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## Shorter prison time sought for abused women in NY

Associated Press

ALBANY, N.Y. — Kim Dadou spent 17 years in prison for manslaughter for shooting her boyfriend as he choked and threatened her in his car. She had called police several times before and used the gun he kept under the passenger seat to kill him.

She was sentenced to 8 1/3 to 25 years, denied parole five times and released in 2008. Now, New York advocates for women prisoners are pushing legislation to cut sentences for domestic violence victims like Dadou, who strike back at abusers or get coerced into committing other crimes.

"When you get caught up in these situations there's no one to protect you," said the 46-year-old Dadou, of Rochester. "Orders of protection are just pieces of paper."

Bill supporters argue that abuse victims pose little threat to anyone other than their abusers. They acknowledge the resentencing measures won't pass this year but say the debate should start following a study from Cornell Law School and the Correctional Association that found limited leniency now for "survivor-defendants."

"It is the beginning of the battle," said Assemblyman Jeffrion Aubry, a bill sponsor who chairs the Assembly Committee on Correction. "We think there are mitigating issues here a judge ought to be able to consider in crafting a sentence."

The bills would give judges discretion to cut a sentence for first-degree manslaughter, for example, from five to 25 years to one to five years, or to probation with alternative programs.

Prosecutors said victims already get consideration with lesser charges, like manslaughter instead of murder, and lower sentences than others convicted of serious crimes. Also, most domestic violence victims don't commit violence.

"We're trying to focus more on the front end" with efforts to jail abusers, said Franklin County District Attorney Derek Champagne, president of the state district attorneys' association. "There are times when it may not truly be self-defense."

Out of some 2,000 women in state prisons, fewer than 175 could have their sentences cut under Aubry's bill, according to the Correctional Association of New York, the study's co-author. However, more than 200 women are convicted every year for crimes directly related to their abuse and would be potentially eligible for alternate sentencing, said Tamar Kraft-Solar, director of the association's Women in Prison Project.

They canvassed 49 other states, and New York would be the first to enact such a law, Kraft-Stolar said.

Under the legislation, judges could impose alternative sentences if they find the defendant was a domestic abuse survivor, the abuse was a "significant contributing factor" in the crime and the sentence under the general statute

would be "unduly harsh."

Some victims said it was not a simple matter of leaving an abuser. They said violence, threats and danger typically escalate when they threaten to leave and that children complicate any attempts to get out of the situation.

The report from Cornell's Avon Global Center for Women and Justice and the association's Women in Prison Project cited state parole statistics showing 80 percent of women sent to New York prisons for a violent felony in 2009 had no prior felony convictions. Of the 38 women convicted of murder and released between 1985 and 2003, not one returned to prison on a new crime in the next three years, the report found.

New York's 1998 sentencing reform, called "Jenna's Law," contained an exception for domestic violence victims from most tough fixed sentences for violent crimes. However, state Sentencing Commission reports a decade later noted the exception had been used only once, for a man who actually got a longer sentence that way.

The report recommended funding alternative programs to cut prison costs and reduce the impact on families, allowing those imprisoned for violent crimes to get merit time reductions and enacting legislation to permit shorter prison terms.

The report also cited a 1999 study of women in New York's Bedford Hills Correctional Facility finding 94 percent had been physically or sexually abused, and that 75 percent had experienced serious physical violence from an intimate partner as adults.

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Online:

Correctional Association/ Cornell report: <http://www.correctionalassociation.org/>

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