



© photo for everything | stock.adobe.com

Incorporating a Place-Based Lens in Mitigation

If mitigation is trying to answer the question, *How did we get here?*, then it is relevant for defense teams to examine the geography of the *there* that came before the *here*. Geography is most concisely defined as the “why of where” and its most basic premise is that “place matters.” Geographer Harm de Blij noted in relation to people that “we are born into natural and cultural environments that may either demand our every effort to survive or give us space and scope to make choices and decisions of which others can only dream.”¹ For de Blij, “place, most emphatically place of birth but also the constricted space in which the majority of our lives are lived, remains the most potent factor shaping the destiny of humans.” In essence, “place” is not merely a backdrop to defendants’ lives, but it is also an active force shaping opportunities, a sense of safety and belonging, and developmental coping strategies.

This article offers a perspective on the role of place in mitigation and suggests practical methods for building narratives and exhibits that incorporate geographic context. This strategy can help decision-makers approach sentencing options with a fuller “map” of a defendant’s life by demonstrating how behavior and life choices only seem “irrational” or “innately criminal” when stripped of locational context.

Why Place Matters for Mitigation

There are three ways place matters for mitigation. First, in geography, place is defined as a specific location with unique physical and social attributes.² The attributes ascribed to places are variable and may include historical, structural, cultural, political, economic, descriptive, built, and sensory characteristics. A thorough exploration of place will also include how a place either compares to, or is in relation to, other places. For mitigation, the more attributes available to describe a place relevant to a defendant’s life, the more opportunity there is to bring these places to life.

Second, bringing place to life addresses the geographical imaginations of decision-makers. These imaginations are the (sub)conscious mental pictures decision-makers carry from personal, political and popular culture about where someone is from (“wrong side of the tracks”), what those places supposedly mean (“dangerous”), and what kinds of people supposedly come from them (“white trash”). When unaddressed by mitigation, decision-makers may revert to “bad neighborhood equals bad person” thinking; but when addressed directly, they can humanize the defendant and reduce stereotyping.

Third, each defendant has their own sense of place encompassing their lived experience, the meanings they give to experiences in places, and how they see themselves in relation to place and the larger world. Attachment to, and identity around, place — or lack thereof — can help convey a defendant’s sense of belonging and safety that may help explain, but not excuse, criminal behaviors.³ A place-based approach to mitigation then allows defense teams to ask not only what happened in a defendant’s life

BY JULIE URBANIK, PH.D.

but also what needs to be conveyed to educate decision-makers about the places relevant to a defendant's life experiences and the emotional and cognitive meanings the defendant concluded from these place experiences.

Five Mitigating Factors Related to Place

Place is where risky, harmful, and protective experiences happen, and place can be used as a narrative anchor for mitigation because it supplies the setting that renders behavior comprehensible within context.⁴ For example, hypervigilance, impulsivity, and affiliating with dangerous peers can be read as character flaws or as learned survival strategies in unsafe environments.⁵ A place-based mitigation narrative supplies the missing premise: what the defendant had to learn to do to get through the day, and what that learning costs over time. Building this record helps show (1) what risks or harms were present and where; (2) what protective factors existed (if any) and for how long; and (3) what cumulative behavioral, identity, or belonging effects followed from repeated exposure or disruption. Five main mitigation factors related to place help decision-makers distinguish between character-based assumptions and adaptation-based evidence.

1. Exposure to unsafe places. When a daily environment consists of dangers such as domestic violence, neighborhood violence, or institutional force (schools, detention, or both), risk assessment and impulse control can become survival-driven. The significance for mitigation is not that the defendant "had it hard," but that the defendant's baseline expectations about safety were formed in a place-context that demanded constant defensive adaptation. Place-based mitigation makes this concrete: Where did violence occur (home, school, neighborhood, detention)? How often? Who responded and how?

2. Exposure to concentrated disadvantage. A place marked by poverty, for example, is not always unsafe. Place-based mitigation provides structural context to overlapping harms such as low employment, segregation, and underresourced educational or support services, commonly known as concentrated disadvantage. The questions here are about understanding if the defendant grew up (or lived as an adult) in places where other adults were functional and supportive or where a lack of social cohesion existed.

3. Absence of sustained protective places. Protective places are tangible settings and relationships that persist long enough to shape an identity trajectory. Sustained access is the key because a plethora of risk factors in one place may be mitigated by protective experiences in other places. The mitigation narrative can then focus on whether the protective place was present long enough to shape a defendant's life course.

4. Institutional places. Mitigation narratives sometimes list institutional encounters like special education, juvenile detention, foster care, and prison as if these places are experienced uniformly without exploring their context-specific reality. Place-based mitigation treats institutions as places with site-specific pros and cons embedded in their own larger structural context. This kind of evidence can shift a court's understanding from "the defendant was given chances" to "the chances were structurally inadequate or harmful."

5. Place-based pathways of exposure, disruption, and belonging deficits. Substance abuse, violent behavior, and sexual abuse are often seen as moral failures. A place-based lens reframes these as being about exposure. Was substance use embedded in the household routine? Were drugs a visible economic strategy in the neighborhood? Exposure also has to do with environmental toxins like lead paint or pesticides, which can impact mental and physical health. Was the defendant exposed to toxins? Where, and for how long? Place disruption or loss of places — via moving, natural disasters, war, or eviction — can negatively impact a sense of place and belonging and result in poor behavioral choices and difficulty imagining positive futures.

Mitigation Geonarrative: A Place-Based Structure and Case Example

Legal scholars such as Jesse Cheng⁶ argue that compassion and comprehension are strongest in mitigation when defense narratives address two choice frames: (a) *constrained choice*, which is the structural limits imposed by outside forces (e.g., poverty, institutional failure, and discrimination); and (b) *explained choice*, which is how the defendant experienced those forces internally. A mitigation geonarrative⁷ is a multi-exhibit method for synthesizing a defendant's lived experience with the defendant's place context. It integrates Cheng's two choice frames by building a coherent place-pathway cycle that includes: place

context, exposure to positive and negative experiences in place, adaptations to those place experiences, and behavioral or identity response. The three main exhibits include a research-based overview of the defendant's place context for the ages 0-18 (18 being legal adulthood) in relation to their key geographic developmental pillars of self, home, schools, and community; an arts-based video exhibit where the defendant's share their autobiography through representative symbols of experiences and emotions drawn on a body map; and a summary report that triangulates defense team records, the research overview, and the body map to show the degree to which the sets of evidence converge or diverge. As such, it is not diagnostic, but contextual and grounded in multiple forms of evidence. These exhibits can be either used as stand-alone exhibits or incorporated, as needed, into a single mitigation report. A full mitigation geonarrative by an outside expert can be helpful in capital and serious noncapital cases, as well as cases involving complex trauma or extensive institutional history.

A mitigation geonarrative using all three main exhibits was produced by an expert for a defendant facing life because of three-strikes laws. His potential third strike charge was for trafficking methamphetamine. He had already spent the majority of his life from his teenage years until the age of 36 in prison. In fact, from the age of 18 to 32 he spent more time, about 1½ years, in solitary confinement than he did in the actual world.

Constrained choice via mitigating place factors. Records gathered by the defense team in combination with place-based expert research revealed the following about his upbringing in his geographic pillars: He was exposed to *unsafe places* in his home, schools, and community. At home, there was domestic violence, child abuse or neglect, substance abuse by adults, and drug dealing by adults. He attended underperforming schools and was subjected to violence by peers and staff in juvenile detention. In his community, he experienced a sexual assault. He was exposed to *concentrated disadvantage* because the community where he lived had higher rates of poverty, domestic violence, and substance abuse than other areas in the county and state. There was a *lack of sustained protective places* confirmed by teachers, child services reports, and police reports for the sexual

assault. Moreover, the defendant had no access to peer social connections. His *exposure to institutional places* included being repeatedly medicated and placed in special education classes and being placed into a juvenile detention system known by the state to be so ineffective and harmful that it was in the process of being shut down and rebuilt.

In addition, the defendant's *place pathways of exposure* included adult substance abuse and dealing in the home and a normalized use of the welfare system by adults instead of employment. His *place disruptions* included not only multiple moves of rental homes but also periods of being homeless and living in motels. His *belonging deficits* included being verbally and physically abused and neglected by his mother and her partners, moving so much that making friends was impossible, and being kept apart from peers either because of his mother or because of being locked up. In summary, his *Place Context Overview* revealed a childhood constituted by struggle, fear, anxiety, lack, and survival. The geographic pillars of support a child needs to thrive were either absent or inadequate. Neither his family,

schools, community, or the state provided positive nurturing.

Explained choice via body map video. As a novel form of visual storytelling, body map videos exemplify the "show the story, don't just tell it" aims of mitigation. A body map is a visual and symbolic autobiography created by the defendant on a pre-drawn body outline, using words, drawings, and symbols to represent life chapters, relationships, places, injuries, strengths, losses, and turning points (see Figure 1).

The video provides the explanations and reflections in the defendant's voice. It comes from participatory arts-based and creative mapping techniques⁸ that are well-established in academic,⁹ medical, and nonprofit settings. The result is a single visual exhibit conveying a defendant's complexity that a decision-maker can hold in his or her mind. Body maps and the videos can help do the following: convert chronology into meaning rather than a disconnected list; give the defendant a voice without putting the defendant on the stand; translate "what happened" into "what it meant;" and document narrative capacity: whether the defendant can organize his or her life into chapters, connect causes and effects, recognize harm, name support, and reflect on responsibility and visions of the future. (For a full explanation of this time-intensive process, please refer to endnote seven.)

This defendant's body map reflects his journey through a violent and lonely childhood and a violent and institutionalized young adulthood to a life of love, family, stable job, and a sense of belonging. He described how he felt: like he was born with a big heart, but because of the traumas he suffered, he was left alone. He represented these feelings with the black heart and words to the left of it. The majority of the symbols represent either the key places where he experienced his life or his emotional responses to those experiences.

Shortly after the defendant was caught on his potential third strike, he had two experiences that showed him the possibilities of an entirely different life than the one he had lived. The large red heart and the positive words on the right side represent the change he went through when he met the love of his life — represented by the angel and sunshine in the right corner. Together they would have a son whom he represented as the small kid holding his hand. He found a job and community at a company that took

a chance on him. He had finally found a place where he belonged and could thrive, which he represented by the rainbow.¹⁰

The summary report exhibit synthesized team records, place research, and the body map. These materials demonstrated the depth of the defendant's place-based mitigation factors and compared them to how he was able to thrive when provided opportunities in safe, supportive, and loving places. This geonarrative also helped convey that this defendant would not be a future danger. The result of the entire mitigation presentation by the defense team resulted in a sentence of two and one-half years versus the starting point of life.

Practical Ways to Bring Place into Mitigation

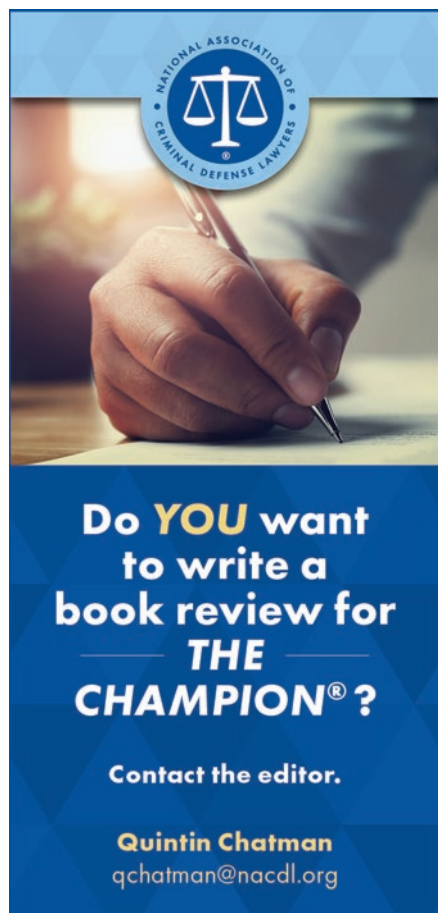
A place-based perspective can be incorporated into mitigation even when a full mitigation geonarrative by an outside expert is not possible. The key is not the size or number of exhibits. Instead, the key is whether the defense team has asked how places have shaped the defendant's exposures (harmful or protective) over time and how the defendant has coped and made meaning from lived experiences.¹¹

Develop a place-based chronology rather than by date and event. This helps identify patterns such as repeated displacement, school churn, violence exposure, and places where the defendant was safe and stable, or not.

Organize the narrative by place — especially for developmental years. The U.S. Department of Justice recognizes that juveniles face both place-based risks¹² that cluster across the individual, home, community, peers, and education, and place-based protective factors¹³ that can buffer adversity when they are present and sustained. In addition, the core¹⁴ and expanded¹⁵ Adverse Childhood Experiences (ACEs) also utilize a place-based understanding of how stress and trauma impact health over the life course. The defense team can use these two place-based frameworks to help demonstrate the defendant's developmental ecology.

Actively look for protective places. Protective places can point to capacity potential for rehabilitation, alternative sentencing, interpersonal abilities, and the conditions needed to help manifest positive living.

Develop place context as much as possible. Consider place as a character in the defendant's life. Building out place-specific "portraits" helps clarify



Do YOU want to write a book review for THE CHAMPION®?

Contact the editor.

Quintin Chatman
qchatman@nacdl.org

[illegible]

why the defendant's life unfolded as it did. This can be done in three main ways:

- ❖ *Use publicly available data from local and state governments or national data from the census to build basic demographic portraits of places.* Historical societies and libraries can help provide socio-economic, political, and environmental histories and visual materials like redlining maps or neighborhood development or disintegration. Local organizations can often provide information on community needs and struggles. Then compare local data to state or national data to convey the levels of similarity or difference in employment or health disparities.
- ❖ *Explore via academic and legal research what is known about the themes the defense team finds in the defendant's life.*¹⁶ For example, neighborhood effects literature examines the role of the local environment on mental health and criminal activity.¹⁷ Work on place-based social differences can help explain localized street cultures, poverty differences, and social cohesion.¹⁸ Carceral geographies examine the places of the prison industrial complex.¹⁹ And research on place from a criminology perspective can help explain micro-level crime and the relation to policing.²⁰
- ❖ *Use client and witness interviews as an opportunity to deepen place context.* Their hyperlocal knowledge will not appear in public or research records but can reveal additional risk or protective factors and provide descriptive and sensory information about relevant places.
- ❖ *Incorporate visuals.* Use defendant hand-drawn maps; photos of homes, schools, and streets; relevant data maps and graphs; and historical images.

Conclusion

Place-based mitigation can help provide a multifaceted foundation for individualized sentencing. The mitigation geonarrative method helps establish place-based context, conveys lived experience, and triangulates disparate sets of evidence. A place-based lens clarifies where and which risk or protective factors were present or

absent, what institutional responses actually delivered, and what evidence exists of reflection and rehabilitation potential. Decision-makers are thereby empowered with a fuller account of the defendant's life pathway and a more accurate understanding of "how we got here" from "there."

© 2026, National Association of Criminal Defense Lawyers. All rights reserved.

Notes

1. H. DE BLIJ, *THE POWER OF PLACE: GEOGRAPHY, DESTINY, AND GLOBALIZATION'S ROUGH LANDSCAPE* (2009).
2. T. CRESSWELL, *PLACE: A SHORT INTRODUCTION* (2004).
3. L. Scannell & R. Gifford, *Defining Place Attachment: A Tripartite Organizing Framework*, 30 J. ENVIRONMENTAL PSYCHOL. 1-10 (2010).
4. J. Johnson et al., *African American Males and Capital Murder: A Death Penalty Mitigation Strategy*, 18(5) URBAN GEOGRAPHY 403-433 (1997).
5. C. BOLDEN, *MY LIFE OF GANGS, PRISON, AND REDEMPTION* (2020).
6. J. Cheng, *Compassionate Capital Mitigation*, 18(1) OHIO STATE J. CRIM. L. 351-364 (2020).
7. J. Urbanik, *Applied Geonarratives: Arts-Based Social Geography in Criminal Defense Mitigation*, 4 Soc. Sci. & HUMANITIES OPEN 100159 (2021).
8. D. Gastaldo et al., *Body-map Storytelling as Research: Methodological Considerations for Telling the Stories of Undocumented Workers* (2012).
9. K. BOYDELL (ED.), *APPLYING BODY MAPPING IN RESEARCH: AN ARTS-BASED METHOD* (2021).
10. To view this defendant's anonymized bodymap video, go to <https://vimeo.com/1205141527/0e9539b7a6?share=copy>.
11. For a profound explanation of place-based mitigation see E. VARTKESSIAN, *THE DESERVING: WHAT THE LIVES OF THE CONDEMNED REVEAL ABOUT AMERICAN JUSTICE* (2026).
12. Development Services Group, Inc., *Risk Factors for Delinquency*, LITERATURE REVIEW, Office of Juvenile Justice and Delinquency Prevention (2015).
13. Development Services Group, Inc., *Protective Factors for Delinquency*, LITERATURE REVIEW, Office of Juvenile Justice and Delinquency Prevention (2015).
14. V.J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREVENTATIVE MED. 245-258 (1998).
15. The "Philadelphia ACE Project" was instrumental in expanding understandings of

ACEs in the schools (bullying) and community (violence, racism and discrimination, feeling unsafe in neighborhood, foster care involvement). P.F. Cronholm et al., *Adverse Childhood Experiences: Expanding the Concept of Adversity*, 49(3) AM. J. PREVENTATIVE MEDICINE 354-361 (2015).

16. Options for academic or legal research might include the following: Google Scholar, Core (database of open access research papers), Science.gov (to access federal agency material), JSTOR (to access humanities and social science material).

17. D. Aliprantis, *Racial Inequality, Neighborhood Effects, and Moving to Opportunity*, Federal Reserve Bank of Cleveland, Economic Commentary (2019); R. Chetty et al., *The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment*, 106(4) AM. ECON. REV. 855-902 (2016); D. Freedman & G. Woods, *Neighborhood Effects, Mental Illness and Criminal Behavior: A Review*, 6(3) J. POLITICS & L. 1-16 (2013); R. Sampson, *Moving to Inequality: Neighborhood Effects and Experiments Meet Social Structure*, 114(1) AM. J. SOCIOLOGY 189-231 (2008).

18. E. ANDERSON, *CODE OF THE STREET: DECENCY, VIOLENCE, AND THE MORAL LIFE OF THE INNER CITY* (1999); K. EDIN ET AL. *THE INJUSTICE OF PLACE: UNCOVERING THE LEGACY OF POVERTY IN AMERICA* (2023); R. ENOS, *THE SPACE BETWEEN US: SOCIAL GEOGRAPHY AND POLITICS* (2017).

19. R. GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS, AND OPPOSITION IN GLOBALIZING CALIFORNIA* (2007).

20. D. WEISBURD ET AL., *THE CRIMINOLOGY OF PLACE: STREET SEGMENTS AND OUR UNDERSTANDING OF THE CRIME PROBLEM* (2012). ■

About the Author

Julie Urbanik, Ph.D., is a qualitative social scientist and geographer. Since 2016, she has worked on federal, state, capital, noncapital, military, and Miller cases. In this capacity, she has pioneered the development of mitigation geonarratives that help link a client's life experiences with larger social forces.



Dr. Julie Urbanik

Geonarrative Services, LLC
Kansas City, Missouri

EMAIL julie@geo-narratives.com

WEBSITE www.geo-narratives.com