**Chapter 4:**

**Domestic Violence in Cultural Context:**

**Responding to Victims of Domestic Violence**

Produced by:

Illinois Family Violence Coordinating Council

at the

Illinois Criminal Justice Information Authority

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**Chapter 5: Domestic Violence in Cultural Context**

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Influencing Factors or DV in cultural context – Chapter 5

* Culture is defined by values, experiences, traditions
* Harm in treating everyone the same
* People have multiple identities
* Life experiences prior to violence
* Tools abusers uses because of identity
* Impact on access to services
* Includes settings, environment, factors, dynamics
* Tactics – consider if it qualifies as a hate crime

Intersectionality language – cross cultural contexts

**Intersection of domestic violence and ~~special pops~~ culture**

Culture has been defined as "the shared values, norms, traditions, customs, art, history, folklore, and institutions of a group of people."

Culture is dynamic and developed in relation to the changing social and political contexts. It is based on:

* race
* ethnicity
* age
* class
* gender
* sexual orientation,
* geographical location
* immigration status
* disability status, and
* within the historical context of oppression.

Culture shapes an individual's view of the world, their values, behavior, and way of life. It influences attitudes and affects how an individual experiences and responds to domestic violence. Victims of domestic violence come from all age, racial, economic, educational, occupational, religious and social groups. A victim’s experiences, traumas, supports and personality play a role in how they respond to abuse.

Every victim of domestic violence has unique vulnerabilities. ~~many of which mainstream service providers work to address and help alleviate when providing service~~. Those vulnerabilities may be rooted in societal discrimination such as racism, ableism, ageism, and heterosexism. ~~are particularly difficult to navigate because they are so intertwined on a systemic level within culture.~~ The result can be social stigma that:

1) separates out individuals from traditional safety nets;

2) can be used by batterers against their victims; and

3) can render victim assistance a less trusted or useful option.

The lived experience of people belonging to certain groups such as immigrants, people with disabilities, youth and seniors, communities of color, and LGBTQ individuals across their lifespans results in an array of identity-based vulnerabilities or barriers. These may include school bullying, health disparities, job and food insecurities, housing bias, family rejection, and systems-based profiling.

**Abuser tactics and context**

Abusers know their victims and they use that knowledge to customize their control tactics. It is this knowledge that can make intimate partner violence more dangerous than stranger violence. See Comparison of Violence in \_\_\_\_\_ section of the appendix/protocol. The abuser will target and exploit vulnerabilities created by the victim’s culture and identity. ~~The victims In addition to being outright harmful, such experiences of prolonged bias may~~ ~~result in coping behaviors that even further distance individuals from community and safety. This opens multiple sites of exposure to harm that are exploitable by batterers.~~ From greater isolation of victims and fear of systems to low self-worth, batterers can use social stigma to their advantage to inflict greater harm, particularly when systems are not fully equipped or trained to work within marginalized communities. This chapter will highlight abuser tactics that are commonly used in violent relationships as they are influenced by the victim’s lived experiences, culture and identity.

**Multiple Identities**

Identity is personal. It is not defined by someone else. An individual may identify with one or several identities or cultures. The experience of victims ~~Such issues are~~ may be compounded for people who live at the intersections of identities such as survivors of domestic violence who are Asian and gay or who have a disability and are undocumented. Their beliefs, values, traditions, life experiences as well as response to domestic violence from extended family and community members is uniquely impacted by multiple identities. The key for law enforcement and prosecutors is to filter information from the viewpoint and life experiences of the victim.

~~Many providers, who are often overburdened at work and overwhelmed by the vast number of differences among victims of violence from marginalized communities, tend toward a ‘we treat everyone equally’ approach to services. The result of this approach is that they are not equipped, whether structurally or through training, to work with marginalized populations. This lack of preparedness is evident to both victims and perpetrators from the marginalized communities.~~

**Response**

~~Though not being fully versed in all cultural needs does not mean that services cannot be delivered well, it does mean that some survivors are left with greater vulnerabilities.~~ Several issues ripple out from the ‘we treat everyone equally’ approach. If providers do not know to look for culturally specific forms of a batterer’s targeting tactics or a victim’s coping strategies, they may:

1) mislabel/mis-categorize violence;

2) misidentify the primary aggressor;

3) offer counseling that may distance victims from safety and healing due to feelings of stigma and shame;

4) offer safety planning measures that put the victim in harm’s way;

5) miss an opportunity for victims compensation and hate crimes documentation;

6) misunderstand how a coping strategy makes sense in a cultural context;

7) miss patterns of assaults that should be reported to and explained to law enforcement; and

8) reinforce the notion that ‘treating all victims the same’ is an effective approach.

Whether a fact or an assumption, victims from many marginalized groups either feel they cannot access justice or services or that they will be helped by law enforcement, prosecutors and service providers.

Response Guidelines for Criminal justice professionals include~~: can address these issues in several ways.~~

1. **Listen and learn from victims.**

Regardless of how much training or understanding a criminal justice professional has on culture, it doesn’t translate into knowing the specific individual victim. The expert is the victim. Listen, ask questions and learn from the victim about how culture and identity impact their situation.

1. **Avoid stereotyping**

Do not allow stereotypes of any kind to interfere with decisions to arrest or prosecute.

1. **Service provider accessibility**

Work with programs designed specifically to serve people from various cultural and ethnic groups, especially when domestic violence programs that work with specific cultural and religious groups are available, and refer victims to these programs.

1. **Listen to the community**

Listen to the voices of people from marginalized cultural and religious groups in their communities and together design policies that meet the needs of those populations. This fits well with community policing strategies.

1. **Diverse personnel**

Hire criminal justice professionals that represent the communities that they serve.

1. **Review policies and procedures.**

Create or revise policies and procedures that help to eliminate many of the obstacles experienced by marginalized communities. Develop best practices policies for increasing accessibility and responsiveness.

**~~Factors to keep in mind~~**

~~The tactics of power and control used by abusers are surprisingly similar across demographic lines, age, race, ethnicity, economic status, education, employment status or occupation, religious affiliation, urban, suburban or rural residency, immigration status, sexual orientation, gender identity, physical and mental disabilities and marital status. However, the way in which a domestic violence victim experiences abuse can be greatly impacted by how the system, family and community responds, how the abuse is identified, what barriers are faced by the victim and what resources are available to the victim.~~

~~Sujata Warrior (1992) of the New York State Office on Domestic Violence defines culture in the following way:~~

*~~“…the shared experience or other commonalities that a group of individuals based on race, ethnicity, sexuality, class, disability status, religion, age, immigration and other axes of identification have developed in relation to changing social and political contexts. These guidelines use the contemporary concept of culture, recognizing that it is multifaceted, often changing and contains contradictory elements.”~~*

~~And cultural consciousness as:~~

*~~“…the process by which the provider combines general knowledge with specific information provided by the victim about her/his culture, incorporates an awareness of one’s biases and approaches the definition of culture with a critical eye and open mind~~.”*

Law enforcement officers, prosecutors and judges must approach cultural competency with open mindedness toward learning about cultures other than one’s own, exploring one’s own biases and the willingness to see each person, regardless of what community they come from, as a unique individual.

~~There are specific ways the criminal justice system can address the challenges faced by people, in particular cultural and demographic groups. Professionals within all aspects of law enforcement, the courts and the criminal justice system must have some understanding of the barriers faced by groups that are marginalized within our society to better understand how to~~

~~create policies and procedures that help to eliminate many of the obstacles. Best practices policies for increasing accessibility will be offered later in this document within the chapters for each professional.~~

**Resources/Supports or Supportive Legislation**

The Violence Against Women Act (VAWA), which was passed in 1994 and reauthorized in 2000, 2005 and 2013, includes several provisions which acknowledge that the context of domestic violence has profound implications upon victims. The provisions address the barriers faced by many victims due to age, disability, sexual orientation, and/or immigration status. Additionally, VAWA recognizes the tactics employed by perpetrators to exert power and control and to keep their victims from leaving, reporting violence or seeking services.

~~For example, to ensure that immigrant victims of domestic violence could report violence to law enforcement without the fear of deportation, VAWA includes remedies of self-petitioning to become a citizen, which allows immigrant victims of domestic violence who have been “battered or subject to extreme cruelty” by their citizen or lawful permanent resident spouse to petition to become a citizen without the assistance of their abuser. U visas and T visas give protection from deportation to immigrant victims of certain violent crimes and trafficking when they participate in investigations and prosecutions of these crimes.~~

**Violence Against Women Act** For more information go to: <https://www.thehotline.org/resources/vawa/>

~~The political landscape also has a significant impact on LGBTQ experiences of domestic violence and access to services. In 2013, the Violence Against Women Act (VAWA) reauthorization included LGBT protections. This is the first time that sexual orientation and gender identity were explicitly named in anti-discrimination protections in federal law. While VAWA is important because of the explicit protections, there continues to be concern for LGBTQ victims regarding services as LGBTQ protections are being stripped at the federal and state levels. Most recently, the Department of Health and Human Services new office, called the Conscience and Religious Freedom Division, allows medical professionals to refuse treatment to a patient because of deeply held religious or moral reasons. If an LGBTQ victim is able to go through the often-dangerous process of seeking medical attention, there is now the added fear that they may be denied services based on bias.~~

**Intersection of domestic violence and culture**

Every victim of domestic violence has unique vulnerabilities, many of which mainstream service providers work to address and help alleviate when providing service. Those vulnerabilities rooted in societal discrimination such as racism, ableism, ageism, and heterosexism are particularly difficult to navigate because they are so intertwined on a systemic level within culture. Social stigma 1) separates out individuals from traditional safety nets; 2) can be used by batterers against their victims; and 3) can render victim assistance a less trusted or useful option.

The lived experience of people belonging to certain groups such as immigrants, people with disabilities, youth and seniors, communities of color, and LGBTQ individuals across their lifespans results in an array of identity-based vulnerabilities including issues such as school bullying, health disparities, job and food insecurities, housing bias, family rejection, and systems based profiling.

In addition to being outright harmful, such experiences of prolonged bias may result in coping behaviors that even further distance individuals from community and safety. This opens multiple sites of exposure to harm that are exploitable by batterers. From greater isolation of victims and fear of systems to low self-worth, batterers can use social stigma to their advantage to inflict greater harm, particularly when systems are not fully equipped or trained to work within marginalized communities. Such issues are compounded for people who live at the intersections of identities such as survivors of DV who are Asian and gay or who have a disability and are undocumented.

Many providers, who are often overburdened at work and overwhelmed by the vast number of differences among victims of violence from marginalized communities, tend toward a ‘we treat everyone equally’ approach to services. The result of this approach is that they are not equipped, whether structurally or through training, to work with marginalized populations. This lack of preparedness is evident to both victims and perpetrators from the marginalized communities.

Though not being fully versed in all cultural needs does not mean that services cannot be delivered well, it does mean that some survivors are left with greater vulnerabilities. Several issues ripple out from the ‘we treat everyone equally’ approach. If providers do not know to look for culturally specific forms of a batter’s targeting tactics or a victim’s coping strategies, they may 1) mislabel/mis-categorize violence; 2) misidentify the primary aggressor; 3) offer counseling that may distance victims from safety and healing due to feelings of stigma and shame; 4) offer safety planning measures that put the victim in harm’s way; 5) miss an opportunity for victims compensation and hate crimes documentation; 6) misunderstand how a coping strategy makes sense in a cultural context; 7) miss patterns of assaults that should be reported to and explained to law enforcement; and 8) reinforce the notion that ‘treating all victims the same’ is an effective approach. Whether a fact or an assumption, victims from many marginalized groups either feel they cannot access services or that they will be helped by service providers and law enforcement.

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VAWA

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For example, to ensure that immigrant victims of domestic violence could report violence to law enforcement without the fear of deportation, VAWA includes remedies of self-petitioning to become a citizen, which allows immigrant victims of domestic violence who have been “battered or subject to extreme cruelty” by their citizen or lawful permanent resident spouse to petition to become a citizen without the assistance of their abuser. U visas and T visas give protection from deportation to immigrant victims of certain violent crimes and trafficking when they participate in investigations and prosecutions of these crimes.

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Victims of domestic violence, who are unable to read or write, or have limited reading and writing skills, need access to the full services of the courts. A victim who is unable to read court documents or instructions will not always reveal this to court personnel or a domestic violence advocate. It is important to verbally explain that domestic violence advocates or victim service personnel are available to verbally explain all court documents given to victims, including orders of protection, notification of court dates, subpoenas, and other important documentation.

**Cultural and religious considerations**

Prevalence

Many cultural and religious groups hold strong values around family and community integrity and may also hold to strict gender roles. These values can create additional pressures on victims of domestic violence to maintain a marriage at all costs or not violate the community’s image within the larger mainstream culture, creating additional barriers for people from these communities to seeking help from the courts. However, being a member of a particular cultural or religious group can also be a great strength for many battered people, providing understanding supports or personal values that help a victim hold a sense of self. Social service agencies that specialize in working with particular cultural or religious groups will often take into account particular community values when offering services, safety and support.

Barriers

People from diverse cultural or religious groups, particularly those marginalized from mainstream culture, risk experiencing a lack of understanding and stereotyping when turning to law enforcement for assistance, causing many to refrain from seeking such services. Men from marginalized cultures may not be held as accountable, and people from certain groups may not be offered complete services because of negative and false stereotypes that violence is normal within certain cultural and religious groups (Mederos, Gamache and Pence, 1997). The reverse is also true. People of color and poor people sometimes turn to law enforcement for help because they lack other resources. Men of color and poor men will then be more likely to receive consequences from the system because they lack the resources for an attorney (Mederos, date not available).

Abuser Tactics

Male power and dominance over women and children as an expected way of life is deeply connected to the values of some cultures and religious communities. Abusers employ a variety of strategies to establish and maintain control over their partners which may include the following tactics:

* Manipulating scriptures or religious doctrine to justify their controlling tactics (“head of the household”) and the partner’s role of submissiveness.
* Making the victim feel guilty for not living up to religious standards.
* Citing scripture as an excuse or mandate for abuse.
* Pressuring victim to remain in the relationship to preserve respect of the religious community and avoiding sinning, i.e. divorce is a sin.
* If partner is a leader in the religious community, pressuring victim to stay silent and accept suffering as an act of faith.
* Asking for forgiveness as an expectation of faith
* Isolating victim from faith community, i.e. not allowing attendance for services or controlling interaction with others when participating in faith activities.
* Forcing the victim to participate in the faith community
* Enlisting the support of faith leaders to pressure victim to work things out and stay in relationship.
* Using scripture to force sex or unprotected sex.

Resources/Intervention

**Adolescent victims**

Prevalence

Adolescent (teen) dating violence describes a range of abusive behaviors, including physical and sexual violence, stalking and psychological abuse that preteens and adolescents experience in the context of a past or present dating relationship.[[1]](#footnote-1) Teen dating violence is widespread as some research shows that about one in three U.S. adolescents ages 14 to 20 have been victims of dating violence and about one in four say they have committed relationship violence themselves.[[2]](#footnote-2) A 2011 U.S. Centers for Disease Control and Prevention nationwide survey found that 23% of females and 14% of males who ever experienced rape, physical violence, or stalking by an intimate partner, first experienced some form of partner violence between 11 and 17 years of age.

In Illinois in 2017, about 1 in 10 high school students reported they had experienced physical dating violence and 1 in 12 students reported experiencing sexual dating violence in the past 12 months. It is important to note that adolescents who identified as LGBTQ were three times more likely than their heterosexual peers to report both physical and sexual dating violence. .[[3]](#footnote-3)

Abuser Tactics

* Constantly putting partner down; embarrassing or humiliating them in front of friends or in public areas
* Constantly texting, requiring partner to always be reachable and account for their time
* Checking partner’s cell phone, email, or social media without permission
* Making false accusations;
* Demonstrating extreme jealousy, insecurity or possessiveness
* Demonstrating explosive temper; mood swings
* Physically hurting partner in any way
* Constantly telling partner what they can and cannot do
* Isolating their partner from family and friends
* Pressuring or forcing sex onto partner
* Using peer pressure to control, such as, spreading rumors if partner refuses to have sex or telling malicious lies to peer group.
* Posting sensitive pictures on social media; coercive sexting
* Threatening to harm themselves if their partner does not comply with their wishes[[4]](#footnote-4)

Barriers

Research shows that only 33% of adolescent dating abuse victims ever tell anyone about the abuse.[[5]](#footnote-5) Teens who are in an abusive relationship may have a difficult time requesting help for many reasons. Children who have grown up witnessing or experiencing violence in their home may believe that dating violence is acceptable or not a real problem. Some teens may believe that the positive aspects of their relationship outweigh the risks and may be afraid of hurting their dating partner’s feelings. On the flip side, if they are ready to end the relationship, they may fear retaliation from the abusive partner and/or they don’t know how and where to get confidential help.

Many teens are especially reluctant to tell their parents about their abusive relationship because they are afraid their parents will make them break up or take away privileges, like being able to stay out late. They may be convinced that it is their fault or that their parents will blame them or be disappointed in them. They may also be concerned that their parent will not believe them or take them seriously. Parents and other adults should be aware of the warning signs of teen dating violence, including:

* Sudden changes in clothes or make-up
* Bruises, scratches, burns, or other injuries
* Failing grades or dropping out of school activities
* Avoiding friends
* Difficulty making decisions
* Sudden changes in mood or personality, becoming secretive
* Changes in eating or sleeping habits, avoiding eye contact, having “crying jags”
* Constantly thinking about dating partner
* Having to respond immediately to any text or call from dating partner
* Using drugs or alcohol
* Pregnancy-some teenagers believe that having a baby will help make things better;[[6]](#footnote-6)

Abuser Tactics

“Here are some warning signs that you can look for when trying to determine whether you are experiencing teen dating violence:

* Checking cell phones, emails or social networks without permission
* Extreme jealousy or insecurity
* Constant belittling or put-downs
* Explosive temper
* Isolation from family and friends
* Making false accusations
* Erratic mood swings
* Physically inflicting pain
* Possessiveness
* Telling someone what to do
* Repeatedly pressuring someone to have sex”[[7]](#footnote-7)
* Sabotaging birth control, pressuring to become pregnant (Reproductive coercion).
* Embarrassing or humiliating in front of friends or in public areas.
* Constantly texting, requiring victim to always be reachable.
* Demanding account for all time.
* Posting sensitive pictures on social media.
* Using peer pressure to control, such as, spreading rumors if partner refuses to have sex or telling malicious lies to peer group.
* Coercive sexting

As was mentioned earlier, teen dating violence affects youth identifying as LGBTQ at significantly higher rates than non-LGBTQ youth. One additional barrier to seeking help and reporting abuse is the fear for some of these youth that they will be discriminated against or outed as LGBTQ.Resources/Intervention

Resources/Intervention

The following is information that will assist law enforcement agencies in increasing their accessibility to adolescents:

1. **IDVA and minor victims**

The IDVA in several sections address the accessibility of the act to minors. The following sections have application to minors and their use of the IDVA:

1. The definition of family or household members includes those who have or have had a dating or engagement relationship. 750 ILCS60/103(6) and 725 ILCS 5/112A-3(6).
2. A petitioner cannot be denied an order of protection because the petitioner or respondent is a minor. 750 ILCS 60/214(a) and 725 ILCS5/112A-14(a).
3. A minor has the power to waive the privilege of their communication with a domestic violence advocate if the court feels that the minor can knowingly do so*.* 750 ILCS 60/227(e)*.*

**What Law Enforcement Should Know Before Interviewing Adolescent Victims of Domestic Violence**

Do’s

* Encourage and support their choice to get help.
* Mirror the adolescent’s choice of words, tone and body language.
* Be honest about your ability to keep information confidential.
* Be direct about your legal responsibilities, especially regarding parental involvement.
* Help the adolescent be in control and make their own decisions as much as possible.
* Provide information on local resources and encourage the adolescent to seek help.

Don’t

* Don’t be judgmental about the adolescent’s relationship or choices.
* Don’t show shock or disapproval if the adolescent tells you about his/her sexual activities.
* Don’t assume that abuse in a new or causal relationship is not serious.
* Don’t assume that the abusive partner is also an adolescent.
* Don’t share a youth’s private information unnecessarily.

1. **Orders of protection against minors**

Orders of protection can be entered against minors. A minor is a family or household member as defined in the statute. *Wright* v. *Wright,* 221 Ill. App. 659, 662 (4th Dist. 1991). The act protects those that are being abused by family or household members. Id*.*

1. **Service provider accessibility**

Law enforcement officers should work with domestic violence programs and rape crisis centers and refer victims to these programs. Minors 12 years or older, may receive eight 90-minute sessions of services without parental consent.[[8]](#footnote-8)

**Adolescent Domestic Battery**

Prevalence and Dynamics

The term “adolescent domestic battery (ADB)” is a ***non-legal term*** an act of domestic violence perpetrated by an adolescent against another family or household member.

ADB is a key driver of youth involvement in the juvenile justice system. If not addressed effectively, ADB can result in repeated law enforcement calls to the adolescent’s home and can contribute to a cycle of juvenile justice system involvement. Most importantly, serious cases of ADB can result in harm and trauma to all family members. In Illinois, over a ten-year span, 10% of all juvenile arrests were for domestic battery-related charges. It is important to note that of those arrests, 65% did not include any injury and 34% included only minor injury.

In the absent of an adolescent-specific domestic violence response protocol, law enforcement has relied primarily on the adult intimate partner violence protocol to inform its response to adolescents. The relationship between an adolescent and his or her parent varies and is different from the relationship of IPV. Parents are expected to have a natural authority over their child which may be temporarily or permanently disrupted by ADB. Adolescents may use violence against a family member for a variety of reasons, other than establishing power and control. Reasons may include:

* Unusual Stressors, such as
  + Death of a loved one
  + School or relational stress
  + Other traumatic event
* Self-defense (or defense of others)
* Poor family functioning
* Desire to get his/her own way
* Overall rejection of parental authority

It is important to remember that adolescent behavior is impacted by brain development-- teens are more impulsive than adults, more emotionally volatile and less able to self-regulate and solve problems with long term consequences in mind. Child abuse, neglect or trauma (including that caused by exposure to domestic violence in the home) can significantly affect healthy adolescent brain development and influence youth and family conflict. Gender is an important factor too; girls and boys may respond differently to prior abuse or trauma and they may interact very differently with law enforcement officers.

To determine which system responses will be most effective in keeping youth, families and communities safe, the law enforcement officer must examine the context in which the violence occurred and the adolescent’s motivation for using violence. The officer must weigh the potential danger that can be caused by serious and escalating cases of ADB against the risk of harm to an adolescent brought into the juvenile justice system for minor offenses. When appropriate, the officer has the discretion to use diversionary response, such as station adjustment, and/or make a referral to a social service agency.

Adolescent Behaviors

Police receive calls to respond to a wide range of inappropriate and/or abusive adolescent behaviors, from name-calling and swearing at a parent to pushing or shoving the parent to causing physical harm. The law enforcement response should emphasize safety and crisis de-escalation prior to making an arrest/diversion decision.

Barriers

Many parents will not seek help or report their adolescent’s abusive behavior because they are embarrassed, afraid that they may be judged or feel as though they are to blame for their adolescent’s behavior. They may also fear retribution from their child or are concerned that they themselves may be charged with an offense.

Other parents do not report the abuse because they do not wish to criminalize their adolescent, or they do not believe reporting will do any good. The lack of community resources to respond to these families has been a barrier both for families and for law enforcement. Without an effective program to which a law enforcement officer can refer the family, the officer may believe that arresting the adolescent is the only way the family can access help.

Resources/Intervention

1. **The Illinois Juvenile Court Act (Article V),** governs delinquency charges against youth and provides for specialized procedural, diversion and sentencing strategies to hold youth appropriately accountable for behaviors, protect community safety and promote youth “competencies” to live responsibly and productively. (705 ILCS 405/5-101 et seq.)

**Interviewing Adolescents and Parents**

* Maintain a neutral demeanor
* Interview parties separately
* Withhold judgment regarding the incident;
  + - Don’t assume the youth is automatically in the wrong
  + Don’t assume the parent is ineffective or a “bad parent” because this incident has occurred
* Use developmentally-informed strategies
* Be aware that adolescent’s (especially girls) or parent’s behavior may be a reaction to current or past traumatic events
* Do not ask the parents if they want the adolescent to be arrested
* Look for other types of abuse that may be occurring in the home
* Be direct about your legal responsibilities, especially if a DCFS hotline call is required
* Provide information on local resources and encourage the family to seek help

1. **The Illinois Adolescent Domestic Battery Response Toolkit,** provides an adolescent-specific domestic battery response protocol as well as additional resources on ADB, adolescent development, the impact of trauma, gender responsivity and safety planning.
2. **Service provider accessibility:** The Comprehensive Community-Based Youth Services Program (CCBYS) is Illinois’ primary crisis response system to prevent young people from entering the child welfare or delinquency systems unnecessarily. Law enforcement agencies, schools, families, hospitals and others can refer eligible youth in crisis to the program rather than arresting, detaining or referring the youth to the justice system for services.

(See <http://www.dhs.state.il.us/page.aspx?item=30768> or call **1-877-870-2663.)**

**Homeless victims**

Prevalence

According to multiple studies examining the causes of homelessness, among mothers with children experiencing homelessness, more than 80% had previously experienced domestic violence.[[9]](#footnote-9)

Barriers

The abuser’s efforts at isolating the victim can leave few, if any, options for support and housing from friends or family. Some victims go to domestic violence shelters, but because beds are so scarce and there are accessibility issues for many victims, many end up in homeless shelters. Policies adopted by landlords and public housing facilities that allow zero tolerance for crime result in eviction notices for victims who experience violence at the hands of a partner in their home (Chicago Homeless Coalition, 2005). Such landlord policies give victims of domestic violence a difficult choice of calling law enforcement for assistance and possibly ending up homeless or not seeking assistance and keeping their apartment. 765 ILCS 750 735 ILCS 5/9-106.2

**References and Resources**

**U.S. Department of Housing and Urban Development (HUD)**

<https://www.hud.gov/>

**Illinois workNet Service Finder**

[Illinois WorkNet](https://www.illinoisworknet.com/Connect/Pages/LocationSearch.aspx)

Abuser Tactics

It is not uncommon for a victim of domestic violence to flee the abuser and find themselves and their children homeless; however, sometimes homelessness is a direct result of the abuser tactics. Tactics may include some of the following:

* Getting victim evicted from housing due to lease violation, i.e. abuser is not listed on lease, but living in residence.
* Employing abusive tactics which jeopardize stable housing, such as, noise disturbances, destruction of property.
* Sabotaging employment resulting in victim being unable to pay rent or mortgage.
* Taking rent money away from victim.
* Hiding bills to set the victim up for discontinuation of utilities.
* Putting housing exclusively in their own name.
* Putting housing and credit in victim’s name and intentionally destroying credit.
* Utilizing any tactics of economic abuse.

Resources/Intervention

Homelessness is often a result of domestic violence, and homeless women are at particularly high risk to violence. The courts should consider the needs of homeless victims in seeking safety through law enforcement and prosecution.

Law enforcement officers and prosecutors should keep the temporary housing locations, such as a domestic violence shelter, homeless shelter, or the residence of a family member, confidential. **If the victim is staying in a safe location, such as a shelter, whether it is a confidential location or not, or the residence of a friend or family member, officers should not reveal that location to the abuser under any circumstances.**

**Immigrant victims and communities**

Prevalence

The National Domestic Violence Hotline reports that they answer approximately 7,000 calls, chats and text messages from victims and survivors of domestic violence facing issues related to immigration.[[10]](#footnote-10)

Barriers

Immigrant victims of domestic violence face numerous barriers to reaching out to law enforcement for safety from domestic violence, making abusers within these communities less likely to be held accountable for their crimes. These barriers include a lack of knowledge about and fear of law enforcement, language barriers, and fear of deportation for self or for the abuser, coming from a country with abusive and corrupt police, cultural, religious, and gender barriers, and economic barriers. Though these barriers can seem insurmountable to a victim at times, there is much law enforcement can do to create a system that is accessible to immigrant victims of domestic violence (Pendleton, 2003). This section describes steps law enforcement departments can take to encourage the reporting of domestic violence and to build trust within immigrant communities. This allows law enforcement to become more adept at protecting immigrant victims of violence and at holding abusers from immigrant communities accountable for their actions.

Abuser Tactics

Due to the victim’s immigration status, abusive partners have additional ways to exert power and control over their victims, including, but not limited to:

* Isolation: Preventing the victim from learning English or communicating with friends, family or others from their home countries.
* Threats: Threatening deportation or withdrawal of petitions for legal status.
* Intimidation: Destroying legal documents or papers needed in this country such as passports, resident cards, health insurance or driver’s licenses.
* Manipulation Regarding Citizenship or Residency: Withdrawing or not filing papers for residency; lying by threatening that the victim will lose their citizenship or residency if they report the violence.
* Economic Abuse: Getting the victim fired from their job or calling employers and falsely reporting that the victim is undocumented.
* Children: Threatening to hurt children or take them away if the police are contacted.[[11]](#footnote-11)

Resources/Intervention

The Violence Against Women Act (VAWA), which was passed in 1994 and reauthorized in 2000 and 2005, includes several provisions designed to ensure that immigrant victims of domestic violence could report violence to law enforcement without the fear of deportation. Included in these remedies is self-petitioning to become a citizen, which allows immigrant victims of domestic violence who have been “battered or subject to extreme cruelty” by their citizen or lawful permanent resident spouse to petition to become a citizen without the assistance of their abuser. U visas and T visas give protection from deportation to immigrant victims of certain violent crimes and trafficking when they participate in investigations and prosecutions of these crimes.

* 1. **Immigration status**

Federal law does not require law enforcement to ask about a victim’s immigration status. Victims or witnesses of crimes are not required to state their immigration status or place of birth when contacting law enforcement to file a complaint or police report. The victim’s immigration status has no legal relevance for obtaining:

1. Law enforcement assistance;
2. Orders of protection;
3. Shelter services;
4. Emergency medical care;
5. Child custody or child support.

It is recommended that law enforcement agencies develop a policy that allows immigrant victims to report violence without fear that their immigration status will be revealed. The enactment of such a policy will allow immigrant victims to feel safe in reporting any abuse

Domestic violence is a crime against society, not just a crime against an individual. Law enforcement officers must use all resources available to them to enforce domestic violence laws, regardless of the status of the victim. It is in the best interest of victim safety and abuser accountability for law enforcement to refrain from asking victims their immigration status when responding to domestic violence calls. This is absolutely necessary if immigrant victims of violence are to seek assistance from law enforcement. Law enforcement must uphold the laws of the state and locality first and foremost. Doing the work of U.S. Immigration and Customs Enforcement (ICE, formerly INS) can interfere with law enforcement’s ability to enforce state domestic violence laws. The practice of asking about immigration status and reporting to ICE results in immigrant victims of violence not seeking help from law enforcement in the future, and allows abusers to use law enforcement as another tool to control and abuse victims. This undermines law enforcement’s primary role of enforcing state domestic violence laws to ensure victim safety and offender accountability.

* 1. **Make referrals**

Provide the victim with referral information to local agencies that can assist battered immigrants and/or immigrants in general. In rural areas, such agencies may not be available. Law enforcement officers should then refer the victim to the closest available services.

* 1. **Language accessibility**

Proper investigation of a crime involving victims and/or perpetrators that speak a language other than English requires that law enforcement have access to interpreters in all languages spoken by persons living in their communities. In rural areas, locating language translation services for many languages may be difficult or impossible. Consider looking for such services at colleges or universities, or set up telephone translation services with a service provider such as AT&T Language Bank. Additionally, there are several non-profit victim advocacy groups that have victim advocates that are fluent in several languages and may be contacted for translation services.

**Older adults and people with disabilities**

Prevalence

People with disabilities experience domestic and sexual violence more often than people without disabilities. Women with disabilities, compared to women without disabilities, are more likely to experience violence that is more severe victimization, experience it for longer duration, be survivors of multiple episodes of abuse, and be survivors of a larger number of perpetrators.

**References & Resources**

For more information about the **Forensic Exam and an illustrated guide for people with disabilities** see:

[Illinois Imagines Materials](https://icasa.org/resources/illinois-imagines/materials-toolkit-and-other-material)

According to Bureau of Justice Statistics (2016), people with disabilities experience sexual assault at rates 3x higher than those without disabilities. A survey conducted by the Spectrum Institute Disability and Abuse Project found that 70% of respondents with disabilities experienced some form of abuse by an intimate partner, family member, caregiver, acquaintance or stranger. Of those respondents, 41.6% experienced sexual abuse. Several factors may influence why some people with disabilities are at greater risk:

Barriers

Options to escape the abuse are far fewer for women with disabilities leaving them essentially trapped in the cycle of violence[[12]](#footnote-12).

Barriers for people with disabilities may include: dependence on others for daily living activities, fear of institutionalization or loss of services, isolation, not knowing where or how to report, fear of not being believed because of their disability, lack of access to services and supports due to communication, physical or attitudinal barriers and a culture of compliance. Abusers may be caregivers, family members or other support people or they may be intimate partners.

It is also known that victims with disabilities rarely access victim services and most of the time, their offenders are not held accountable in the criminal justice system. Sometimes this is a result of these systems not being readily accessible. To improve access, it is helpful to consider the following:

1. Physical Accessibility

Plan ahead to ensure ability to transport a victim of violence with specific accessibility needs, such as a wheel chair.

**References & Resources**

The following resources can assist with enhancing accessibility:

**Illinois Network of Centers for Independent Living (INCIL)**

[www.incil.org](http://www.incil.org)

**Illinois Deaf and Hard of Hearing Commission**

**Interpreter Directory**

<https://www2.illinois.gov/idhhc/licensure/pages/directoryhome.aspx>

1. Language Accessibility

American Sign Language translation should be available, as needed. Provide important information in a variety of formats, i.e. large print, Braille, pictures. Whenever possible, use plain, simple, concise language to promote understanding. Trauma makes it difficult for anyone to process information.

The best way to determine what supports or accommodations may be needed, is to ask the older adult or person with a disability what they need. They’re the experts on what works best.

Abuser Tactics

Tactics used against these victims often target their disability and/or age or their disability or age is used to cover or excuse the abuse.

**Tips & Tools**

See handout **Perpetrator Tactics** for a list of types of abuse and tactics that perpetrators use to abuse people with disabilities and older adults.

Resources/Intervention

1. Coordinating Investigations

There are multiple reporting entities for abuse and neglect of people in Illinois who have disabilities. The chart below provides guidance to state authorities responsible for investigation of abuse, neglect and exploitation against people with disabilities and older adults.

Add chart from PWD/OA protocol

1. Local health and housing code enforcement departments

Cultivating relationships with local health and housing code enforcement departments can be helpful. These departments may be able to help - victims who are older adults or people with disabilities with medical or housing issues that isolate or otherwise endanger the victim. Solving these problems may prevent future victimization of the older adult or person with a disability and may lessen the number of assistance and/or welfare status check calls officers will need to make.

1. Centers for Independent Living

Law enforcement officers should cultivate relationships with local Centers for Independent Living who can help with accessing personal assistants, sign language interpreters, and a variety of services and supports for people with diverse kinds of disabilities. These Centers also provide advocacy services and can be a tremendous help to victims of domestic violence who have disabilities.

What you need to know about people with disabilities and older adults

1. Interviews conducted by the state’s attorney’s office should be conducted in a place where the victim feels safe, without the presence of the offender. If the home is not safe, a senior center, disability service agency, social club, or religious institution may feel more comfortable to the victim. Having a large print calendar available for the interview may be of assistance in reminding the victim of specific dates. The Illinois Imagines “Who, What, Where, When” Symbol Communication Book can support the interview process.

**References & Resources**

**Illinois Imagines website and Communication Book**

<http://www.icasa.org/index.aspx?PageID=1045>

1. The victim should be interviewed alone. Adult children, caregivers and disability services staff often speak for the person rather than allowing the person to speak for themselves. A tape of the victim saying, “My son hit me in the face,” may be admissible. A tape of the victim’s daughter saying, “Mom told me my brother hit her in the face,” is not.

**Prostituted and trafficked victims**

Prevalence

The findings of the U.S. Department of Justice's 2011 report, "Characteristics of Suspected Human Trafficking Incidents, 2008-2010," include:

From 2008 to 2010, Federal anti-trafficking task forces opened 2,515 suspected cases of human trafficking:

* 82% of suspected incidents were classified as sex trafficking and nearly half of these involved victims under the age of 18.
* Approximately 10% of the incidents were classified as labor trafficking.
* 83% of victims in confirmed sex-trafficking incidents were identified as U.S. citizens, while most confirmed labor-trafficking victims were identified as undocumented immigrants (67%) or legal immigrants (28%).
* 25% of the confirmed victims received a "T visa," part of a federal program designed to aid victims of trafficking.

While the findings represent the government's best estimate, the authors caution that "the data described in this report reflect the information that was available to, and entered by, these state and local law enforcement agencies," and such data systems are still being established and are likely not recording all incidents.[[13]](#footnote-13) Reliable data on trafficking are difficult to obtain owing to its illegal, often invisible, nature; the range and severity of trafficking activities; and variations in how trafficking is defined.[[14]](#footnote-14)

Barriers

Trafficking victims often do not feel that they can contact law enforcement or the courts due to fears of arrest or not being believed. Undocumented victims who have been trafficked for commercial sex or for forced labor often fear contacting the courts for help due to a fear of deportation. In addition, they may have already had negative experiences with law enforcement and social service providers, may not speak English, may not understand the complicated court system and may be isolated, leaving them under identified and underserved. In Illinois, anyone who is prostituted under the age of 18 is considered to be a victim of human trafficking.

U visas and T visas were created to give protection to immigrant victims of certain violent crimes. The T-visa provides immigration protection to victims of human trafficking, allowing victims to remain in the United States and to assist in the investigation of human trafficking crimes.

Abuser Tactics

Human trafficking often involves the very same dynamics of power and control as domestic violence and sexual assault. Intimate partner trafficking occurs when an abuser “[compels] their partner to engage in commercial sex, forced labor, or involuntary servitude.” Alternatively, trafficked individuals sometimes live with their trafficker and are subjected to the physical violence, emotional manipulation, and overbearing control that are hallmarks of domestic violence.[[15]](#footnote-15)

* Creating debts that can’t be paid off.
* Normalizing experience of selling sex and sexual violence.
* Setting quotas for earnings.
* Threatening to tell the police, social services and family about involvement in trafficking.
* Openly having sexual relationships with others.
* Disregarding the impact of trafficking on victim.
* Forcing participation in pornography.
* Forcing termination of pregnancy.

Guidance and Considerations

Victims of domestic violence who are prostituted and trafficking victims rarely seek assistance from law enforcement. The following are some beginning steps officers and prosecutors can take to assist these victims:

1. **Collect evidence**

As with all domestic violence calls, law enforcement officers should collect evidence at the scene that demonstrates the violence without the victim’s testimony. A victim of domestic violence who has been prostituted or trafficked may not be believed as a witness. A case that relies on the evidence rather than the victim’s testimony can still be prosecuted whether or not the victim makes a good witness.

1. **Evidence based prosecution**

Evidence-based prosecution relies on the use of evidence rather than being dependent on the victim’s testimony. This method of prosecution has long been used in the prosecution of homicide and gang-related cases. Evidence-based prosecution is a successful strategy that can be used to prosecute a case whether or not the victim testifies. In evidence-based prosecution, the prosecutor focuses on the criminal behavior of the defendant and on the evidence available rather than on the testimony of the victim.[[16]](#footnote-16)

1. **Concentrate on domestic violence or trafficking case**

It is in the best interest of the safety of the victim and the accountability of the abuser for law enforcement to concentrate their efforts on the domestic violence or trafficking case rather than investigating and charging the victim for prostitution. A victim of domestic violence who has been prostituted or trafficked is unlikely to contact law enforcement unless the situation is highly dangerous. Officers must respond accordingly.

**Rural victims**

Prevalence

The National Domestic Violence Hotline reports that they answer approximately 7,000 calls, chats and text messages from victims and survivors of domestic violence facing issues related to immigration.[[17]](#footnote-17) According to the United State Department of Agriculture Department of Research Service 2017 data, 1,468,572 people in Illinois live in a rural area[[18]](#footnote-18)

Barriers

Domestic violence crosses all geographic lines, but victims of domestic violence face numerous additional barriers to seeking safety when experiencing domestic violence. Issues such as poverty, lack of public transportation and limited access to resources (such as jobs, education and childcare) and services (such as domestic violence programs, counseling and children’s programming) make escape from an abusive relationship difficult for rural victims. Cultural values such as strong allegiances to the land, kinship ties and traditional gender roles, as well as geographic isolation, add to the barriers. People who own, live or work on a farm are faced with even harder decisions since their personal and business lives are often tied together. Additional risks and danger are present with the increase in the likelihood that weapons, such as firearms and hunting knives, are present in rural households. Further, rural law enforcement, prosecutors, judges, health care providers and domestic violence or other social service providers are more likely to be neighbors, relatives or acquaintances of the victim and/or the abuser, making confidentiality and objectivity difficult.[[19]](#footnote-19) Finally, the response time by law enforcement or emergency medical services may be longer, increasing the lethality of the assault as well as phone and Internet service is often spotty in remote areas.[[20]](#footnote-20)

Abuser Tactics

In rural areas, abusers may use the dynamics and cultural norms of rural communities as a means to exert power and control in relationships. Tactics may include some of the following:

* Isolating partners from any type of emotional or social support, i.e. family, friends.
* Controlling access to communication (no landline and taking cell phone away).
* Disabling vehicles or monitoring mileage.
* Re-locating to remote places.
* Limiting access to information or services.
* Locking partner in house.
* Refusing to transport victim to health services.
* Abusers also limit access to information about help that may be available.

For women living in rural areas, this isolation is worsened because they may live far from services, shelter, jobs, health care, neighbors, families and friends. There is little access to public transportation or childcare. There may not be an extra vehicle. Cell phone coverage is spotty and many victims may not have access to a landline phone.[[21]](#footnote-21)

Resources/Intervention

Law enforcement officers must be additionally creative and sensitive when serving rural areas. Law enforcement policies to assist rural victims of domestic violence include:

1. **Referrals and safety**

Law enforcement officers will need to be creative to find safety and resources for victims of domestic violence in rural communities. Officers should provide victims with referrals to the closest domestic violence services if there are none available within the community. Officers can assist victims in finding safety by driving them to safe places, or driving them to county lines and acquiring assistance from law enforcement within the next county to continue transporting a victim to a safe place. With limited resources and few transportation options, rural victims are particularly dependent upon law enforcement officers to find safety when faced with a dangerous situation.

Prosecutors must be particularly attuned to the safety needs of victims of domestic violence in rural communities, such as if the victim is living with the offender during a case, if the victim has other options, if the victim is obtaining domestic violence advocacy services, and what the victim’s thoughts are about prosecution of the domestic violence offense. These and other safety factors should be considered when deciding upon prosecution options, the victim should be provided with referrals to the closest domestic violence services if there are none available within the community. When practicable, the domestic violence advocate should come to the courthouse to support the victim.

1. **Objective response**

When faced with a domestic violence incident involving a family known to the law enforcement officer or prosecutor, they should seek peer and supervisor support to ensure that they are responding objectively.

1. **Firearms**

Training and policy on firearms and domestic violence is a must in rural communities. Law enforcement officers should ask about firearms on every domestic violence call and confiscate and store weapons as appropriate.

1. **Coordinated response**

Nowhere is a coordinated response to domestic violence more important than in a rural community with limited resources.

**Substance abusing victims**

Prevalence

Forty to sixty percent of domestic violence incidents involve substance abuse, and 56 percent of abused women have psychiatric problems, and victims of intimate partner violence are vulnerable to alcohol and marijuana use according to the American Society of Addiction Medicine.[[22]](#footnote-22)

Barriers

People who abuse substances and are victims of domestic violence present unique challenges to the courts. “For many survivors who use substances, it is a way to cope with the traumatic effects of abuse. Others are coerced into using by an abusive partner.”[[23]](#footnote-23) Some abusers purposefully addict their partners to substances or sabotage their partner’s recovery efforts to make them more dependent and further prevent the victim’s ability to leave.

Women who abuse substances often find themselves with less financial and social resources to leave an abusive partner and find that they are not believed when they do try to seek safety and assistance. Women who abuse substances tend to be more likely to fight back against their abusers, making an assessment of the situation far more complicated for law enforcement professionals.[[24]](#footnote-24) The effects of use may prevent the victim from assessing the level of danger posed by the abuser. Substance use may deter victims from seeking help due to fear of arrest or involvement of child welfare. Agencies providing services – including shelter – to victims of domestic violence who are experiencing substance abuse and/or mental illness work with other resources in their community to respond appropriately, including substance abuse service providers and health care.

Abuse Tactics

Heavy substance use is a major risk factor for domestic violence. Abusing drugs or alcohol may exacerbate an abuser’s pre-existing violent tendencies, but no concrete evidence has shown that using drugs or alcohol causes domestic abuse. Abusers use substance abuse to control and abuse their partners, including:

* Introducing partners to substances of abuse
* Forcing partners to carry, sell or buy drugs
* Encouraging substance use as a form of control over partners
* Prostituting partners in exchange for drugs or money
* Preventing partners from seeking and receiving substance abuse treatment
* Incapacitating their partner so they can perform sexual acts that their partner would otherwise not agree to.[[25]](#footnote-25)
* Shifting responsibility of abusive behavior (saying victim caused the abuse with their drug use).

Resources/Intervention

Substance abusing victims of domestic violence provide unique challenges to the court system.

1. **Separate the issues**

It is necessary for law enforcement officers and prosecutors to separate the issues of domestic violence from the issue of substance abuse in the victim. While substance-abusing victims may be more difficult for law enforcement to assist, they are still victims who deserve respect and protection.

1. **Aggressor identification**

Since victims who use substances are more likely to fight back, the issue of who is the abuser and who is the victim can sometimes be clouded. Further, since substance use is a coping mechanism for some victims of domestic violence, this issue may frequently be present on domestic violence calls. Law enforcement officers should conduct thorough aggressor identification in any situation involving alcohol and violence on the part of both parties. Law enforcement officers should ensure that they are arresting the abuser, and not the victim.

1. **Collect evidence**

As with all domestic violence calls, law enforcement officers should collect evidence at the scene that demonstrates the violence without the victim’s testimony. An intoxicated victim, particularly one who has an ongoing substance abuse problem, often does not make a reliable witness. **A case that relies on the evidence rather than the victim’s testimony can still be prosecuted whether or not the victim is a reliable witness.**

**Victims involved with gangs**

Prevalence

Barriers

Victims of domestic violence who are involved with gang-affiliated partners have particularly challenging safety issues. A victim whose partner is in a gang knows that the partner can carry out violence against them through other gang members regardless of whether the partner is in jail. This victim is in extreme danger and is unlikely to seek the help of or cooperate with law enforcement or the courts. The victim also may be enduring forced involvement by the abusive partner in illegal activities.

Abuser Tactics

Victims of domestic violence are particularly vulnerable, not only to the abuser, but to the entire gang network. “Since the power and control at the root of all domestic violence is intensified by the gang culture, gang members who abuse their intimate partners often utilize specific tactics to groom and entrap their victims. These abusers not only promise to provide victims with basic living necessities such as shelter, food, clothing, and safety, they also manipulate and coerce victims to prostitute themselves with promises of drugs and alcohol, and they recruit other members to do the same.”[[26]](#footnote-26)

Resources/Intervention

Safety

As with other victims of domestic violence, law enforcement officers should assist victims

in creating a safety plan and seeking shelter or another safe place. Victims whose

abusers are involved with gangs may still be in danger from gang members after the

abuser is arrested. Prosecutors should take very seriously the fears of victims of gang

members and only pursue charges when extreme safety measures are being pursued on

behalf of the victim. Victims of gang members may need to relocate and pursue extensive

measures to not be found by their abuser.

**Victims who are lesbian, gay, bisexual, transgender or questioning**

Prevalence

Lesbian, gay, bisexual, transgender and questioning people experience domestic violence at similar rates as heterosexual people (Baum, 2000). There are about 500,000 LGBTQ people living in communities across Illinois[[27]](#footnote-27). According to a recent Centers for Disease Control report, LGBTQ people experience domestic and sexual violence at higher rates than heterosexual populations, with bisexual identified people experiencing the highest rates[[28]](#footnote-28). LGBTQ populations are the third most likely to experience hate crimes in Illinois. Quite often perpetrators of interpersonal violence and hate violence share common tactics of abuse. Both can rely upon societal stigma against their victims to help cover up the violence.

Barriers

Within the lesbian, gay, bisexual and transgender community, victims of domestic violence often find a lack of understanding of domestic violence and the belief that it is only an issue for heterosexual people. They have fewer legal options than heterosexual married couples. Another reason cited for avoiding law enforcement and the courts is the fear of being “outed.” Lesbian, gay, bisexual, transgender and questioning victims who have not told family, friends, employers, landlords and others in their lives of their sexual orientation or gender identity may be extremely fearful of the consequences and discrimination they might experience upon revelation of a law enforcement report or court case. Consequences for reporting abuse and pursuing a court case may include the loss of family and friends, a job or a place to live.

Victims who are lesbian, gay, bisexual or transgender often find law enforcement and the courts less accessible and may be fearful of calling law enforcement or reaching out to the courts for assistance. Lesbian, gay, bisexual and transgender people find that their relationships are misunderstood and taken less seriously by many within these systems and fear exposure to homophobia and insensitivity. Domestic violence among lesbian, gay, bisexual and transgender people offers special challenges to law enforcement to identify the aggressor within the relationship, leading to a greater likelihood that the victim may be arrested rather than the perpetrator.

Male victims of domestic violence and sexual assault are most often assaulted by other men (for sexual assault, this is true regardless of sexual orientation). Domestic violence victims who identify as transgender face unique challenges seeking safety. A transgender person is one whose gender identification does not match the sex they were born with or assigned at birth. Transgender victims may be in homosexual or heterosexual relationships. They are uniquely at risk for isolation because of an extreme lack of understanding within society. Transgender victims of domestic violence often have fewer safety options. Agencies must consult with the victim to determine how to provide safe shelter if requested. No domestic violence victim regardless of gender identification can be refused services.

While LGBTQ victims require the same options as heterosexual victims, the ways they may be harmed, their access to services, and overall health and wellness disparities create different vulnerabilities which cannot be resolved by ‘treating everyone the same’. Similarly, within the category LGBTQ, there are differences in experiences of victimization and interactions with law enforcement, first responders, and victim services. For instance, a Transgender heterosexual woman seeking shelter or help from law enforcement is likely to have experiences that do not mirror those of a cis gender[[29]](#footnote-29), feminine presenting lesbian. Transgender women, for instance, are often met with discomfort or suspicion based on transphobia and fewer resources.

The ripple effect of stigma through an LGBTQ person’s life crosses their lifespans and is experienced internally, interpersonally, societally, and culturally. For those whose lives are at the intersections of identity, such as a gay, undocumented, man of color, the vulnerabilities around both domestic violence and limited access to services increase, resulting in a significant degree of minority stress[[30]](#footnote-30). One result of Minority Stress is that the resulting behaviors and belief systems that arise impact their help seeking. For instance, a distrust of law enforcement based on stories that circulate in the community and on media or not seeing their lives represented in outreach materials in victim services, may result in delaying help seeking.

At times, the bias that LGBTQ victims experience when reporting or seeking services is not overt or intentional and in these situations, training is usually enough to help correct the situation. In others, there is implicit bias or good intentions that still reflect bias. For instance, the well-intentioned idea that providers ‘treat everyone equally’ results in services that may actually end up discriminating, turning people away, or providing services that may endanger a victim.

What are some of the LGBTQ-related sociocultural factors to keep in mind when working with LGBTQ victims?

* LGBTQ individuals have often learned how to hide their identities to avoid stigma. These vary skills are also used to deny abuse in order to not further stigmatization.
* Many LGBTQ believe that they will be revictimized if they try to report.
* Bisexual people often feel their sexuality is not understood or considered by providers.
* Polyamorous and pansexual individuals feel their sexuality is blamed for their victimization or that their relationships are not fully understood, leaving them vulnerable.

In addition to this short list of examples, most LGBTQ trainings and research focus on urban experiences. Rural LGBTQ individuals face a host of additional barriers regarding DV. For instance, the number of other people with whom they can be in a relationship can be very low. Also, they may less likely be public about their sexuality and/or gender identity and there is the fear that seeking help will likely result in being outed.

Abuser Tactics

* Outing is still a fear for many LGBTQ people and can happen on a number of levels from outing to families and workplaces to houses of worship and friend networks.
* Telling the victim that no will help them because s/he is lesbian, gay, bisexual or transgender and therefore, the partner “deserves” the abuse.
* “Justifying the abuse with the notion that a partner is not “really” lesbian, gay, bisexual or transgender (i.e. the victim may once have had/may still have relationships, or express a gender identity, inconsistent with the abuser’s definitions of these terms). This can be used both as a tool in verbal and emotional abuse as well as to further the isolation of a victim from the community.”
* “Monopolizing support resources through an abusive partner’s manipulation of friends and family supports and generating sympathy and trust in order to cut off these resources to the victim. This is a particular issue to members of the LGBTQ community where they may be fewer specific resources, neighborhoods or social outlets.”[[31]](#footnote-31)

Resources/Intervention

**References & Resources**

**The National Coalition of Anti Violence** **Programs** is a member network of over 40 programs in the United States dedicated to tracking and addressing LGBTQ domestic violence. In Illinois, there are services that specifically for LGBTQ victims and more mainstream organizations are being trained to work with the community.

<https://avp.org/ncavp/>

Members of thelesbian, gay, bisexual and transgender communities experience domestic violence at a similar rate as does the heterosexual community, but with far less access to services for safety and assistance (Wright, 2005). Law enforcement officers and prosecutors can increase the safety of lesbian, gay, bisexual, and transgender victims of domestic violence by incorporating the following:

1. **Do not make assumptions**

Do not assume that every victim is heterosexual. In situations in which the abuser has already fled the scene, officers should use non-gender-specific language until the victim has identified the gender of their partner. Be sensitive to the victim’s word choices, such as “lover,” “partner,” “spouse,” or “roommate,” and their use of gender pronouns. Echo the language used by the victim.

1. **Aggressor identification**

Aggressor identification can appear challenging with lesbian, gay, bisexual, and transgender individuals in violent relationships, especially if both partners claim the other used violence. Officers should address these incidents as they would any other DV incident and identify the primary aggressor. Officers should be aware that an aggressor in these situations has a powerful psychological tool in “outing” their partner to the community or work or in isolating them from contacts within the LGBTQ community and in that regard these incidents may require more in-depth investigation and knowledge. Law enforcement should complete a thorough aggressor assessment when responding to domestic violence calls involving those in thelesbian, gay, bisexual, and transgender community.

1. **Service provider accessibility**

Law enforcement officers should provide the victim with a referral to both an agency within the community that provides services to lesbian, gay, bisexual, and transgender individuals, as available, and to a domestic violence agency. When an agency that provides services to lesbian, gay, bisexual, and transgender individuals does not exist within the community, a referral to an appropriate statewide, regional, or national organization that works with lesbian, gay, bisexual, and transgender individuals may be made. Law enforcement agencies can also obtain training and resource information from local, statewide, regional, or national organizations that work with issues concerning lesbian, gay, bisexual, and transgender individuals.

**Conclusions regarding victim populations**

Law enforcement officers, prosecutors, and judges should develop policies that respect the varying needs of victims from different cultural backgrounds. The wide diversity and experiences of victims of domestic violence challenge law enforcement and the courts to develop best practices that leave room for individualized responses based upon the specific needs and experiences of each victim. While learning about the barriers to justice and safety for various groups is useful and necessary, assuming that all members of a particular culture or group will react the same when confronted by domestic violence or when interacting with law enforcement or the courts is not helpful. Stereotyping will cloud the ability of criminal justice professionals to hear the individual experiences of the victim and adequately pursue the accountability of the abuser. The most helpful way to address the needs of all victims is to listen to each victim’s story and needs and ensure that resources are available.

1. *Marina M Mendoza, PhD and Carrie Mulford, PhD, “Relationship Dynamics and Teen Dating Violence,” Research in Brief, National Institute of Justice, February 2018* [↑](#footnote-ref-1)
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