



Gender Justice Organizations Letter





Background on Template Letter from Gender Justice Organizations

This is a template to share with someone at an organization that advocates for survivors of gender-based violence for the purposes of drafting an advocacy letter. This letter may be used for pretrial, sentencing, or post-conviction advocacy. This letter should be authored by a credible gender justice organization at the request of the client/survivor or their defense team after reviewing the case materials.

Keep in mind that this sample letter is just that: a sample. The language in each letter should look different and be tailored to the facts and circumstances of each case. Each letter should be unique to the life experiences of the survivor. The letter should include relevant information about the procedural posture of the case, details of the crime(s) of conviction (if drafted for a post-conviction matter), and the connection between the crime and the gender-based violence.

The sample letter includes instructions for the letter-writer in parentheses. When the instructions in those parentheses say “you,” that means the person who is writing the letter (not for example the person applying for clemency). Evidence from experts, doctors, or mental health professionals is not required for a gender justice organization to draft this letter, but if it exists, it may be helpful as corroboration. It is important that the letter writer has all the information they need, including records, transcripts, or other paperwork that exists on the case. If the survivor is currently in prison and unable to access the necessary records (for example, hospital records or police reports from before the incarceration), it may be useful to obtain a signed release for the records.

All survivors of abuse and violence have a unique story, and this letter should convey that story – even if no experts have been involved. By explaining how the experiences of abuse or violence that survived affected the survivor, and how those experiences may relate to the case, the letter can help explain why a decision maker should grant the advocacy request.

The writer of the letter should partner with the client and the defense team. When the writer agrees to provide this letter, this is the perfect time for the survivor to tell them whether there are some parts of their story that you/they wish to leave out, or some parts that should be highlighted. If you are the survivor at the center of this letter, the important thing to remember is that you have the final say about what traumatic experiences are mentioned in this letter.

It can be difficult to share stories of the abuse or violence that a survivor has endured. Please consider carefully whether an experience is truly so sensitive or personal that it cannot be shared. The hardest and most painful events in a survivor’s life may be the exact events important for the persuasive power of such a letter. As a sample, the template letter for gender justice organizations follows.

[Insert heading here. Be sure to include organizational name, job title of the letter writer, mailing address, phone number, organizational website, and email.]

[Date]

[insert address]

Re: [Full name, first and last, of survivor of gender-based violence] – Survivor of Gender-Based Violence

To [insert who the letter is going to]:

We have long worked to ensure that victims of violence are treated with dignity, receive the protection, and care they deserve in the criminal legal system. From our experience working directly with survivors, we know that sexual and gender-based violence has profound and lifelong consequences for survivors’ mental health, judgment, decision-making, and behavior. –[The letter should begin with a statement about your work as a gender justice org and show the reader your credibility. The letter should also begin with a paragraph explaining what makes you qualified to give an educated opinion on the consequences of gender-based violence. It should be customized to match the purpose of your organization; for example, if you advocate for survivors of childhood abuse, this paragraph might talk about how gender-based violence experienced by children can have lasting effects for adult survivors.]

We have been aware of [name of survivor]’s case for some time and feel strongly that [she/they] deserve to be treated with an understanding of the complex circumstances surrounding [her/their] crime/case. –[Here, depending on the facts of the case, you can provide an additional overview sentence or two as to why they/she should not be criminalized or the nexus between the case and their/her status as a survivor. Note the choice of pronoun, so that if your client has been affected by gender-based violence but does not identify as a woman (e.g., they are non-binary or otherwise gender-nonconforming) you can be sure to respect that.]

[Name of survivor] is a survivor of abuse at the hands of [her/their] [relationship to perpetrator(s) of abuse], who [insert short description of abuse suffered]. [Insert key relevant information such as the name and title of gender-based violence expert (if applicable)] found that [insert survivor name] was “[insert powerful language from expert reports or other documentation in the record, highlighting the extent of abuse or the severity of its impact].” [She/they] was/were [describe abuse suffered] [insert a period of time here, such as “throughout her entire life”; “over the course of six years”; “for forty consecutive hours”], and “[insert language on the devastation that this has caused, or other powerful descriptors from the expert, to bring the reader into the world of abuse that has been survived by the client].” –[This paragraph is a chance to highlight the most important facts about the survivor’s background, and to explain how their past experiences of abuse contributed to the crime(s) for which they were incarcerated. The quotes should be selected to (i) illustrate the abuse, (ii) describe the effects of physical, mental, and emotional trauma on the

survivor, and (iii) explain the nexus between her/their trauma and the allegation/crime of conviction. The quotes should be selected to (i) illustrate the abuse, (ii) describe the effects of physical, mental, and emotional trauma on the survivor, and (iii) explain the nexus between her/their trauma and the allegation/crime of conviction. For example, it is a material fact if the co-defendant was the abuser, and received no conviction or a lesser conviction and sentence, especially if the survivor was coerced by the co-defendant, was acting in fear of the co-defendant, or failed to prevent the co-defendant's actions because of the abuse.]

Consider including such a paragraph in the case that the survivor has expert evidence regarding their trauma or abuse:

[Expert name]'s conclusions are consistent with scholarly research in the field of trauma. Research shows that survivors who have endured such abuse experience profound and lasting changes in the way they perceive and interact with the world and others. The [briefly describe type of abuse] that [survivor name] endured has [insert effects of abuse here]: as [Expert name] puts it, “[insert quote from expert to highlight the point].” This is why it is essential to understand how a survivor's experiences of gender-based violence can explain her participation in a heartbreaking and unfathomable crime. –[This paragraph helps readers understand the connection between abuse/trauma and criminality. Even if the survivor in this case does not have expert evidence to include, it is still important to make this point clearly. It may be helpful to include examples of how “[r]esearch shows that survivors who have endured such abuse experience profound and lasting changes in the way they perceive and interact with the world and others,” so that expert knowledge will be included, even if not expert knowledge of this particular survivor.]

In the case of a survivor who pleaded guilty, or who was convicted after a trial where the defense failed to present expert testimony, include a paragraph that explains why the lack of expert testimony does not negate the survivor's experience of gender-based violence:

The lack of expert testimony presented during [survivor]'s [trial or plea hearing] does not negate the reality of [her/their] experiences of gender-based violence. Often, survivors of domestic violence are unable to secure the necessary resources or support to present expert testimony in their defense. This lack of expert testimony can stem from various barriers, like [e.g., no access to qualified experts, insufficient legal representation, or financial constraints]. Without the specialized knowledge of an expert, it can be difficult for survivors to convey the impact of domestic violence on their lives. It is imperative to recognize that [survivor]'s lack of expert testimony in [her/their] case reflects systemic obstacles rather than an indication that their experiences are any less severe or authentic.

Consider adding a paragraph that addresses any myths about survivors of domestic violence or human trafficking that are relevant to the case. (For example, if the prosecutor suggested that the fact she stayed with her abuser means the violence was not that bad):

People who are not experts on domestic violence or human trafficking may have some misconceptions about survivors, and these misconceptions can significantly impact how they perceive a survivor's experiences of abuse. This means that myths and misconceptions surrounding survivors of domestic violence or human trafficking end up affecting the justice they receive. For instance, the idea that a victim of domestic abuse would have left their abuser if the violence were truly severe is fundamentally flawed and rooted in a

misunderstanding of the dynamics of abuse. Survivors may remain with their abusers for a variety of reasons, such as [e.g., fear, coercion, financial dependence, or belief the abuser will change (or return to “how they used to be”)]. The fact that [survivor] remained with [her/their] abuser is proof of the severity of the abuse [she/they] endured, as well as the depth of control and manipulation [she/they] was/were faced with. Understanding the reality of abuse and how it affects survivors is essential in recognizing the true extent of [survivor]’s victimization, and the profound impact it has had on [her/their] life.

You might consider including a paragraph similar to this one if the survivor experienced violence while pregnant, and/or experienced pregnancy as a result of rape:

[Insert name and role of a perpetrator of abuse against the survivor] displayed “[insert quote on the abuse]” including [insert description of abuse] while [she/they] was/were pregnant with [insert name of child if any involved here]. [Describe the circumstances of the relationship to the abuser, including how long the relationship lasted]. He also physically, emotionally, and sexually abused [survivor] [describe any other specific abuse here] [her/them] multiple times.

For survivors who experienced violence or abuse as a child, you might include paragraphs like these:

As a child, [survivor] was exposed to [her/their] parents’ violence, [describe general categories of violence and abuse]. [Her/their] father, [insert name], [describe specific kinds of abuse suffered], and [her/their] mother, [insert name], [describe specific kinds of abuse suffered]. [Insert case and life circumstance specific facts that show the extent of exposure to violence even as a child]. [Insert case specific facts about the life of the survivor, such as whether there was any adult figure in their life showing any affection or care, or not, and other tailored descriptions using concrete examples and clear language].

[Parent name] was abusive, [insert case and life specific facts of survivor’s childhood and adolescence, particularly with respect to gender, sexual abuse, and lack of safety]. [Insert additional information about additional perpetrators of abuse and the type of abuse they forced survivor to endure, even as a young child]. –[This section is also very specific to the facts about the survivor’s life and experiences. If their parents, guardians, or other adult family members and caretakers were violent; used or sold drugs in front of them; made sexual comments about them; or brought dangerous romantic partners into their life, that information should be included here. Consider whether there was any abuse and violence by stepparents or parents’ boyfriends and girlfriends that should be mentioned.]

At [survivor]’s trial, [her/their] defense lawyer did not fully investigate [her/their] [life history or resulting mental illness or the nexus between her/their survival of gender-based violence and the crime], and therefore did not share with the jury that [insert something the defense should have and needed to present to the jury but did not] rendered [her/them] unable to [insert what this means in the context of the case, i.e. unable to cope with day to day life or unable to function without the overwhelming impact of trauma, or some other case specific thing that the survivor is now unable to do as a result of the violence they survived]. They did not learn, as pointed out by [expert name], that [survivor] “[insert case specific framing and facts].” According to [expert name],

[Insert more detailed expert quote, if available, that advances the goals of this letter]. –
[This paragraph is where you explain how, by not introducing evidence of the defendant’s previous trauma and abuse, her defense attorney failed to provide the jury with the necessary information and explain how that information is relevant to the case at hand.]

These facts may not excuse the crime(s) committed by [survivor], but they do explain it. According to prison staff, spiritual advisors, and others who have worked with [survivor] over the years, [she/they] is/are [insert reflective statement of remorse/redemption where appropriate]. [She/They] continue/s to feel guilt, grief, and remorse. In the words of [credentials, if applicable] [expert name, if applicable],

[Insert expert quote, or a quote from reports or records, that deepen the reader’s understanding of the significance of the trauma, violence, or abuse that the survivor endured].

The abuse [survivor] endured throughout [her/their] life, and what [victim of survivor’s crime] endured but did not survive, was not inevitable. With adequate intervention, [victim of survivor’s crime]’s death and [survivor]’s extreme trauma could have been prevented. Just as such intervention could have prevented the death of [survivor’s victim], it likewise can prevent the execution of [survivor].

We encourage you to recognize the harm suffered by victims of gender-based violence such as [survivor], and the link between the [describe general kinds of abuse victim experienced] [she/they] endured, and the crime [she/they] committed. We also encourage you to consider that [survivor’s abuser], who maintained a sphere of violence, power, and coercive control over [her/them] and [describe other circumstances, e.g. children who were in the household], received a sentence of [X] years in connection to this case.

For all these reasons, we fully support [survivor] and urge the Board to grant [her/him/them] a full pardon.

Yours Sincerely,
[Insert Handwritten Signature]
[Electronic Signature Block,
Including name, title(s), and
organization.]