women who have endured chronic abuse and likely suffer from PTSD, incarcerating these women has effects on their children. Children with incarcerated parents are more likely to have issues in school, suffer from mental illness, and have problems with substance abuse (Martin, 2017). Furthermore, nearly 10% of kids who lived with their mothers prior to her incarceration end up in the foster care system, which requires further funding from the state on top of incarcerating their mothers (Sharp et al., 2014).

State Models for Reducing Sentences

Domestic violence is an issue impacting the criminal justice system of every state. As a result of the pervasiveness of abuse and violence, many states have adopted different approaches to ameliorate the problem of individuals serving long prison sentences for killing their abusers. Below is a table highlighting how states treat victims of battering in their statutes and penal codes:

State:	BWS/BSS Codified?	Notes/Details:
Texas	No	<ul style="list-style-type: none"> Courts in Texas stipulate BWS is admissible to be considered as a mitigating circumstance in sentencing (Penal Reform International, 2016).
Georgia	No	<ul style="list-style-type: none"> Georgia has not officially codified Battered Spouse Syndrome, but it has extensive case law determining the uses and application of BSS in criminal court (Fair, 2018).
Illinois	No	<ul style="list-style-type: none"> Illinois added a consideration (or “factor of mitigation”) of whether the defendant had been a victim of domestic violence to its list of mitigating factors in sentencing laws (N.Y.U Journal of Legislation and Policy, 2020).
South Carolina	Yes	<ul style="list-style-type: none"> South Carolina codified the use of Battered Spouse Syndrome, “in relation to self-defense, defense of another, defense of necessity, or duress” (Fair, 2018).
Tennessee	No	<ul style="list-style-type: none"> Tennessee allows evidence of Battered Spouse Syndrome to enter under the statutes for general self-defense, although there is not a specific statute which enumerates or names BSS (Fair, 2018)
Florida	Yes	<ul style="list-style-type: none"> Florida is one of the only jurisdictions that codifies in law “BWS” as a separate category of self-defense to criminal charges (Penal Reform International, 2016). Judges in Florida are given incredible discretion in DV cases, guidelines even permit a, “total departure from recommended sentences if circumstances reasonably justify mitigating the sentence” (Penal Reform International, 2016).

Oklahoma: What Has Been Done So Far

Oklahoma Legislature's 2019 and 2020 DV docket:

There remains a large gap regarding the victim-side of criminal justice legislation. Many pieces of legislation within the domestic violence realm handle cases of decreased penalties, specifically decreased penalties for “failure to protect” cases and provisions. Many DV or failure to protect bills are sent to the Judiciary committee (**HB 1318, HB 2035, HB 2254, HB 2523, HB 2984, HB 3555**) and never given a hearing date or scheduled for floor consideration. Additionally, no other legislation addresses the reduction of sentences for DV victims/defendants who retaliate against their abusers, aside from **HB 1318**, which allows judges the autonomy to sentence the defendant to one-half of the maximum term imposed for the original sentence and allow those who have already been convicted to apply for a modified sentence.

Oklahoma Defense Statutes:

- **OUJI-CR 8-47** was adopted for instruction by the Oklahoma Court of Criminal Appeals in *Bechtel v. State*, 840 P.2d 1, 11 (Okl. Cr. 1992), a case wherein a woman was retried by a jury for the crime of Murder in the First Degree against her abuser. Battered Woman Syndrome can be, and has been, used as a case for self-defense, however the court never adopted the term “Battered Woman” nor is BWS mentioned in Oklahoma state statute or codified as a “factor of mitigation” in sentencing.
- The state statute **21 O.S. § 156** states, “a person is entitled to assert **duress** as a **defense** if that person committed a prohibited act or omission because of a reasonable belief that there was imminent danger of death or great bodily harm from another upon oneself, one's spouse, or one's child”. This catchall statute provides no specific reference to or provision of battering or domestic violence.
- Oklahoma Statute **21 O.S. § 1289.25**, titled “Physical or Deadly Force Against an Intruder”, outlines the self-defense guidelines and admissibility of deadly force if there is an intruder. Section 1. A states that the defensive force must be used against a person who is, “unlawfully and forcefully entering”. This adds no protection clause for victims of domestic violence using self-defense who live with their abusers or victims who do not live with their abusers but lack protective orders.

Recommendations

Following conversations with stakeholders and research on other states' statutes and legal precedents, we have several preliminary recommendations to help improve outcomes for survivors of domestic violence.

Legislative Recommendations

'Battered Person Defense' State Statute Inclusion

Amend Title 21 of the Oklahoma State Statute to include the term “Battered Person Defense” as a legitimate and separate category of defense in civil procedures. Whereas other states have codified “Battered Woman’s Syndrome” (e.g., Florida) and “Battered Spouse Syndrome” (e.g., South Carolina), we believe the alternative term of “Battered Person Defense” is more inclusive and palatable in an Oklahoma context and can better apply to a variety of survivors of abuse and domestic violence facing legal ramifications.

Terminology

Battered Person Defense, a phrase discussed and agreed upon given stakeholders' feedback, comes from the more proliferated “Battered Woman’s Syndrome” (BWS) which, in its 1970’s inception, was used as a psychological term to describe a subcategory of post-traumatic stress disorder (PTSD) where the domestic violence victim is so traumatized by their partner’s abuse that the victim may believe he or she is in danger even when they may be safe (Orenstein, 2014). BWS evolved from “learned helplessness” and “cycles of violence”, terms used to describe a broad range of victim’s and abuser’s behaviors to a mental health disorder following exposure to trauma (Dutton, 2009). Due to the limitation of BWS (discussed in the next section), we believe “battered person defense” should be added to state statute as a separate head of self-defense wherein the defense, with the aid of expert testimony, would include a non-standardized and subjective standard of reasonableness and deep inspection of the circumstances under which the defendant committed the violent act (Nandy, 2010).

Limitations of “Battered Woman’s Syndrome”

Several stakeholders drew attention to the limitations and lack of inclusion with the term “Battered Woman’s Syndrome”, despite its codification in several states’ penal codes. BWS attempts to standardize a persons’ response to abuse and trauma, regardless of the fact that manifestations of trauma present themselves in a variety of ways (Dutton et al., 2005). Patterns of abuse and violence vary greatly and creating a mold to determine whether or not a person is justified in their actions against an abusive partner can do more harm than good for victims who don’t fit that mold. Furthermore, BWS can be incredibly stigmatizing. It is a psychological, pathologized term that creates an image of a woman who is disordered, lacks agency, and damaged (Dutton, 2009). BWS, through creating this narrative of a traumatized woman, enforces a legal defense that given the

woman's *compromised* mental state, it's *understandable* and *reasonable* for them to perceive they are in danger even when they are safe. This BWS defense is problematic because it implies that due to the woman's level of traumatization, their risk assessment is flawed. Empirical evidence has found that predictions of risk of future assault by women who have experienced domestic violence are more often correct than wrong (Bell et al., 2008). Therefore, a person's attempt to stop further violence and abuse is *logical* based on the actions and behaviors of their abuser and this attempt should not be invalidated given a mental health diagnosis of PTSD.

Potential Cost Savings

There are currently 334 women incarcerated in Oklahoma due committing crimes categorized as violent (Oklahoma Department of Corrections, 2020). Unfortunately, we do not know how many of these women are incarcerated due to violent crimes against former abusers, that is data we believe warrants further investigation and research on this subcategory of incarcerated women. However, according to the fiscal analysis of 2019's **HB 1318**, which pertains to commuted prison sentences for incarcerated women, the average cost of incarceration for one inmate is \$21,425.50/year, meaning that Oklahoma pays \$7,156,117 annually to incarcerate female violent offenders. If we estimate that even 10% of these women would be eligible for a lesser sentence due to the codification and successful usage of a "battered person defense", this could have a possible cost-savings of over \$700,000/year for the state budget.

85 Percent Law Amendment

Oklahoma should eliminate the 85% requirement, or only require it if an individual has multiple felony convictions. Oklahoma's statute 21 O.S., § 13.1 outlines more than 30 crimes that require individuals convicted of them to serve a minimum of 85% of their sentence before they can earn credits toward and apply for parole. In the 2014 study concerning incarcerated women in Oklahoma who are mothers, 342 of the 376 participants allowed researchers to link their questionnaires with Oklahoma Department of Corrections data. Nearly 42% of the surveyed population were serving time under the 85% law (Sharp et al., 2014). However, only 33.2% of all respondents were deemed to be a high-risk to society (Sharp et al., 2014). The 85% rule was meant to punish the most violent offenders by ensuring they serve the majority of their sentence, but the data indicates the state could be incarcerating 10% too many individuals who pose no real threat to the community.

In Oklahoma's 2018 Legislative Session, lawmakers passed Senate Bill 1098, which created the Oklahoma Criminal Justice Reclassification Coordination Council. The Council was tasked with 22 members from across the state to help make

recommendations to reduce the prison population in Oklahoma. One recommendation was to modify the 85% rule by having it only apply when someone has had two or more felony convictions (Oklahoma Criminal Justice Reclassification Coordination Council, 2019). This allows first time offenders the chance to serve shorter sentences, return home faster, and hopefully not reoffend.

Potential Cost Savings

As of March, 2020, there are 2,529 female inmates incarcerated in the state of Oklahoma (Oklahoma Corrections, 2020). Of those 2,529 women, 26.7% (n = 674) are serving under an 85% rule. If the 10% discrepancy between offenders with 85% rule sentences and the percentage of high-risk offenders translates to a current population of Oklahoma female inmates, then the state of Oklahoma is incarcerating 67 too many women. If those women were released, it could save Oklahoma \$1,435,508.50.

Opposition for Criminal Justice Reform

When it comes to any type of criminal justice reform, the District Attorney's Office is the main source of opposition. Dr. Susan Sharp, a retired sociology professor from the University of Oklahoma and an expert in female incarceration, stated, "The district attorney is the most powerful player in the courtroom. ... And if they are trying to build a reputation of being tough on crime, they're basically going for the low-hanging fruit" (Oklahoma Watch, 2017). Similarly, some judges wanting to be seen as an authoritative figure, dole out sentences that seem harsh, but that are permitted by the law even if it diverges from sentencing recommendations from the state task force. Showing any leniency could be perceived as a weakness in a conservative state that primarily prioritizes law and order above all else.

Court Recommendations

Diversion Program

Mandate that courts consider alternative sentencing for any act relating to criminal procedure on certain circumstances wherein the accused is referred to a diversionary program. Eligibility can be determined by evidence and with the use of the Poly-Victimization assessment tool. These programs would work in conjunction with the infrastructure already in place for Oklahoma's Drug Courts and in partnership with other organizations sponsoring programs such as Women in Recovery. They would also ensure any participant would receive substance abuse counseling, mental health services, education and an advocate to help them navigate through these services.

Poly-Victimization Assessment Tool

In order to assess the appropriateness of participants of the diversion program, we believe the poly-victimization assessment tool should be utilized by the court. The poly-victimization assessment refers to a screener tool that presents a holistic, survivor-centered, and trauma-informed approach to hearing and humanizing the experiences of survivors and how those experiences have impacted their lives. This assessment is not intended or designed to diagnose people, but rather to inform thinking and decision-making when considering the effect of significant past trauma. Questions included in the tool cover both victimizations and adverse life experiences that indicate what type of multi-faceted approach (i.e. diversion program) would be necessary in addressing the needs of survivors. We recommend administering and scoring the assessment upon deciding whether or not the defendant would be a suitable candidate for the diversion program. For a list of the questions used in the poly-victimization assessment tool used by Family Safety Center, click [here](#).

Costs and Benefits

Based on Oklahoma Drug Court, participation would cost \$5,000 per participant versus the annual cost of incarceration per inmate is \$19,000 (The Oklahoma Department of Mental Health and Substance Abuse Services, 2020). For 26% of the annual cost of incarceration, participants would work to target the underlying issues that led to the crime and receive support on finding work, safe housing, and childcare that would help prevent them from falling into the same cycle of abuse of a partner. Diversion programs have already proven to be a cost effective solution and according to the American Civil Liberties Union, “effective diversion programs can improve long-term community safety and reduce recidivism far more effectively than warehousing someone in a prison cell before turning them back onto the streets” (Kubic, 2017).

Initial Implementation the Program

This program could be initially implemented as a pilot program in major cities, such as Oklahoma City and Tulsa, for 5-6 years. Upon review, and after certain milestones and/or expectations reached then expanded out to the entire state.

Expanding Childcare

When looking at child abuse and fatalities of children, it is not uncommon for kids to suffer at the hands of their mother’s boyfriend. This is because 23% of children in the United States live with a single mother, but only 4% live with a single father (United States Census Bureau, 2016).

According to Oklahoma's Department of Human Services, 9.63% of confirmed perpetrators of child abuse and neglect in 2017 were not related to or the legal guardian of the victim (Child Abuse and Neglect Statistics, 2017). This is the third highest type of perpetrator relationship to children under biological mother and father and impacted 2,357 Oklahoma kids. Oklahoma Department of Human Services's most recent addendum to their report on child deaths shows that 14.81% of substantiated deaths as a result of child neglect in 2013 were caused by live-in boyfriends, and 14.29% of live-in boyfriends were responsible for the substantiated deaths as a result of child abuse in 2013 (Child Abuse and Neglect Statistics, 2013). The root cause of this phenomenon is a lack of childcare. Women will often have jobs and are forced to leave their children with a boyfriend. There have been many cases in Oklahoma where a significant other is left alone with children with little to no vetting. Someone without experience with children can quickly become frustrated, and then take that frustration out on a child physically.

The primary recommendation for expanding access to care is to increase the provider reimbursement rates for subsidized care. Oklahoma currently reimburses providers of two and three star facilities serving children ages 0-3 at 65% of the market rate, but does not meet the federally recommended 75% reimbursement rate (Fine, 2019). This would further encourage providers to participate in the subsidized program. The most direct way to achieve this is for the United States Congress to increase funding for Child Care and Development Block Grants (CCDBG) that pass along funds to states to administer to various agencies.

There are many other ways Oklahoma could pass legislation to make child care more accessible beyond increasing reimbursement rates of providers. Some additional recommendations are increasing the income eligibility cutoffs for subsidized child care, decreasing co-payments for parents, investing in the development of more facilities with flexible hours (early mornings, nights, and weekends), expanding professional development opportunities and coaching for quality care, increasing funding so providers can pay workers more, and providing scholarships for child care workers to become certified.

Increasing Access to Safe and Affordable Housing

Housing is a major issue survivors of domestic encounter, especially when they are renting a property. Survivors can deal with finding affordable housing, trying to break a rental agreement/lease in order to move, asking landlords to change security measures (including locks), and asking a landlord to remove a tenant who is abusive.

An advocate at Domestic Violence Intervention Services of Tulsa pointed to sample legislation in Arizona that provides protections for domestic violence survivors. The Arizona statute allows a tenant to terminate a lease without penalty and requires if the tenant provides a written notice to the landlord within 30 days of an incident of domestic violence or sexual assault. The tenant must provide a copy of a protective order or a law enforcement report to corroborate the claim of being impacted by domestic violence. The tenant is required to pay rent through the termination date and make payment on or before he or she vacates the dwelling. If all criteria is met to receive his or her security deposit back, the landlord cannot withhold it for terminating the lease early. If the person impacted wishing to terminate the rental agreement due to domestic violence has roommates, this also releases the roommates from any financial penalty as long as none of the roommates are the named perpetrator of domestic violence. The survivor's roommates may move or sign a new lease without the survivor to maintain rental of the dwelling. Additionally, the landlord has to change the locks of a residence if the tenant pays for this in its entirety if the tenant is impacted by domestic violence. A copy of the Arizona statute can be found in [Appendix C](#). Oklahoma could incorporate the tenets of the Arizona legislation into Title 41 of Oklahoma's state statutes. This would not cost the state any money, and legislators could partner with nonprofit organizations to help inform survivors of domestic violence of any changes between the tenant/landlord relationship if domestic violence is involved. The only opposition would likely come from landlords and companies that own large apartment complexes.

Other Considerations

Law Enforcement Recommendations

Police Training

In speaking with Domestic Violence Intervention Services of Tulsa, there is a lack of uniformity in training for police. In Tulsa Police Department's training academy, they offer an 8 hour session regarding elder abuse and half a day on sexual assault. This is not sufficient for new police officers. Furthermore, in order for a first responding officer to attend a training session, the organization doing the training has to pay overtime for the officer for what they are missing in their regular duties. Other police departments, like Broken Arrow and Bixby Police Department, have mandatory weekly training. Representatives from Domestic Violence Intervention Services of Tulsa also identified that police officers are often unable to differentiate between offensive and defensive wounds, and misinterpret instances of domestic violence for mutual combat. Additionally, officers can develop attitudes toward citizens when a household makes multiple calls to law enforcement over a sustained period of time or when the officers find out a survivor has a history in the criminal justice system.

A potential solution is to provide guidelines for what the state of Oklahoma requires of all police departments in terms of academy training and continuing education requirements. This would provide a standard and uniformity of knowledge. Since there is also hesitancy for police departments to spend time on training, building in a financial incentive for departments to participate in training sessions could be effective.

Lethality Assessment Protocol

The State Legislature can clarify a loophole to include the best practice that the police facilitate the contact between the victim and an advocate to ensure survivors are connected with life saving resources. Under current practice, if domestic violence is suspected, the responding officer is supposed to administer this 11 question assessment, and if the person being assessed passes a certain score threshold, the officer is supposed to put the victim on the phone with a domestic violence/sexual assault advocate. However, 21 OK Stat § 21-142A-3 (2014) only requires that officers provide “referrals to shelters, domestic violence intervention programs and other social services shall be provided to the victim.” This means that many survivors do not reach out to receive the help they most likely need. Instead of simply providing referrals, the legislature should require that officers initiate contact with an appropriate resource at the scene of a domestic violence incident.

Conclusion

Solving Oklahoma’s domestic violence and incarceration crises will not be solved with one simple policy solution. We have only identified a fraction of the work and small policy changes to aid victims who are incarcerated for defending themselves against their abusers or for Failure to Protect. However, there are many policy changes that can be made to fix the domestic violence crisis well before it escalates into criminal proceedings. Further, it will be crucial to partner with stakeholders to identify these policy areas and take further action beyond our recommendations to end the cycle of domestic violence.

For any questions about this report contact: Whitney Cipolla - wrc335@utulsa.edu, Liz Maine - lizziemaine@gmail.com, or Christianna Loza - Christianna.loza@gmail.com

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Appendices

Appendix A - Oklahoma Violent Female Offenders by Race

	ASSAULT AND BATTERY W/ DEADLY WEAPON (85 PCT)	AGGRAVATED ASSAULT AND BATTERY	ASSAULT &/OR BATTERY W/ DANGEROUS WEAPON	ASSAULT &/OR BATTERY W/ DEADLY WEAPON	ASSAULT W/ INT TO KILL (85 PCT)	MAIMING
ALASKAN NATIVE	0	0	0	0	0	0
ASIAN	0	0	0	0	0	0
BLACK	6	2	18	0	0	2
HISPANIC	0	0	1	0	0	0
NATIVE AMERICAN	2	3	13	2	0	1
OTHER	0	0	0	0	0	0
PACIFIC ISLANDER	0	0	0	0	0	0
WHITE	8	1	18	0	3	0
Total	16	6	50	2	3	3

	MURDER FIRST DEGREE	MURDER FIRST DEGREE (85 PCT)	MURDER SECOND DEGREE	MURDER SECOND DEGREE (85 PCT)	SHOOTING W/INT TO KILL (85 PCT)	SHOOTING WITH INTENT TO KILL
ALASKAN NATIVE	0	0	0	0	0	0
ASIAN	0	0	0	0	0	0
BLACK	11	22	2	15	1	0
HISPANIC	3	6	0	0	1	0
NATIVE AMERICAN	6	16	0	11	0	0
OTHER	0	1	0	0	0	0
PACIFIC ISLANDER	0	0	0	0	0	0
WHITE	54	58	5	38	3	1
Total	74	103	7	64	5	1

Appendix B - Oklahoma Female Child Abuse Offenders by Race

	CHILD ABUSE	CHILD ABUSE (85%)	CHILD ABUSE (INV SEX ABUSE) (85%)	Total
ALASKAN NATIVE	0	1	0	1
ASIAN	0	0	0	0
BLACK	0	40	0	40
HISPANIC	0	16	1	17
NATIVE AMERICAN	1	46	1	48
OTHER	0	0	0	0
PACIFIC ISLANDER	0	1	0	1
WHITE	6	155	12	173
Total	7	259	14	280

Appendix C - Arizona Sample Legislation for Housing

“A.R.S. § 33-13183. Early termination by tenant; domestic violence; sexual assault; requirements; lock replacement; access refusal; treble damages; immunity

A. A tenant may terminate a rental agreement pursuant to this section if the tenant provides to the landlord written notice pursuant to this section that the tenant is the victim of domestic violence as defined in section 13-3601 or was the victim, in the tenant's dwelling, of sexual assault pursuant to section 13-1406. The tenant's rights and obligations under the rental agreement are terminated and the tenant shall vacate the dwelling and avoid liability for future rent and shall not incur early termination penalties or fees if the tenant provides to the landlord a written notice requesting release from the rental agreement with a mutually agreed on release date within the next thirty days, accompanied by any one of the following:

1. A copy of any protective order issued pursuant to section 13-3602 to a tenant who is a victim of domestic violence or sexual assault. A landlord may also request a receipt or signed statement that the order of protection has been submitted to an authorized officer of a court for service.
2. A copy of a written departmental report from a law enforcement agency that states that the tenant notified the law enforcement agency that the tenant was a victim of domestic violence or sexual assault.

B. A landlord may request from the victim the name and address of the person named in an order of protection or a departmental report pursuant to subsection A of this section, in writing, if known by the victim.

C. The tenant may terminate the rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant being a victim of domestic violence as defined in section 13-3601 or sexual assault pursuant to section 13-1406 occurred within the thirty-day period immediately preceding the written notice of termination to the landlord, unless waived by the landlord.

D. If the tenant terminates the rental agreement as prescribed by this section and if the tenant is solely or jointly liable on the rental agreement, the tenant is liable only for rent owed or paid through the date of the lease termination plus any previous obligations outstanding on that date. The amount due from the tenant shall be paid to the landlord on or before the date the tenant vacates the dwelling. If the tenant has prepaid rent that would apply for the month in which the lease is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant. If the tenant has paid a security deposit pursuant to section 33-1321, the landlord shall not withhold the security deposit for the early termination of the lease if the tenant meets the requirements prescribed by subsection A of this section, but may withhold the security deposit for payment of damages that the landlord suffered by reason of the tenant's noncompliance with section 33-1341.

E. A tenant who is a victim of domestic violence or sexual assault may require the landlord to install a new lock to the tenant's dwelling if the tenant pays for the cost of installing the new lock. A landlord may comply with this requirement by doing either of the following:

1. Rekeying the lock if the lock is in good working condition.
2. Replacing the entire locking mechanism with a locking mechanism of equal or better quality than the lock being replaced.

F. A landlord who installs a new lock at the tenant's request may retain a copy of the key that opens the new lock. Notwithstanding any provision in the rental agreement, the landlord may refuse to provide a key that opens the new lock to the person named in an order of protection or a departmental report pursuant to subsection A of this section.

G. A landlord shall refuse to provide access to the dwelling to reclaim property to any tenant if the tenant is the person named in an order of protection or a departmental report pursuant to subsection A of this section who has been served with an order of protection naming that tenant as the defendant and the landlord has received a copy of

the order of protection, unless a law enforcement officer escorts the tenant into and out of the dwelling.

H. A tenant who terminates a lease pursuant to this section and who is convicted of falsely filing a departmental report or order of protection for domestic violence or sexual assault is liable to the landlord for treble damages for premature termination of the lease.

I. A person named in an order of protection or a departmental report pursuant to subsection A of this section who provokes an early lease termination under this section is deemed to have interfered with the residential rental agreement between the landlord and tenant regardless of whether the person named in an order of protection or a departmental report pursuant to subsection A of this section is a party to the rental agreement, and the person named in an order of protection or a departmental report pursuant to subsection A of this section may be civilly liable for all economic losses incurred by a landlord for the domestic violence or sexual assault early lease termination. This civil liability includes unpaid rent, early lease termination fees, costs to repair damage to the premises and any reductions or waivers of rent previously granted to the tenant who was the victim of domestic violence or sexual assault.

J. If there are multiple tenants who are parties to a rental agreement that has been terminated under this section, the tenancy for those tenants also terminates. The tenants who are not the victims of domestic violence or sexual assault, excluding the person named in an order of protection or a departmental report pursuant to subsection A of this section that caused the termination of the lease pursuant to this section, may be released from any financial obligations due under the previously existing rental agreement and the remaining tenants may be allowed to enter into a new lease with the landlord if the tenants meet all current application requirements.

K. An emergency order of protection or a protective order that is issued to a resident of a rental property automatically applies to the entire residential rental property in which the tenant has a rental agreement.

L. This section does not limit a landlord's right to terminate a lease pursuant to section 33-1368 against the victim for actions unrelated to the act of domestic violence or sexual assault.

M. A landlord is not liable for any actions taken in good faith pursuant to this section.”