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Serving Justice-Involved Survivors: Evaluating Policy Do's and Don'ts

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Survivors with conviction histories and victim-defendants facing prosecution experience many obstacles to receiving the support and resources they need. Advocates, with their understanding of trauma and the dynamics of abuse as well as their established community relationships and access to resources, are often well-positioned to provide support for justice-involved survivors. However, advocacy programs often have formal and informal policies in place that lead to denial of critical services for these survivors. These policies, if they do not outright exclude justice-involved survivors from their programs, often discourage them from reaching out for much-needed services. These policies are often rooted in common misconceptions that inadvertently shape attitudes towards justice-involved survivors.¹

Advocates often understand that victims may engage in various behaviors to survive abuse and that there is no “perfect victim.” For survivors who are defendants, however, advocacy services can be particularly crucial as they may be experiencing the effects of trauma and battering while also navigating their court case and/or reentering back into their community with little to no supports.² It benefits all survivors to create policies that disavow these misconceptions and are trauma-informed for justice-involved survivors.

This resource aims to highlight some of the policies and practices that advocacy programs can reevaluate as well as the changes they can implement to ensure that their programs are welcoming and accessible to justice-involved survivors.

¹ See [“Debunking Misconceptions about Working with Criminalized Survivors”](#) by the National Defense Center for Criminalized Survivors at BWJP (2025)

² See [“A Criminalized Survivor’s First Court Date”](#) by the National Defense Center for Criminalized Survivors at BWJP (2025)



Serving Justice-Involved Survivors

While some advocacy programs might screen out or explicitly exclude justice-involved survivors, many exclude them in indirect ways, like omitting them from mission statements, program materials, and not creating programming and resources specific to their unique needs. Justice-involved survivors deserve to access services that directly address their concerns, like navigating systems with a conviction history, reentering society from incarceration, or facing prosecution as a victim-defendant. Even where there are limited resources and it may not be possible to develop new programming, advocacy programs can implement subtle changes to explicitly acknowledge justice-involved survivors and provide need-specific services.

DON'T assume that nothing is preventing justice-involved survivors from accessing a program's services just because that program does not have any explicit bans on working with them. When a program is not designed with their needs and participation in mind, it can create unintentional barriers. For a program to be welcoming of justice-involved survivors, it is important to identify them within the mission and integrate specific policies and practices that address their unique needs. An intentional evaluation of policies and practices can identify current barriers for criminalized survivors and provide a path toward incorporating changes that address their needs. By explicitly acknowledging justice-involved survivors and their needs, programs can help minimize the stigma and shame that they often face.

DO actively engage with communities most impacted by criminalization to better understand the barriers that hinder criminalized survivors from trusting programs and accessing their services. Use explicit language³ in policies and program resources about serving criminalized survivors. Develop language for service intake forms and outreach practices that are inclusive of justice-involved survivors. Consider the space where services are delivered and the potential barriers to the safety and comfort of justice-involved survivors. What does security for these spaces look like? Do they resemble places of confinement? Expand programming to include legal advocacy services specifically for criminalized survivors and make sure

³ When advocates and advocacy programs need to use a term or label to describe the survivors with whom they work, they may want to talk with survivors, formerly incarcerated people, and other activists for the rights of incarcerated people about what term they would like advocates to use. Our guides and resources use terms referring to justice involved survivors as "victims," "survivors," "criminalized survivors," "survivor defendants," and "defendants." Many of the common system-based terms used to describe people who are incarcerated and/or charged with crimes are viewed negatively. People in jail are sometimes called "detainees," "defendants," "inmates," "prisoners," or "offenders." That last term is especially concerning and legally inaccurate: people awaiting trial should be presumed innocent; they have not been convicted of any offense. Many survivors are jailed for protecting themselves and their children and may identify that the system that previously failed to protect them is the same system that is harming them by prosecuting them. NDCCS uses terms such as "survivor in jail/prison" or "incarcerated survivor."



survivors are educated about their rights and options regarding criminal charges and record expungement.⁴ Go into jails and prisons to connect with incarcerated survivors and to let them know about the services you provide. Build relationships with probation and parole officers to inform them of available resources and collaborate with them on increasing the safety of justice-involved survivors.⁵

Screening People with Criminal Records

Policies that screen for criminal histories can deter justice-involved survivors from seeking assistance and exclude survivors with particular criminal convictions under the assumption that they are a risk to others. Relying on criminal records or certain types of charges to screen clients presumes that the criminal legal system always makes accurate assessments of who is the victim and who is the abuser, but it can lead to screening out criminalized survivors. In addition, the use of background checks or the practice of checking for warrants makes it difficult, if not impossible, to build the trust that is foundational for the survivor and advocate relationship. This is especially true for those whose abusive partners often threatened to use their criminal record or system involvement against them, whether by reporting them to law enforcement or to undermine their credibility and prevent them from accessing support and resources.

DON'T apply sweeping bans against working with survivors with criminal histories, certain criminal convictions, or those with current involvement in the criminal legal system, but don't avoid the topic altogether. Survivors with criminal histories face collateral consequences that cannot be addressed when they are ignored. Reconsider policies that include running background checks or checking for warrants or pending charges.

DO train advocates on how survivors become criminalized, the misconceptions that follow, and how these assumptions impact how justice-involved survivors are viewed, assessed, and treated. Intake processes should focus on individualized assessments that take into account the context of their criminalization as well as current safety and support needs, not past convictions. The intake process should be a safe space for conversations about collateral consequences of justice-involvement and the impact it might have on survivors' safety and support needs. Advocates can explain to all survivors that the program has a holistic approach and if the survivor has a criminal history they may choose, but are not required, to disclose their

⁴ See "[Reentry Checklist For Advocates Working with Reentering Survivors](#)" by the National Defense Center for Criminalized Survivors at BWJP (2025)

⁵ See the National Clearinghouse for Battered Women's resource "[Issues to Consider When Facilitating Groups with Battered Women in Jail or Prison](#)" (2011). See also "TIPSHEET: Working with Survivors on Probation and Parole" by the National Defense Center for Criminalized Survivors at BWJP (2025) and "Working with Survivors in Jail: A Manual for Community-Based Advocates" by the National Defense Center for Criminalized Survivors at BWJP (2025)



history to help tailor services to their needs. Be clear that any disclosure of their involvement with the criminal legal system will not impact eligibility for services.

Relationships with Law Enforcement

Many advocacy programs work directly and have long-standing relationships with police and prosecutors' offices; they may be hesitant to work with criminalized survivors for fear of compromising these relationships. At the same time, advocacy programs often underestimate the extent to which strong relationships with law enforcement can shape their culture and impact what services they provide, as well as how they provide them. For example, some advocacy programs work in the same building as law enforcement. Criminalized survivors who have experienced trauma related to law enforcement and the criminal legal system may feel unsafe going to a location where they might encounter law enforcement, even if they are expecting to, as it can activate trauma responses. Whether out of distrust for law enforcement, the belief that advocates work for law enforcement, or the assumption they do not qualify for this support,⁶ advocacy programs' close relationships with law enforcement can create barriers for criminalized survivors to accessing the services and crucial support they need.

DON'T minimize or dismiss survivors' distrust or fear of law enforcement.⁷ Many justice-involved survivors come from overpoliced communities, and their experiences of criminalization have shaped their views of those within systems. Survivors may have also experienced or witnessed abuse by law enforcement in their communities or while incarcerated so it is critical that advocates acknowledge that their distrust and fear is warranted. Programs might be unknowingly preventing justice-involved survivors from reaching out for or receiving the support they need by underestimating the ways in which long-standing relationships with, or reliance on, police and prosecutors' offices shape their policies and practices.

DO make it clear to survivors what the program's relationship with law enforcement is before, during, and after they receive services. Create spaces where survivors can access support without needing to come near, or into contact with, law enforcement. If being near law enforcement is unavoidable, let survivors know in advance about the possible presence of law enforcement so they are not caught unaware and so they can

⁶ For more insight into survivor experiences of law enforcement, see The National Domestic Violence Hotline's most report on their survey of survivors, "[Law Enforcement Experience Report: Domestic violence survivors' survey regarding interaction with law enforcement](#)" (2021).

⁷ Belisle, et al. "Diverse Intimate Partner Violence Survivors' Experiences Seeking Help from the Police: A Qualitative Research Synthesis," *Trauma, Violence, & Abuse*, Vol. 25, Issue 5, Aug 2024, <https://doi.org/10.1177/15248380241270083>.



plan for their comfort or choose to not be present at all. Utilize relationships with law enforcement to advocate for criminalized survivors and create systems change.

Surveillance, Monitoring, and Punitive Rules

For a program to be survivor-centered and trauma-informed, it must honor the autonomy and self-determination of survivors. It must understand the impact of trauma and the ways that it shows up for survivors, and it must also seek practices that avoid re-traumatization. In other words, at its foundation, a survivor-centered and trauma-informed program works to avoid practices that replicate a survivor's experience of abuse. For justice-involved survivors whose experience of abuse is often compounded by their experience in the criminal legal system, services that continue to engage in practices of surveillance, monitoring, and punitive responses to program rules (i.e. drug testing, searches, strict curfews, zero tolerance policies), prevent them from successfully receiving the support they need in a way that enhances their safety and wellbeing.

DON'T implement overbroad surveillance practices that will diminish trust with criminalized survivors or make it impossible to build.

DO foster open communication as well as trauma-informed and restorative practices that are utilized to address potentially harmful behavior instead of employing punitive consequences that replicate dynamics of control and surveillance that they have also experienced in jail or prison. Collaborate with survivors on setting community boundaries.⁸ For survivors who are activated or experiencing dysregulation, transition them to a calming environment and engage in grounding techniques and co-regulation strategies. Implement a clear process for mediation or counseling following harm or other violations.⁹ Emphasize that services are provided on a voluntary basis and partner with survivors to develop survivor-specific options that meet their needs and priorities.

⁸ See "[Conflict Resolution Tools for Domestic Violence Shelter Staff](#)" by the National Resource Center on Domestic Violence (2009)

⁹ See "[Committed to Safety for ALL Survivors: Guidance for Domestic Violence Programs on Supporting Survivors Who Use Substances](#)," by the National Center on Domestic Violence, Trauma, and Mental Health (2020); See also www.transformharm.org for more on transformative and restorative justice strategies.



Pat Downs and Room Searches

DON'T enforce overly strict or zero tolerance policies that do not provide individualized support to survivors. Pat downs, room and belonging searches, and strict curfews can feel dehumanizing and are physically invasive as well as violating.

DO negotiate agreements that honor survivors' autonomy and safety needs by limiting physical searches that violate their privacy and deprive them of agency and control over their bodies and belongings. Utilize restorative responses instead of punitive consequences to address harm and rule violations, including providing opportunities for mediation or counseling. Give survivors an opportunity to address the harm and change behavior instead of pushing them out.

Requiring Sobriety to Receive Services

Substance use can be a trauma-related effect of violence and coercion.¹⁰ It is not uncommon for survivors of abuse to use substances to cope with past trauma or ongoing violence. It is also not uncommon for them to have criminal charges related to their substance use. Programs and shelters who exclude or limit services available to survivors who are actively using substances can contribute to their stigmatization and isolation instead of increasing their safety and healing. In addition, abusive partners often utilize substance use coercion to control survivors. Substance use coercion includes forced use, introduction to substance use, controlling access to substances and forcing survivors into withdrawal. Programs that prohibit survivors who use substances from accessing services make them vulnerable to continued abuse and punish them for their strategies of survival.

DON'T drug test, require that survivors maintain sobriety to receive support and services, or require survivors to engage in substance use treatment. External controls do not facilitate long-term recovery for individuals and in fact, can undermine it.

DO approach substance use with a harm reduction lens and provide empathic and nonjudgmental support. Connect survivors to harm reduction resources as well as substance use counseling and support if they are interested in seeking such support. Discuss with survivors their individual support needs around substance use and screen for substance use coercion. Provide them with resources to assist in their safety planning regarding their substance use. Have clear policies about substance use, including on-site use and

¹⁰ See "[Understanding Substance Use Coercion in the Context of Intimate Partner Violence: Implications for Policy and Practice](#)," by the National Center on Domestic Violence, Trauma, and Mental Health (2020)



possession. Educate and train staff on overdose prevention responses and make naloxone easily accessible.¹¹

Questions to Consider When Developing Accessible Practices and Policies for Criminalized Survivors

Although not an exhaustive list of questions a program may want to explore when evaluating how welcoming and accessible their policies and practices are to justice-involved survivors, the following series of questions are intended to begin conversations:

Mission, Policies, and Practices

- Are justice-involved survivors explicitly included in our mission?
- Do we have policies that address the needs of justice-involved survivors?
- Do we have zero tolerance policies?
- Do we address harmful behavior in a way that is trauma-informed and restorative?
- Do we have a clear process for mediation or counseling following harm or other violations?
- Do our practices provide individualized support to survivors?
- Do we approach substance use through a harm reduction lens?
- Do we normalize substance use as a common response to coping with violence and coercion?
- Do we screen for substance use coercion?
- Do we have clear policies about substance use, including on-site use and possession?

Intake Screening and Informed Consent

- Do our intake processes focus on individualized assessments of criminalized survivors? Do they include the context of their criminalization?
- Do our service intake forms incorporate screening for the specific needs of justice-involved survivors?
- Do we screen for criminal histories or do criminal background checks? If so, do we have blanket bans? Do we exclude survivors with certain criminal convictions? Do we exclude survivors currently involved in the criminal legal system as defendants?

¹¹ See [“Committed to Safety for ALL Survivors: Guidance for Domestic Violence Programs on Supporting Survivors Who Use Substances,”](#) by the National Center on Domestic Violence, Trauma, and Mental Health (2020); See also, *Substance Abuse in Shelter and Serving Survivors Struggling with Addiction* in the TN Coalition’s [“Sheltering with Care: Tennessee Domestic Violence Shelter Best Practices Manual”](#) (2017)



- Do we train advocates on how survivors become criminalized and the misconceptions and assumptions that will have an impact on how they are viewed, assessed, or treated during the intake process?
- Does our intake process begin a conversation about the collateral consequences, as well as safety and support needs, that are specific to justice-involved survivors?
- Do we make it clear that disclosure of involvement in the criminal legal system is not required and will not impact eligibility for services?
- Are we clear and upfront with survivors about our relationship with law enforcement?

Programming

- Do we have programming that addresses the specific needs of justice-involved survivors?
- Do our program materials mention criminalized survivors?
- Do we provide legal advocacy services for criminalized survivors?
- Do we go inside jails and prisons to connect with incarcerated survivors and to inform them of the services we provide?

Community Relationships

- Do we have relationships with individuals and organizations most impacted by criminalization?
- Do we have relationships with probation and parole officers? Are we collaborating with them on increasing the safety of justice-involved survivors?
- Do we utilize our relationships with law enforcement to advocate for criminalized survivors and create systems change?
- Do we have relationships with harm reduction organizations and know about their resources?

Physical Space

- Do our offices, shelters, or other secured spaces in the organization resemble places of confinement?
- Are we located in the same building as law enforcement? If so, do we have spaces where survivors can choose to access services without coming near or into contact with law enforcement?

Survivor Autonomy and Self-Determination

- Do we engage in surveillance and monitoring?
- Do we do drug testing?
- Do we do pat downs or room searches?



- Do we enforce strict curfews?
- Do we foster open communication?
- Do we collaborate with survivors on setting community boundaries?
- Do we engage survivors who are activated or experiencing dysregulation in grounding techniques and co-regulation strategies?
- Do we require survivors to maintain sobriety to receive support and services?
- Do we require survivors to engage in substance use treatment?
- Do we help survivors with safety planning around their substance use?

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