**Chapter 1**

**Introduction**

**Chapter 1: Introduction**

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**I. Background**

The epidemic of domestic violence across Illinois has required the state to create safety for victims and accountability for abusers. It is the belief of all involved in creating this protocol that with a coordinated and consistent approach we can bring about a reduction in family violence. Over the past two decades, Illinois has made remarkable strides in addressing this crisis. Model legislation has been passed and updated, policies and protocols have been created and unsurpassable coordination efforts have been organized. These efforts have brought us a long way on our journey toward safety and accountability. This updated protocol follows three previous versions (1996, 2008 & 2012) and has been made possible through funding provided by the Office on Violence Against Women Grant to Encourage Arrest and Enforcement of Orders of Protection #2011-WE-AX-0055 and renewal funding provided by the Office on Violence Against Women Grant to Encourage Arrest and Enforcement of Orders of Protection #2014-WE-AX-0025. It is our hope that this updated protocol will take us one step closer to ending domestic violence.

In 1993 the legislature created the Task Force on Domestic Violence Training and Curricula to develop model protocols and training curricula for law enforcement, prosecutors and judges, recognizing that coordinated intervention by the justice system is a significant factor in reducing domestic violence.

Task force appointees represented a variety of agencies with an interest in the justice system’s response to domestic violence. They met monthly to conduct research and create the protocols and training curricula. Some meetings featured guest presentations specific to particular issues. Task force committees and individual members drafted materials, attended law enforcement trainings, consulted specialists in various parts of the criminal justice system and presented drafts to statewide criminal justice associations. Drafts of the protocol were circulated to more than 1,000 police chiefs, sheriffs, prosecutors, chief judges, victim advocates, and service providers. Comments were reviewed and incorporated into the final document.

The Illinois Model Domestic Violence Protocol for Law Enforcement, Prosecution and Judiciary was originally published in fall 1996. Since then there has been new research and other information on the criminal justice response to domestic violence, as well as the enactment of new legislation. Thus, it became pertinent to the fulfillment of the Illinois Criminal Justice Information Authority’s mission, as well as to the functioning of law enforcement, prosecution and the judiciary across the state, that the protocol be fully updated to include the latest research findings, knowledge in the field and related Illinois legislation.

In September 2004, ICJIA convened a group of law enforcement, prosecutors, judges and service providers from across Illinois to start the process of updating the Illinois Model Domestic Violence Protocol for Law Enforcement, Prosecution and Judiciary. Again, meetings were held, suggestions for updates made and new research was gathered. In 2005, a consultant was brought on to coordinate the accumulation of updated research findings and best practice information and streamline the drafting of a new protocol. Drafts of the newly revised protocol were circulated around the state to law enforcement professionals, prosecutors, judges and victim advocates whose suggestions and feedback were incorporated into the final document.

In 2011, the Illinois Family Violence Coordinating Council (IFVCC) received a Department of Justice, Office on Violence Against Women Arrest grant. The focus of the grant was development of an Integrated Protocol Initiative (IPI). The scope of the initiative included updating the domestic violence and elder abuse protocols for law enforcement and prosecutors and to create protocols to address violence against people with disabilities. Upon completion of the protocols, in 2013, IFVCC and its partners conducted training of trainers across the state to facilitate local implementation.

In 2014, IFVCC was awarded a renewal of funding provided by the Office on Violence Against Women Grant to Encourage Arrest and Enforcement of Orders of Protection, which allowed for additional training, implementation and follow-up with local jurisdictions on the protocols. Additionally, the IFVCC Arrest Advisory Committee created a workgroup to review the domestic violence protocol in order to update and revise for more current information. The current revision is based upon lessons learned from trainings conducted by local Family Violence Coordinating Councils and feedback from law enforcement, older adults and people with disabilities.

The task force acknowledges that it is not possible to create blanket policies for the varied communities across the state. This protocol is intended to serve as a solid foundation of best practices upon which local communities can build local protocols that take into account local needs, resources and systems. The task force recommends taking into account the uniqueness of issues, needs and resources within each community when creating local protocols.

This document is organized into chapters. The Background chapter includes this Introduction, Goals and Intentions, Guiding Principles and Statement of the Problem, which set the foundation upon which the policy recommendations within this protocol are based. The three professional components of the protocol, Law Enforcement Component, State’s Attorney Component and Judicial Component, ~~follow. Each component contains attachments specific to its profession.~~ Finally, the Appendices include materials and resources relevant to all three components, including a bibliography, and a myth/fact sheet.

**II. Goals and Intentions**

The intentions of this protocol are to:

1. Promote model policies and procedures for responding to domestic violence.
2. The Illinois Domestic Violence Act requires all law enforcement agencies to develop and implement written policies regarding domestic violence incident arrest procedures. Written policies also aid prosecution and the judiciary.
3. When developing these policies, law enforcement agencies, prosecutor’s offices and the judiciary should consult with community organizations and other law enforcement agencies, prosecutor offices and judiciary branches with expertise in recognizing and handling domestic violence incidents.

**B.** Ensure that law enforcement and the courts recognize domestic violence as a serious violent crime that hurts both individuals and society, and respond in a manner consistent with other violent crimes.

**C.** Deter and prevent future domestic violence.

**D.** Promote victim safety.

**E.** Hold offenders accountable.

**F.** Ensure that law enforcement and the courts are both sensitive and responsive to all victims.

When creating, and implementing policies, the courts and law enforcement should respond sensitively to all victims of domestic violence, their needs and the needs of their families. However, these systems should also be aware that not all victims have the same level of access to community, familial, or state safety nets when dealing with the impact of violence. While there may be commitments within victim assistance to address the needs of all, gaps in services have been documented. Further, due to social inequities, abusers have an array of different types of tactics that also require knowledge and sensitivity. Such a well-informed approach will allow the courts and law enforcement to provide relevant and appropriate support to domestic violence cases involving lesbian, gay, bisexual and transgender partners, older adults or adults with disabilities and their caregivers, parents and children, siblings, other relatives, roommates, men battered by women and teenage dating partners. The system should also be appropriately responsive to immigrant victims and offenders, to those with a primary language other than English and to victims and offenders of all races, ethnicities and religions.

**G.** Enhance investigation and evidence collection.

**H.** Reduce the barriers to victim participation in prosecution.

**I.** Provide a structured framework for the response to domestic violence by law enforcement and the courts across Illinois, while still allowing for each community to approach the issue from the perspective of their own unique needs and resources.

**J.** Provide implementation directions that are flexible.

**K.** This protocol is a foundation, a tool that each community can use to develop its

own implementation strategies and policies based upon victim safety, abuser accountability and its own unique set of needs and resources.

**III. Guiding Principles**

These guiding principles are the universal benchmarks upon which this protocol is based. When a situation arises for which a policy has not been established, the guiding principles provide a philosophical foundation upon which to base judgments and actions. They include:

1. Domestic violence is a serious crime against the individual and society.
2. Domestic abuse is about power and control wrongfully exercised by an abuser against a victim.
3. Abusers must be held accountable and assume responsibility for their violence.
4. The priority in responding to domestic violence is the safety and empowerment of the victim.
5. All victims deserve to be treated with respect and dignity and given support appropriate for their own individual needs and situations.
6. Domestic violence abusers and victims come from all ethnic, economic, age and social categories and do not fit a specific personality profile. Their primary commonality is that they abuse as a means of maintaining power and control over a victim.
7. Domestic abuse is a learned behavior used to gain and maintain control. It is used because it works and because society is not consistent in naming this abuse as wrong.
8. Alcohol, drugs, stress and anger are aggravating factors rather than causes of domestic violence. They cannot be accepted as excuses for abusing others.
9. Arrest, prosecution, incarceration and education of abusers can reduce further abuse.
10. An effective system for addressing domestic violence must entail a proactive, consistent and coordinated community response. Developing and implementing a coordinated community response must include law enforcement, prosecutors, judges, domestic violence advocates, abuser treatment services and probation officers, as well as other community agencies including healthcare providers, child welfare agencies and substance abuse treatment services, etc.

**IV. Statement of the Problem**

1. **Scope of domestic violence**

Domestic violence, also referred to as spouse abuse, woman battering, intimate partner violence, domestic abuse and family violence, is a problem of epidemic proportions. According to *the* *National Intimate Partner and Sexual Violence Survey 2010 Summary Report,* a report by the National Center for Injury Prevention and Control Division of Violence Prevention, more than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) in the United States have experienced rape, physical violence and/or stalking by an intimate partner in their lifetime. Nearly 1 in 10 women in the United States (9.4%) has been raped by an intimate partner in her lifetime and an estimated 16.9% of women and 8.0% of men have experienced sexual violence other than rape by an intimate partner at some point in their lifetime. About 1 in 4 women (24.3%) and 1 in 7 men (13.8%) have experienced severe physical violence by an intimate partner (e.g., hit with a fist or something hard, beaten, slammed against something) at some point in their lifetime. In 2005, there was IVP (intimate partner violence) in about 1 in every 320 U. S. households. (Klaus, P. (2007). *Crime and the Nation’s Households, 2005*. Bureau of Justice Statistics, NCJ 217198, <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=752>. On average, only 70% of nonfatal partner violence is reported to law enforcement. Of those not reporting, 41% of male and 27% of female victims (34% average) stated victimization being a private/personal matter as reason for not reporting, 15% of women feared reprisal, 12% of all victims wished to protect the offender and 6% of all victims believed police would do nothing. (Bureau of Justice Statistics, Intimate partner Violence in the U.S. 1993-2004, 2006) For 2008, the U.S. Bureau of Justice Statistics estimates that: IPV (Intimate Partner Violence) constituted 3% of all violence against males and 23% of all violence against females in the U.S. 72% of IPV against males and 49% of IPV against females was reported to police. (Rand, M.R. (2009). Criminal Victimization, 2008. (National Crime Victimization Survey). BJS. <http://bjs.ojp.usdoj.gov/content/pub/pdf/cv08.pdf>. From 1998 until 2002, 11 percent of all violent crimes reported to law enforcement were violent crimes against a family member (Bureau of Justice Statistics, 2005). Intimate partner crimes were committed much more frequently against women, at a rate of 19 percent, than against men, at a rate of 3 percent (Catalano, 2004). In a report released in 2001, the Bureau of Justice Statistics found that 85 percent of 790,000 victims of intimate partner violence were women.

Scope of Sexual Violence

* From 2009-2013, Child Protective Services agencies substantiated, or found strong evidence to indicate that 63,000 children a year were victims of sexual abuse.
* The majority of sexual assaults occur at or near the victim’s home.

For more information: <https://www.rainn.org/statistics/scope-problem>

**Facts & Stats**

Evidence shows that a significant portion of all homicide victims are killed by an intimate partner (Frye, 2001). In 2002, about 22 percent of all murders were of family members (Bureau of Justice Statistics, 2005). Of all murders in 2003, 9 percent were victims murdered by an intimate partner or spouse. Of these victims 79 percent were women (Federal Bureau of Investigation, 2004). On average, more than three women each day are murdered by a spouse or intimate partner in the U.S. (Rennison, 2001). Violence frequently increases in abusive relationships when the woman is pregnant. One recent study found that pregnant women are more likely to die as victims of homicide than from any other cause (Horon and Cheng, 2001).

One of the most dangerous times for a victim in a violent relationship is when they try to leave the relationship, as a victim’s attempts to separate from an abuser can trigger an escalation of violence. A study of domestic violence homicides in Florida (1997) revealed that in 65 percent of intimate partner homicides the victim had physically separated from their partner prior to the murder. Abusers who kill their partners are a great danger to others as well. The Florida Mortality Review found that in 38 percent of murders of an intimate partner the perpetrator killed at least one other person. Other victims included children, bystanders, and those who intervened to assist the victim.

Finally, statistics show that our state prisons are full of offenders of family violence. In 1997, 15 percent of men and women in state prisons for a violent crime were there for a crime against a family member (Bureau of Justice Statistics, 2005).

The Illinois Domestic Violence Act (IDVA) recognizes the many forms of violence as abuse. The IDVA defines abuse as physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation. 750 *ILCS* 60/103(1). The party that is protected by the act is any person abused by a family or household member and any child or dependent that is in the care of such person. 750 *ILCS* 60/201(a)(i,iii). The definition of family and household members includes spouses, former spouses, parents, grandparents, siblings, children, stepchildren and other relatives, by either blood or marriage, both former and current. 750 *ILCS* 60/103(6).Same-sex partners, dating relationships, roommates, and relationships between caregivers and adults with disabilities or older adults are also classes of people that are protected by IDVA. *Id.* Men are also victims of domestic violence. Men are more likely to be victimized by other men, and are rarely abused by women, (Tjaden and Thoennes, 2000).

There is great diversity among both victims and abusers. Some groups of victims will have additional barriers to accessing services, reaching out to the courts or finding safety. Victims facing more challenges in their every day lives may require a more individualized approach from the courts and from service providers. These victims include:

* Older adults
* Immigrants
* Youth
* People with physical, sensory, cognitive or mental disabilities
* People in rural communities
* Lesbian, gay, bisexual and transgender people
* People of color
* People who practice non-dominant religions
* Prostituted or trafficked women, children and men
* Families with economic disadvantages
* People affiliated with gang
* People with HIV/AIDS.

In addition, providing translation services (including American Sign Language and materials in Braille), access to advocates with experience with diverse groups of people and access to individualized services are imperative to assist families of these victims in obtaining safety and justice.

1. **Child witnesses, child abuse, and domestic violence**

The rate of child abuse in homes where domestic violence occurs is very high. Therefore, it is extremely important for law enforcement and the courts to look for signs of child abuse when working with domestic violence cases involving families with children. From 2001 to 2005, children under age 12 were living in

38% of households with a female IPV victim and 21% of households with a male

victim. (Catalano, S., Rand, M., Smith, E., & Snyder, H. (2009). *Female Victims of Violence.* Bureau of Justice Statistics*,*

<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2020>. Further, the children who live in these violent homes are at an increased risk of abuse or injury, either directly at the hands of the abusive parent or in the process of trying to defend the non-abusive parent from the abuser (Hall and Lynch, 1998). Numerous research studies have found that in 30 percent to 60 percent of families with children where domestic violence occurs, child abuse also occurs (Edleson, 1999). One study found that 97 percent of children referred by a parent to a program for children who had witnessed domestic violence had been directly abused themselves (Kolbo, 1996). Further, domestic violence is a known factor in reoccurring child maltreatment reports (English, Marshall, Brummel and Orne, 1999). Though the national rate of homicide is decreasing for all age groups in the United States, homicide is still the leading cause of death for young children (U.S. Department of Justice, 2000). Finally, children who witness domestic violence, even when not directly abused themselves, can suffer serious consequences. Research tells us that witnessing domestic violence can be stressful enough to children to cause post-traumatic stress disorder (Kipatrick, Litt, and Williams, 1997).

1. **Elderly Victims**

Elder abuse is the abuse, neglect or financial exploitation of a person, 60 years or older. 320 *ILCS* 20/2(e). Abuse can be physical, sexual, or mental injury, and includes financial exploitation. 320 *ILCS* 20/2(a). Neglect is the failure of a caregiver to provide older adults with or willfully withhold from them the necessities of life, including, but not limited to, food, clothing, shelter or medical care. 320 *ILCS* 20/2(g).

The abuse can also be in the form of financial exploitation, which the Illinois Department on Aging defines as including the misuse or withholding of resources of an older person by another to the disadvantage of the older person and the profit of the person withholding. According to the Illinois Department on Aging, in 2017 in Illinois there were 5,259 elder abuse victims in the state. Family members accounted for 76 percent of the abusers of these elders, including 13 percent spouses, 43 percent adult children and 20 percent other relatives. The most common form of abuse for elderly victims in Illinois was financial exploitation (32 percent), followed by emotional abuse (27 percent), passive neglect (21 percent), physical abuse (12 percent), willful deprivation (5 percent), confinement (2 percent), and sexual abuse (1 percent). Victims of elder abuse are more likely to be women (67 percent) (Illinois Department on Aging, 2017) but older men are also at risk. Like many other victims of domestic violence, elderly victims of domestic violence are often afraid to reach out for help. Many may be physically dependent upon the person who is abusing them, as is true with many domestic violence victims with disabilities. Services for elderly victims of domestic violence are harder to find since elderly victims may need caregiver assistance they may not be able to obtain at a domestic violence or homeless shelter. Elderly victims may be more mistrustful and misunderstanding of the system and unaware of laws to protect them than their younger counterparts.

Symptoms of abuse or neglect in an older person include (Hofer, 2006):

1. Injuries that are unusual or unexplained, such as bruises, cuts or burns;
2. An unkempt appearance;
3. Pressure or bed sores;
4. Confinement against their will, such as evidence of being locked into a room or tied to a bed;
5. Fear;
6. Dehydration or malnutrition without adequate medical explanation;
7. Withdrawal;
8. Depression;
9. Anxiety;
10. Visits to many doctors or hospitals;
11. Inconsistent or unlikely explanations for injuries;
12. Helplessness;
13. Hesitation to talk openly.
14. **Costs to society**

The impact domestic violence has upon society reaches far beyond the devastation of the lives of victims and children. The costs to society are immense. Domestic violence greatly impacts the health care system, criminal justice system, courts, child welfare system, mental health system and social service systems. Costs to the nation’s workforce include poor work performance, lost productivity and lost work days. According to the Center for Disease Control and Prevention National Center for Injury Prevention and Control (2003), domestic violence costs society $5.8 billion each year, $4.1 billion directly for health care and medical costs. The impact of domestic violence upon communities and society at large is significant.

**V. Pattern of Abuse**

In order to understand domestic violence, one must understand the dynamics as well as the legal implications and definitions. Domestic violence is a pattern of abusive behaviors, including physical abuse, emotional abuse, threats, intimidation, isolation and economic coercion, used by one person against another to exert power and control. This abuse takes place in the context of a dating, family or household relationship. Societal and cultural attitudes, institutions and laws are not consistent in naming this violence as wrong and, therefore, can act to maintain and support the continuance of domestic violence (Wright, 2005). Three main points to focus upon within this definition include (Schechter and Ganley, 1995):

1. The reason for the abuse is to maintain power and control;
2. Abuse is apattern of behaviors;
3. Abusive behavior happens within a relationship.

Domestic violence is intentional and functional behavior. It is not just a fight that goes out of control or an incident that happens when someone loses their temper. It is purposeful, with the intention of gaining and maintaining power and control within a relationship. The behavior is used to gain the victim’s compliance, to force the victim to submit to fulfilling the needs and/or desires of the abuser. Some of the behaviors appear abusive, such as physical abuse and name calling. Some of the behaviors may, on the surface, look like romance – constant phone calls, gifts, jealousy. But all behaviors have the same intention – to control the victim.

Domestic violence is not an individual event, but rather a series or pattern of behaviors. Together, these behaviors establish the abuser’s role as the one with power and control over the victim. An instrument was developed in 1987 by the Domestic Abuse Intervention Project in Duluth, Minnesota, as the outcome of conversations with battered women whose partners were receiving abuser intervention services. The women reported a decrease in physical violence as a result of their partner’s involvement in abuser treatment services, but reported that they still felt abused and controlled. The Power and Control Wheel defines the types of abuse described by the women in this group and has become a tool used across the world to understand the dynamics of domestic violence (Pence and Osberg, 1987;see the Appendix for a Power and Control Wheel). The following are the types of abuse referred to by the Power and Control Wheel (Wright, 2005):

1. **Types of abuse**
2. **Physical abuse**

Physical abuse is the most commonly recognized form of domestic violence. It includes hitting, kicking, shoving, pinching, strangulation, the use of weapons, sleep deprivation, withholding food or medication, restricting movement, forced use of drugs and alcohol and other forms of physical violence. Physical abuse is generally what comes to the attention of the courts.

1. **Sexual abuse**

Sexual abuse includes forced and coercive sex, forcing or intimidating the partner to engage in sexual activities they find distasteful or painful, giving the partner a sexually transmitted disease (including HIV/AIDS), using sex to “make-up” after a beating, not taking “no” for an answer, making fun of the victim’s body, needs or sexuality, refusal to use a condom and/or engage in safer sex when asked, forcing the partner to watch or engage in pornography, forcing the partner to have sex with others and other coercive and forced activities. Sexual abuse can have very serious and damaging effects upon a victim, yet it is one of the least talked about forms of violence.

1. **Emotional abuse**

Emotional abuse is a series of behaviors that forces victims to question their own thoughts, interpretation of events and value as a person. Emotional abuse includes making the victim think that they are crazy, causing the victim to not trust their own judgment, put downs and name calling, mind games, ignoring the victim, their needs and desires and making fun of the victim.

1. **Isolation**

Isolation is a very powerful tool of control that forces the victim to be dependent upon the abuser and removes from the victim sources of support, assistance and safety. Isolation includes keeping the victim from family and friends, turning family and friends against the victim, controlling who the victim sees, where they go and what they do and not allowing the victim privacy, personal space or independent activities.

1. **Minimizing, denying and blaming**

Another tactic used by abusers is to minimize and deny abuse and blame problems in the relationship on the victim. Abusers rarely accept responsibility for their actions and are adept at blaming others, particularly the victim, when anything goes wrong. They also minimize the abuse. For example, the abuser refers to a punch as a slight push, a broken arm as a little fight, a bloody nose as a scratch. Denial is common. For example, a fall down the stairs caused by a push from the abuser is called an accident. Displacing blame is a common tactic and abusers often weave tales that may make the abuse seem justified to others. Accepting responsibility for their actions is rare. They may make statements such as, “I only hit you because you …” or “If you wouldn’t do such and such this wouldn’t happen.”

1. **Using children**

A tactic that produces great fear in victims with children is the abuser’s use of the children as tools of control. Child abuse is frequent in homes where domestic violence takes place (Edleson, 1999; Kolbo, 1996). The abuser may also use the children as go-betweens, talk poorly about the victim to the children, abuse the victim in front of the children, criticize the victim’s parenting skills and/or threaten to report the victim to the Department of Child and Family Services for abuse. The abuser may use visitation to harass or abuse the victim and many seek and receive custody as a means of maintaining control over the victim (Chesler, 1986). More seriously, the abuser may threaten to or may actually abduct the children to further abuse the victim.

1. **Using privilege**

Abusers will use any type of privilege they have over the victim to control the victim. This includes the use of “male privilege” or acting like the man of the castle, treating the victim like a servant, demanding traditional sex roles and exhibiting other dominant abusive behaviors. Other examples of using privilege include using heterosexual privilege, such as outing a lesbian, gay, bisexual or transgender victim, using immigration status, such as threatening to have an immigrant victim without legal status deported and using able-bodied privilege, such as restricting a victim with a disability from access to a wheel chair.

1. **Economic abuse**

By controlling all the money, not allowing the victim to have a job, taking the victim’s paycheck, keeping the survivor’s name off property, real estate and life insurance, or spending all the money while the family’s needs go unmet, the abuser can keep very strict control over the victim. When the victim is forced to be dependent upon the abuser for any financial need, the victim’s ability to leave the abuser is very restricted because of lack of access to resources.

1. **Coercion and threats**

Abusers are often adept at the ability to maintain control through the use of coercion and threats. Once violence has been used, the threat of further violence is always there, even if unspoken. Abusers frequently use threats to coerce the victim into doing whatever it is the abuser wants. These include threats to harm or kill the victim, their children or other family members; threats made with a firearm, threats to have the victim arrested and prosecuted for domestic violence, threats to harm pets, threats to report the victim to child welfare, immigration, welfare, probation or any other agency the victim fears, threats to commit suicide and threats to destroy property, especially anything of sentimental value. Abusers frequently follow through on some of the threats, making the use of any threat more powerful and making the victim more likely to be coerced by all of the abuser’s other threats.

1. **Using intimidation**

Abusers often use intimidating looks, gestures, actions, a loud voice, firearms, abusing pets, smashing things or destroying property to intimidate their victims and force them under control.

Individually the use of some of these behaviors may or may not be an abusive act. Together however, the abuser’s use of these tools creates a pattern of abusive behavior that serves both to gain and to maintain power and control over the victim.

Finally, the abuse is taking place within an intimate relationship. The majority of domestic violence that comes to the attention of the courts involves men battering women in adult intimate relationships. However, domestic violence also happens in relationships involving lesbian, gay, bisexual and transgender partners, older adults or adults with disabilities and their caregivers, parents and children, siblings, other relatives, roommates, men battered by women and teenage dating partners.

Suggested reframe: Further, it is critical to note that domestic violence happens across demographics. Advocates should familiarize themselves with batterer tactics used against victims from marginalized populations and victim safety and survival tactics within these populations so that lethality assessments and safety planning can be as relevant and effective as possible.

The relationship between victim and abuser is particularly important because of how it influences the ways in which abuser and victim relate to the violence and how they are affected by it. While victims of domestic violence are traumatized in many of the same ways that victims of stranger violence are, this trauma does not just happen once, but is repeated over and over again. The trauma is also greatly influenced by the nature of the relationship being intimate, a relationship in which one is particularly dependent. Finally, the family, fiscal and emotional connections between the parties often act as barriers to the victim’s participation in the legal process.

1. **Intimate partner sexual assault**

~~Although~~ Studies show us that intimate partner sexual assault is not uncommon. ~~it is often overlooked and under estimated.~~ However, the myth that sexual assault cannot occur in an intimate relationship is still prevalent. Intimate partner sexual assault happens in heterosexual relationships and relationships involving people who are lesbian, gay, bisexual and transgendered. Research on intimate partner sexual assault ~~(which is extremely limited considering the believed pervasiveness of the issue)~~ tells us 9 percent of women are raped by an intimate partner in their lifetimes (Breiding, 2014) ~~that 7.7 percent of women and 0.3 percent of men have been raped by a current or former intimate partner at some time in their lifetime (Tjaden and Thoennes, 2000),~~ and 10 percent of married women have been raped by a husband (Basile, 2002). Of those women who reported being raped by their husband, 50 percent reported being raped five times or more and 33 percent reported 20 or more incidents (Russell, 1990). ~~In studies that used clinical samples of battered women, between 20 percent and 70 percent of the women reported being sexually assaulted by their partners at least once (Bergen, 2006).~~ Studies have shown that men who both batter and rape their partners are especially dangerous and are more likely to inflict serious injury or death (Bergen, 2006). ~~A national study found that 6.2 percent of women raped by an intimate partner sustained a physical injury other than the rape itself during their most recent victimization (Tjaden and Thoennes, 2000).~~ A study showed that physical symptoms were experienced by 74 percent of individual who experienced rape from an intimate partner, acquaintance or stranger (Langton and Truman, 2014).

There seem to be different types of perpetrators who commit sexual assault in intimate relationships (Russell, 2002; and Bergen, 2006). The different types of intimate partner sexual assault perpetrators fall into three categories, including:

1. Those who physically abuse and sexually assault their partners;
2. Those who do not batter otherwise in the relationship, but use only enough physical or emotional force necessary to rape;
3. Those who are sadistic and obsessive, frequently use porn and often force painful, deviant or unusual sexual acts.

The psychological impact of intimate partner sexual assault can be severe. Symptoms include (Truman 2014, Breiding 2014) (~~Russell, 2002~~):

* Feeling worried
* Feeling angry
* Feeling unsafe
* Feeling vulnerable
* Feeling distrustful
* Anxiety
* Trouble sleeping
* Feeling fearful
* Sadness
* Fatigue
* Upset stomach
* Muscle tension
* Headaches
* High blood pressure
* Trouble eating
* PTSD

1. ~~Anxiety;~~
2. ~~Depression;~~
3. ~~Lack of sleep;~~
4. ~~Eating disorders;~~
5. ~~Lack of interest in sex;~~
6. ~~Fear of men;~~
7. ~~Other social phobias;~~
8. ~~Substance abuse to self-medicate;~~
9. ~~Suicidal ideation;~~
10. ~~Post-traumatic stress disorder.~~

~~Further,~~ Victims of sexual assault by an intimate partner report greater or equal impact to that of sexual assault by an acquaintance or stranger. This~~, which~~ contradicts the myth that sexual assault by an intimate is not a serious crime with serious implications. Victims of sexual assault in intimate relationships report higher levels of anger, depression and sexual distress, feelings of betrayal, humiliation and guilt and the fear that they would be killed during the attack (Russell, 2002).

There are multiple reasons why many victims fear reporting sexual assault by an intimate partner including:

* Victims may be financially dependent upon the perpetrator and have children in common.
* They may fear further violence, even death,
* fear of losing custody of their children,
* being deported or
* being outed as lesbian, gay, bisexual or transgender.
* Many victims simply do not identify the sexual assault as a crime because they are married or in an intimate relationship where they have given consent for sex in the past.

~~The National Victimization Survey found that victims of intimate partner rape chose not to report it to law enforcement for a variety of reasons (Tjaden and Thoennes, 2000). According to the survey:~~

* + ~~21.2 percent of the female rape victims said they were afraid that their attacker would retaliate;~~
  + ~~20.3 percent said the rape was a one time or minor incident;~~
  + ~~16 percent said they were too ashamed or wanted to keep the incident private;~~
  + ~~13 percent said law enforcement could not do anything.~~

1. **Stalking**

Stalking is a behavior long utilized by abusive partners to control and terrorize their victims. Only recently has the term stalking been used. This behavior was referred to as harassment, threats, annoyance or domestic terrorism and was misunderstood for many years. California passed the first anti stalking law in 1990, and since then all 50 states have followed suit. Illinois has one of the most powerful stalking laws.

~~The National Violence Against Women Survey found that~~ The National Intimate Partner and Sexual Violence Survey found that one in 6 ~~12~~ women will be stalked in their lifetime, and 5.1 million women are stalked each year (2014). ~~accounting for 1,006,970 women stalked annually (Tjaden and Thoenes, 1998).~~ One in 19 ~~45~~ men will be stalked in their lifetime, accounting for 2.4 million ~~370,990~~ men stalked annually. (NSVIS, 2014) ~~An estimated 3.4 million people were reported victims of stalking during a 12-month period in 2005 and 2006, announced the U.S. Department of Justice’s Bureau of Justice Statistics. About half of these victims experienced at least one unwanted contact per week from the stalker and 11 percent had been stalked for five or more years.~~

Men accounted for 94 percent of stalkers of women, 60 percent of stalkers of men and 87 percent of all stalkers. ~~Of female victims of stalking, 87 percent who were stalked by a current or former partner were also physically abused by that person and 31 percent stalked by a current or former partner were sexually abused by that person.~~ ~~The majority of stalkers are current or former partners, unlike domestic violence, as smaller number of stalkers are either just acquaintances or are unknown to their victims. Finally, while all stalking does not lead to physical or sexual violence, the act is often a precursor to homicide of women~~ (National Center for Victims of Crime, 2002) ~~and is, therefore, frequently a warning sign of a particularly dangerous situation.~~ 28 percent of stalking victims identified the stalkers as a current or former intimate partner (Catalano, 2012). 7 out of 10 victims knew the offender in some capacity (Catalano 2012)

Cyber stalking is ~~a relatively new phenomenon, whereupon~~ where the stalker uses the Internet, e-mail and other electronic means to stalk a victim. It is primarily perpetrated by someone who has the desire to exert control over the victim. The majority of cyber stalking victims are women and the majority of cyber stalkers are men. Though cyber stalking opens new avenues for stalking by strangers or acquaintances, it is committed most frequently by people in intimate relationships. While seemingly less dangerous because of a lack of physical contact, cyber stalkers have access to incredible amounts of information on their victims and cyber stalking can lead to physical violence in the future (National Center for Victims of Crime, 2002).

Stalking (including cyber stalking) is different from other crimes. First, stalking is not an individualized act but a series of behaviors, causing repeated victimization. Second, stalking is often partly defined by its effect upon the victim (National Center for Victims of Crime, 2002).

**Stalking**

Like domestic violence, stalking is a crime of power and control. Unlike other crimes, stalking is not a single, easily identifiable crime, but a series of acts directed at a victim. The crime of stalking may consist of behaviors that in and of themselves may not be criminal, but making a phone call, sending a letter or showing up at certain places may be a threat to a stalking victim.

According to the Stalking Resource Center7.5 million people are stalked every year in the United States. Nearly 3 in 4 stalking victims are stalked by someone they know. 61% of female and 44% of male victims are stalked by a current or former intimate partner. 25% of female and 32% of male victims are stalked by an acquaintance. 11% of stalking victims have been stalked for 5 years or more.

Seventy-eight percent of stalkers use more than one method to stalk and 1 out of 5 stalking cases involve weapons to harm or threaten to harm their victims. Seventy-sex percent of women who were murdered by their domestic abuser were stalked by that abuser prior to their death and 54% of femicide victims reported the stalking to law enforcement prior to being killed by their stalker.

Youth, ages 18-24 experience the highest rate of stalking. College students exceed the national numbers with 27% of women and 15% of men being stalked on college campuses.

While Stalking is considered a newer phenomenon, today, all 50 states have some type of anti-stalking law. Illinois updated Stalking Law went into effect in January, 2010 and is considered to be one of the strongest laws in the nation. The goal of the law was to criminally prosecute more stalkers and to offer victims protection even if the victim had no relationship with the stalker. It’s the same victim and the same offender so patterns usually occur.

The Illinois law states that 2 or more acts are considered stalking. In Illinois, a person commits stalking when they:

1. Engage in a course of conduct directed against another person.
2. When they know or should know that their actions will cause a reasonable person to fear for their safety or the safety of a third party (such as a new partner, household member, boss etc.)
3. When they cause a victim emotional distress.

A reasonable person is a person in the victim’s situation with her knowledge of the defendant. The law was purposely written to this way to help prosecutors understand the victim’s fear and put it into context. Emotional distress means causing significant mental suffer, anxiety or alarm. Stalking includes damages to property or pet. Offenders sometimes threaten to take or hurt the family pet as a way to control their victim.

The Stalking No Contact Order was included in the Illinois law that went into effect in January, 2010. A Stalking No Contact Order is similar to an Order of Protection, but allows for protection when there is no prior relationship with the offender. Like an Order of Protection, the victim must go to court and a judge must grant the request.

**Cyberstalking**

Cyberstalking is a course of conduct using electronic communications which the person knows or should know would cause a reasonable person to fear for their safety or the safety of a 3rd person to suffer emotional distress. The internet allows easy access to personal information and has made this type of stalking even more accessible.

Two in four stalking victims report being stalked through some form of technology such as email or instant messaging. 10% of victims report being monitored with global position systems (GPS) and 8% report being monitored through video camera’s or listening devices.

**Tips for building a successful stalking case**

First and foremost, law enforcement should listen to and believe the victim. Learn the context and history from the victim. Find out why she’s afraid.

* Write a police report. Remember, two or more incidents in a course of conduct must be proven.
* Interview the offender. He may tell you exactly what he’s been doing.
* Find Witnesses. Is there a co-worker who escorts the victim to her car after work? Is there a security tape that show’s he’s waiting for her after work? Is there a neighbor who has seen the same car in front of the victim’s house? Voice mail recordings can be considered evidence as well as emails and texts.

1. **Causes of domestic violence**

Domestic violence is a learned behavior that is used to gain and maintain control (Schechter and Ganley, 1995). It is used because it works and because society is not consistent in naming this violence as wrong. The use of violent behavior within an intimate relationship is learned through the observation of violence within the home, in the media, in communities, schools, peer groups and throughout society. Abusers continue to receive the message that the abuse is acceptable because they are not held accountable by society for their actions in a consistent manner. The fact that this pattern of abusive behaviors works so well to gain power and control with little consequences only continues to reinforce the behavior.

Domestic violence is NOT caused by alcohol or drugs, mental illness, genetics, out-of-control behavior, anger, stress, the behavior of the victim or problems within the relationship (Schechter and Ganley, 1995).

Both domestic violence abusers and victims come from all ethnic, racial, economic, age, orientation, religious and social categories. They are a heterogeneous group. What they have in common is the domestic violence.

1. **Obstacles to leaving**

The most frequently asked question about domestic violence is, “Why doesn’t the victim just leave?” The truth is, many victims do leave and many others leave and return. For a victim of domestic violence, leaving is not a one-time act, it is a process (Schechter and Ganley, 1995).

There are many obstacles victims face when contemplating leaving a violent relationship. For some, these obstacles can be overcome but for others, they can not. Fear of violence is the number one reason victims give for staying in a violent relationship. Violence often escalates when a victim tries to leave, making leaving sometimes more dangerous than staying (Florida Governor's Task Force on Domestic and Sexual Violence, 1997). Some abusers will do anything to stop the victim from leaving. Victims often fear for their lives or for the lives of their children.

There are as many reasons for not leaving or for taking their time in leaving or for leaving and returning, as there are victims of domestic violence. Some of those reasons include (Wright, 2005):

1. **Fear**

Fear of increased violence or death.

1. **Children**

The abuser may threaten to take the children, kill the children or report the victim for child abuse or neglect if the victim leaves. Many follow through on these threats as a means of further control when a woman does leave (Chesler, 1986). Further, many victims, as many others in our society, feel that it is important for children to have two parents.

1. **Money**

Abusers are frequently in control of the finances in an abusive relationship. Without access to money or resources, it can be difficult or impossible to leave.

1. **No place to go**

One of the tactics abusers use to control victims is isolation. Many victims are left without family or friends to turn to for help. Domestic violence shelters exist, but most are frequently full and the duration a victim can stay can be too short for the victim to find the resources to start over. Further, going to a shelter often means leaving the community where the victim resides. This could mean the loss of a job, changing schools for the children and leaving any existing support system.

1. **Not violent all the time**

Many abusers are kind and loving at times and violent and controlling at other times. The victim may love the abuser and look forward to the good times. This is another way the abuser controls and manipulates the victim.

1. **Promises of change**

The abuser may promise to seek help and to never harm again. The abuser may make temporary changes; even seek help, just long enough to get the victim to return.

1. **Family, cultural, or religious pressure**

Pressure from family, friends and the community and cultural and religious beliefs may convince a victim that they have no choice other than to stay. Many cultures consider family the priority and consider it a duty to work as hard as one can to stay married. Victims from marginalized cultures may fear seeking help from the courts or community services for fear of discrimination, misunderstanding or simply because they do not wish to bring shame on their community. Religious leaders of all faiths have been slow to develop sensitivity and respond appropriately to domestic violence.

1. **Guilt, shame and embarrassment**

Abusers blame victims for the violence. Society blames victims for staying. Victims often internalize the blame, becoming full of guilt, shame and self-doubt. They may try harder to change their behavior so that the abuser reacts to them differently or to change the abuser. Society stigmatizes victims, whether blaming them for the abuse or believing that they are forever damaged by the abuse, causing victims to not want to admit that the abuse is happening to them.

1. **Only life they know**

The victim may be so preoccupied with daily survival that they cannot even envision any other life. They do not have the time, energy and resources to formulate an escape plan.

1. **Denial**

Denial is a survival strategy for the victim. Both the abuser and the victim may deny that the abuse is taking place and may see it only as “fighting.”

1. **Love**

The victim may still love their partner. Abusers are not abusive all of the time and may be loving and kind some of the time.

1. **Crazymaking**

One of the tactics used by abusers is to make the victim feel that they are responsible for the abuse and anything else in their lives that goes wrong. Abusers may lie, manipulate, confuse, tell the victim that their recollection of the abuse is inaccurate and do things to make the victim feel that they are crazy. The victim can become too confused to make any moves other than daily survival when dealing with the erratic behavior of an abuser.

1. **Leaving is a process**

It can take months or even years to leave an abusive relationship. It is a process that can involve many steps and many missteps may occur along the way. Patience is absolutely necessary when working with victims of domestic violence.

**VI. Characteristics of Abusers and Victims**

**A. The Domestic Violence Abuser**

Domestic violence abusers come from all age, racial, economic, educational, occupational, religious and social groups. Domestic violence abusers are more likely to be male (Catalano, 2004; Tjaden and Thoennes, 2000; and Schechter and Ganley, 1995). The majority of abusers do not have personality disorders and the personality profile of an abuser is not homogeneous. Research performed by Edward Gondolf (1988) found that 65 percent of abusers who exhibited either sporadic or chronic battering did not batter outside the family, while 35 percent of abusers battered both within and outside of the family and showed signs of sociopathic or antisocial behaviors. Numerous other researcher studies, including Gondolf (2002), have supported these findings.

Though there is no simple profile that can be used to identify an abuser and predict their behavior, a number of personality traits are commonly seen in abusers. The hallmark trait displayed by an abuser is their staunch unwillingness to accept responsibility for their behavior, particularly for their violence. Abusers minimize the violence, deny that it happened, blame the victim, lie and attempt to justify their abusive behavior (Schechter and Ganley, 1995). Many abusers are very believable, particularly if they believe themselves and believe that they were justified in their use of violence.

Common traits found in abusers include (Wright, 2005):

1. **Controlling**

Using controlling behavior is a trademark of abusers. This controlling behavior may appear nice on the surface, such as buying flowers, chivalrous behavior or other romantic demonstrations, but is actually helping to create a power imbalance in the relationship. It may involve more overtly abusive forms of control involving physical force or emotional abuse, such as making all of the decisions, not allowing the victim a life outside of the relationship or repeatedly checking up on the victim.

1. **Violence**

Abuser may use violence to reinforce their control. Examples are slapping, hair pulling, strangulation, punching. They often focus on areas of the body that are not visible such as breasts or abdomen.

1. **Jealous**

Another key characteristic of abusers is their extreme jealousy and insistence that this jealousy is a sign of their love. Abusers are often not only jealous of what they deem as potential affairs, but of family, friends, co-workers and children. They often use their jealousy to isolate the victim from others.

1. **Isolates partner**

Abusers often control who their partner sees, where they go, who they talk to, if and when they work, etc. The effect is often destroyed social supports and isolation, which force the victim to rely on the abuser.

1. **Contradictory personality**

Many abusers display the confusing behavior of being nice, charming and loving one moment and abusive the next. They may be viewed outside the relationship as warm and stable, while their behavior at home is just the opposite. Some have called this behavior a ‘Dr. Jekyll and Mr. Hyde’ personality.

1. **Claims to be the victim**

Abusers frequently claim to be the victim in the relationship. They blame their partner for the abuse and accuse their partners of being abusive, unfaithful, mean or crazy. They claim that their use of violence was in self defense. Abusers are increasingly becoming savvy about using the courts to assist them in their abuse, filing domestic abuse charges and/or applying for orders of protection.

1. **Blames others for problems, feelings and actions**

Many abusers blame others and most frequently their partner, for everything, including their problems, feelings and behaviors. They fail to take responsibility for their actions.

1. **Overly sensitive**

Abusers are frequently easily upset and angered, hypersensitive and quickly blame others for any discomfort they may feel.

1. **Unrealistic expectations**

It is common for an abuser to expect their partner to meet all their needs both emotionally and physically, which no partner can do. They may be perfectionists, expecting their partner to be perfect and sometimes expecting the same from themselves and blaming their partner when they can not meet their own expectations.

1. **Quick romantic involvement**

Romance that quickly becomes serious is common in domestic violence relationships. It may be overwhelming, wonderful and exhilarating in the beginning.

1. **Often believes in rigid gender roles**

Heterosexual male abusers frequently believe in rigid gender roles and expect to be taken care of by their female partner. They generally see women as inferior and subservient.

1. **Verbally and emotionally abusive**

Abuse may begin with verbal and emotional abuse, with the physical violence added later. Frequently, even when an abuser stops the physical violence, they continue the verbal and emotional abuse to control their partner. ~~Many victims find the verbal and emotional abuse to be more damaging that the physical abuse.~~

1. **Uses intimidating tactics**

Abusers rely on intimidating looks, gestures and actions to instill fear and maintain control.

1. **Use of *playful* force during sex**

The use of force or cruelty during sex, behind the veil of playfulness, is a confusing tactic frequently used by many abusers.

1. **Use of force in an argument**

The use of any force in an argument, such as holding on to a wrist, not allowing the victim to leave the car or house or ~~pushing~~ punching a wall, are early warning signs of an abusive relationship. Though such signs of force are abusive, they may not be interpreted as such.

1. **Promises**

Abusers often make promises that they do not keep. The most frequent: “I’ll never do it again.”

1. **Stalking**

Abusers frequently stalk their partners or ex-partners, following and watching them, tracking them through their cell phones, calling to check-up on them at all times and tracking their whereabouts online (cyber stalking).

1. **Forced sex**

Abusers may demand sex as their right or force their partner to conduct sex acts against their will.

1. **Use of others**

Abusers may threaten or harm pets, children, parents or friends to force the victim to submit to abuser’s wishes.

Abusers believe they are entitled to the use of power and control tactics and violence against their partners and/or other family members. However, they are aware that it is not acceptable to assault bosses, friends or acquaintances and therefore, they find alternative methods to solve problems while at work or with friends. They find the use of power and control tactics, including physical violence, to be an effective means of getting what they feel is their entitlement. The violence is reinforced when they achieve this goal without any negative sanctions for their behavior. Without sanctions for the use of violence, abusers will continue to use it as an effective means of maintaining control over the victim. They continue to use it because it works.

It is important for law enforcement to remember that when interacting with an abuser, this person may have a long history of abusing. They may be very manipulative and coercive or may use violence against law enforcement to maintain their control of the victim or the situation.

The belief that batterers, particularly the most dangerous ones, have personality disorders and will be noticeably different, allows dangerous people to fall through the cracks. Unfortunately, some of the most dangerous batterers may appear stable, even rational and charming, to law enforcement officers, prosecutors, judges and everyone else outside the home.

Female abusers in intimate partner relationships are generally women in relationships with other women. Women are also found to be abusers in relationships with other family members, such as elderly parents or siblings. It appears that women who abuse female partners or other family members use similar tactics as male abusers.

The number of women domestic violence abusers of male partners appears to actually be very low. As stated earlier, the majority of abusers in heterosexual relationships are male (Catalano, 2004; U.S. Department of Justice, 2000; and Schechter and Ganley, 1995). Heterosexual women constitute 5 percent to 15 percent of those arrested nationally (this number is increasing in recent years), and approximately 5 percent of referrals to partner abuse intervention programs across the United States. However, intervention programs surveyed nationally found that only about 2 percent of all the women referred to partner abuse intervention services were abusers, the remaining 98 percent of women referred were victims who fought back, retaliated or were falsely accused by their abusers (U.S Department of Justice, 1998). In other words, female abusers actually only constituted about 0.1 percent of all referrals to abusers programs nationally.

An informal study in 2001 of abuser’s services programs in Cook County found that the vast majority of women in court mandated services were not abusers, but victims. Service providers stated that they were actually providing victim services to the vast majority of women mandated to these groups. According to the professionals surveyed, it appears that the only actual abusers among all the women referred to the groups were women in relationships with other women or women abusing family members other than their partner (Wright, 2005).

Women in heterosexual relationships use violence for very different reasons than do men. A study conducted in 2001 found that women use violence in response to their partner’s violence and in reaction to their relative powerlessness, while men use violence in relationships to control their partners (Miller, 2001). This finding is backed by numerous other researchers (Dasgupta, 2001; Molidor and Tolman; 1998).

1. **Victims of Domestic Violence**

Victims of domestic violence come from all age, racial, economic, educational, occupational, religious and social groups. The only victim precipitant regularly found in the research is that the majority of victims are female (Catalano, 2004; Schechter and Ganley, 1995; Hotaling and Sugarman, 1986). Victims of domestic violence may or may not have been previously abused in childhood. There is not substantial evidence to suggest that people who are abused in childhood are more likely to become victims of domestic violence (Schechter and Ganley, 1995; Hotaling and Sugarman, 1986). Though it may be of use to a victim of domestic violence who was abused as a child to explore both experiences during her healing process, it is victim blaming to assume that a previous experience of abuse was a precipitating factor in the adult domestic violence experience (Schechter and Ganley, 1995). Personality and symptom characteristics of victims of domestic violence are the result of the experience of the domestic violence rather than precipitating factors (Catalano, 2004; Schechter and Ganley, 1995; Hotaling and Sugarman, 1986).

The history and types of trauma that an individual has experienced may be a factor in how they respond to current abuse. Additionally, tactics that a victim may have used to attempt to be safe in the past that were not successful play a role in their current response.

Victim responses to domestic violence are varied, with some victims experiencing extreme consequences and others surviving relatively unscathed. What may appear to be dysfunctional reactions to abuse are often survival strategies and normal reactions to the abnormal situation of abuse. For example, what may appear to be submissiveness, such as doing what the abuser asks, lying to protect the abuser or refusing to leave the relationship or involve the courts, may be attempts to stop the violence that are sometimes *temporarily* successful.

Effects commonly experienced by some victims of domestic violence include (Wright, 2005):

1. Physical injuries;
2. Sense of hopelessness about the situation;
3. Numbness;
4. ~~Low self-esteem;~~
5. Lack of sense of self;
6. Denial of the seriousness of the abuse;
7. Living in fear;
8. Self blame and feelings of guilt;
9. Feelings of anger;
10. Depression and/or suicidal thoughts;
11. Physical problems and illnesses related to stress or other injuries;
12. Post-traumatic stress disorder (in more severe cases of violence), which includes flashbacks, nightmares, intrusive thoughts of violence, hyper-vigilance, exaggerated startle response, difficulty sleeping and/or difficulty concentrating.

Male victims are generally in relationships with other men (Tjaden and Thoennes, 2000). It is believed that domestic violence happens as frequently in relationships involving gay, bisexual and transgender men as it does in heterosexual relationships (National Coalition of Anti-Violence Programs, 2000). A very small number of men are battered by female partners, as well (Tjaden and Theonnes, 2000; U.S. Department of Justice, 1998).

Responses to domestic violence may be different, depending upon the relationship. It seems that men battered by other men experience many of the same responses as women battered by men, but have fewer resources (Island and Letellier, 1991). Research shows that most heterosexual men who experience violence from female partners do not react to abusive tactics by women with the same levels of fear, are often not as controlled and do not generally experience the same levels of serious injury or emotional upset as women do (Molidor and Tolman, 1998; Gelles, 1996).

Older men and men with disabilities are at increased risk to experience abuse by women as well as by other men. Victims who are older or have physical or intellectual disabilities may face some challenges if they require safe shelter. Shelters often are filled to capacity with small children along with their parent who has experienced abuse. However, any agency that receives state and/or federal funding must provide services to all victims to the best of their ability. After consulting with a victim seeking safe shelter, the agency and the victim may decide off –site shelter is a better alternative. As with any victim, peer counseling and advocacy are available to the extent possible based on capacity of the agency.

Elderly men over 60 can also access services through the Illinois Department on Aging.

**VII. Additional Considerations**

1. **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 in order 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.

1. **Immigrant victims**

Immigrant victims of domestic violence face numerous barriers to reaching out to law enforcement and courts for safety from domestic violence, making abusers within these communities far less likely to be held accountable for their crimes. These barriers include a lack of knowledge about and fear of law enforcement, language barriers, fear of deportation for self or for the abuser, cultural, religious and gender barriers and economic barriers. The fear and distrust immigrant women feel towards law enforcement may also be because law enforcement in their country of origin were abusive and corrupt. These barriers serve to keep victims from accessing law enforcement that could lead to greater safety in their lives (Pendleton, 2003). With such a magnitude of barriers, when a victim does reach out to law enforcement, it is generally because the situation has become quite severe, making a culturally sensitive response crucial.

The Violence Against Women Act (VAWA), which was passed in 1994 and reauthorized in 2000 and 2005, includes a number of 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. **Victims with disabilities**

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.[[1]](#footnote-1) Options to escape the abuse were far fewer for women with disabilities leaving them essentially trapped in the cycle of violence (Young, et. All, 1997). 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.

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

1. **Victims who are lesbian, gay, bisexual or transgender**

Lesbian, gay, bisexual and transgender people experience domestic violence at similar rates as heterosexual people (Baum, 2000). However, 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. They have fewer legal options than heterosexual married couples. Further, 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.

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. Another reason cited for avoiding law enforcement and the courts is the fear of being “outed.” Lesbian, gay, bisexual and transgender 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.

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.

There are about 500,000 LGBTQ people living in communities across Illinois[[2]](#footnote-2). 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[[3]](#footnote-3). 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.

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[[4]](#footnote-4), 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[[5]](#footnote-5). 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.

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 was 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.

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.
* 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.
* Many LGBTQ believe that they will be revictimized if they try to report.
* Bisexual people often feel their sexuality is not understood or taken into account 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.

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.

1. **Teen victims**

According to a large study conducted by Harvard researchers, teen dating violence happens to one in five teen girls (Silverman, Raj, Mucci and Hathaway, 2001). Teen girls are 3.5 times more likely to experience sexual assault than are members of the general population (Bureau of Justice Statistics, 2001). Barriers to safety and the use of the courts for teens include:

1. The fact that teens rarely tell an adult that abuse is happening;
2. Inconsistencies in how courts interpret the accessibility of the IDVA, particularly orders of protection, to teen victims;
3. The failure of some professionals to take teen dating violence as seriously as adult domestic violence.
4. **Rural victims**

Women in rural areas are just as likely as women in cities and suburban areas to report being the victims of domestic violence, even though rural areas are far less likely to have other violent crime. 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. Women who own, live or work on a farm are faced with even harder decisions since their personal and business lives are often tied together (The Pennsylvania Coalition Against Domestic Violence, 2018). 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 (Johnson, 2000).

1. **Cultural and religious considerations**

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 women 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 women, 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.

1. **Homeless victims**

It is not uncommon for a victim of domestic violence to flee the abuser and find themselves and their children homeless. 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. In Chicago in 2003, 56 percent of women residing in homeless shelters had been victims of domestic violence and 22 percent of women in homeless shelters were there as a direct result of domestic violence (Center for Impact Research, 2004). 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

1. **Substance abusing victims**

Substance abusing women who are victims of domestic violence present unique challenges to the courts. Victims of violence may find themselves using substances to self-medicate for the physical and emotional pain caused by the domestic violence (Bennett, 1997). 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 (Bennett, 1997). 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.

1. **Victims involved with gangs**

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.

1. **Prostituted or trafficked victims**

There are few groups with greater barriers to safety and resources than prostituted victims of domestic violence. A survey conducted by the Chicago Coalition for the Homeless (2001) found that 86 percent of women in prostitution had experienced domestic violence, and 74 percent had been sexually assaulted. Prostituted victims do not feel that they can contact law enforcement or the courts because they fear being arrested and they fear they will not be believed. Victims who have been trafficked and are being used in the sex industry or as illegal laborers often fear contacting the courts for help because they have been smuggled into the United States illegally and fear deportation. In addition, they may not speak English, have no understanding of the courts and may be kept in prison-like conditions, making such contact impossible.

For victims of trafficking, U visas and T visas were created to give protection from deportation to immigrant victims of certain violent crimes and trafficking when they participate in investigations and prosecutions of these crimes.

1. **Conclusions regarding cultural consciousness**

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.

**IX. Definitions**

The successful implementation of the protocol requires understanding of terms that may be unfamiliar or may be subject to more than one interpretation. The following sections include definitions of terms that often apply to domestic violence listed by their *Illinois Compiled Statutes* citations.

1. **Definitions under the Illinois Domestic Violence Act (IDVA)**
2. **Abuse**

Abuse means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis. 750 ILCS60/103(1) Additionally, under the act **domestic violence** has the same definition as abuse. 750 ILCS60/103(1)

1. **Family or household members**

Includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants and caregivers. Dating relationship does not include casual acquaintanceship or ordinary fraternization between two individuals in business or social contexts. 750 ILCS 60/103(6)

1. **Harassment**

Harassment means knowing conduct which is not necessary to accomplish a purpose which is reasonable under the; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct should be presumed to cause emotional distress:

* 1. Creating a disturbance at petitioner's place of employment or school;
  2. Repeatedly telephoning petitioner's place of employment, home, or residence;
  3. Repeatedly following petitioner about in a public place or places;
  4. Repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
  5. Improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence;
  6. Threatening physical force, confinement or restraint on one or more occasions. 750 ILCS 60/103(7)

1. **Interference with personal liberty**

Interference with personal liberty means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage. 750 ILCS60/103(9)

1. **Intimidation of a dependent**

Intimidation of a dependent means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Article, regardless of whether the abused person is a family or household member. 750 ILCS60/103(10)

1. **Physical abuse**

Includes sexual abuse and any of the following:

1. Knowing or reckless use of physical force, confinement or restraint;
2. Knowing, repeated and unnecessary sleep deprivation;
3. Knowing or reckless conduct which creates an immediate risk of physical harm. 750 ILCS60/103(14)
4. **Stay away**

Stay away means the respondent must refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes and written notes) or through third parties who may or may not know about the order of protection. 750 ILCS60/103(14.5)

1. **Willful deprivation**

Willful deprivation means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device or other physical assistance and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care and treatment when such dependent person has expressed the intent to forgo such medical care or treatment. 750 ILCS60/103(15)

1. **Orders of protection – specific definitions**

Orders of protection can also protect older persons with disabilities and high-risk adults with disabilities and these and other terms have specific definitions:

1. **Older adult with disabilities** means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member. 750 ILCS60/103(4).
2. **Exploitation**means the illegal, including tortious, use of a high risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion or the use of such assets or resources in a manner contrary to law. 750 ILCS60/103(5).
3. **High-risk adult with disabilities** means a person aged 18 or over whose physical or mental disability reduces his/her ability to seek or obtain protection from abuse, neglect, or exploitation. 750 ILCS60/103(8).
4. **Neglect** means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:
5. The failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
6. The repeated, careless imposition of unreasonable confinement;
7. The failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
8. The failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities;
9. The failure to protect a high-risk adult with disabilities from health and safety hazards. 750 ILCS 60/103(11A)

Nothing in the definitions of neglect should be construed to impose a requirement that assistance be provided to a high-risk adult with disabilities over his or her objection in the absence of a court order nor to create any new affirmative duty to provide support to a high-risk adult with disabilities. 750 ILCS60/103(11B)

1. **Common domestic violence crimes**
2. **Assault**

Assault is committed when, without lawful authority, the actor engages in conduct, which places another in reasonable apprehension of receiving a battery. 720 ILCS 5/12‑1

1. **Aggravated assault**

Aggravated assault is committed whenin committing an assault, the person:

1. Uses a deadly weapon or anything substantially similar in appearance of a firearm;
2. Is hooded, robbed or masked in such manner as to conceal his identity or to conceal anything substantially similar in appearance of a firearm;
3. Knowingly assaults a teacher or school employee on school grounds, grounds adjacent to or any part of a building that is used for a school purposes;
4. Knowingly assaults a park district employee on park grounds, grounds adjacent to or a building that is used for park purposes;
5. Knowingly assaults a public aid worker on work grounds, grounds adjacent to or a building that is used for public aid purposes or while the worker is visiting or investigating another location for work related to their duties as a public aid worker;
6. Knowingly assault a peace officer, a community policing volunteer or a fireman while engaged in their official duties, to prevent the officer from performing their official duties or in retaliation for the officer performing their official duty;
7. Knowingly assaults any emergency medical worker while they are working or to prevent them from working;
8. Knowingly assaults any transportation worker or passenger;
9. Assaults anyone on a public way, public property or public place of accommodation or amusement;
10. The individual assaulted is in a private or publicly owned sports or entertainment arena and the assault occurred within the 24-hour period in which the professional, collegiate or Olympic sporting event occurred;
11. Knowingly assaults any government worker while they are working;
12. Knowingly and without legal justification commits an assault on a person with a physical disability;
13. Knowingly and without legal justification commits an assault on a person 60 years of age or older;
14. Discharges a firearm;
15. Knowingly assaults a correctional officer while they are working or to prevent them from working or in retaliation for working;
16. Knowingly assaults someone supervising sexually dangerous persons or sexually violent persons while they are working or to prevent them from working or in retaliation for working;
17. Knowingly assaults a law enforcement employee while they are working;
18. Knowingly assaults a sports official or coach at an athletic facility while they are working or near a facility where they were working. “Sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee."Coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest;
19. Knowingly assaults an emergency management worker, while they are working or to prevent them from working or in retaliation for working;
20. A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gun sight or other laser device that is attached or affixed to a firearm or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person. *ILCS* 5/12-2 (*et. seq.*).

**3. Battery**

Battery is committed when the actor intentionally or knowingly without

legal justification and by any means, causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual. 720 ILCS 5/12-3

1. **Battery of an unborn child** is committed when a person intentionally or knowingly and without legal justification and by any means cause bodily harm to an unborn child. 720 ILCS 5/12-3/1
2. An unborn child in this section is defined as any individual of the human species from fertilization until birth;
3. The definition of person does not include the pregnant woman of the unborn child who is harmed;
4. This act does not apply to any acts that cause bodily harm if the acts were committed during any abortion as defined at 720 ILCS510/2(4).
5. **Domestic battery**

Domestic battery is committed when a person intentionally or knowingly and without legal justification by any means commits one of the following acts:

1. Causes bodily harm to any family or household member, defined at 725 ILCS5/112A3(3);
2. Makes physical contact of an insulting or provoking nature with any family or household member, defined at 725 ILCS5/112A3(3) 720 ILCS 5/12‑3.2 (*et. seq.)*

**c. Aggravated domestic battery**

Aggravated domestic battery is committed when a person who, in committing a domestic battery, intentionally or knowingly causes great bodily harm, permanent disability, or disfigurement. 720 ILCS 5/12‑3.3

**4. Interfering with the reporting of domestic violence**

Interfering with the reporting of domestic violence is committed when a person, after having committed an act of domestic violence, prevents or attempts to prevent the victim of or a witness to the act of domestic violence from calling a 9‑1‑1 emergency telephone system, obtaining medical assistance or making a report to any law enforcement official. 720 ILCS 5/12‑6.3(a)

1. **Stalking**
2. Stalkingis committed when person, knowingly and without lawful justification, on at least two separate occasions follows another person or places the person under surveillance or any combination thereof:
3. At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint, and the threat is directed toward that person or a family member of that person;
4. Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint;
5. Places that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement or restraint. **7**20 ILCS 5/12‑7.3a(1-3).

**b.** A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion commits all of the following:

1. Follows that same person or places that same person under surveillance;
2. Transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint;
3. The threat is directed towards that person or a family member of that person. 720 ILCS 5/12-7 3(a-5)(1-3)

**c.** For the purpose of this section, the following definitions are applied to the terms in the section:

1. A defendant places a person under surveillance by remaining present outside the person's school, place of employment, vehicle, other place occupied by the person or residence other than the residence of the defendant. 720 ILCS 5/12‑7.3(d);
2. “Follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.720 ILCS 5/12‑7.3(e);
3. “Transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct. 720 ILCS 5/12‑7.3(g)
4. **Aggravated stalking**

Aggravated stalking is committed when a person in conjunction with

committing the offense of stalking, also does any of the following:

1. Causes bodily harm to the victim;
2. Confines or restrains the victim;
3. Violates a temporary restraining order, an order of protection or an injunction prohibiting the behavior described at 750 *ILCS* 60/214(b)(1) and 720 ILCS 5/12‑7.4(a)(1-3)
4. **Cyber stalking**
5. Cyber stalkingis committed when a person, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and commits one of the following acts:
6. At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person;
7. Places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint

720 ILCS 5/12‑7.5(a)(1-2)

1. For the purpose of this section, the following definitions are applied to the terms in the section:
2. “Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments or terrorizes that person. 720 ILCS 5/12‑7.5(b);
3. "Electronic communication" means any transfer of signs, signals, writings, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo‑optical system. Electronic communication includes transmissions by a computer through the Internet to another computer. 720 ILCS 5/12‑7.5(b)
4. **Sexual Assault**
5. **Sexual conduct** means:
6. Any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused;
7. The touching of any body part of a child under 13 years of age or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused. 720 ILCS5/12-12(e).
8. **Sexual penetration** means:
9. Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person;
10. Any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another including but not limited to cunnilingus, fellatio or anal penetration;
11. Evidence of emission of semen is not necessary.

720 ILCS5/12-12(f)

1. **Criminal sexual assault** is committed when a person commits any of the following acts:
2. Commits an act of sexual penetration by the use of force or threat of force;
3. Commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent;
4. Commits an act of sexual penetration with a victim who was under 18 years of age and the accused was a family member.
5. Commits an act of sexual penetration with a victim who was 13 - 18 years old and the accused was 17 years old or over and held a position of trust, authority or supervision in relation to the victim.

720 ILCS5/12-13(a)(1-4)

1. **Aggravated criminal sexual assault**

Aggravated criminal sexual assault is committed when the accused commits criminal sexual assault plus one of the following aggravating circumstances existed:

1. The accused displayed, threatened, or used a dangerous weapon, other than a firearm, or another object the victim reasonably believed to be a dangerous weapon;
2. The accused caused the victim great bodily harm;
3. The accused acted in a manner such as threatened the life of the victim or any other person;
4. The criminal sexual abuse was perpetrated during the course or attempted course of any other felony;
5. The victim was 60 years of age or over;
6. The victim had a physical or mental disability;
7. The accused delivered to the victim in any matter and without his/her consent or by threat or deception, any controlled substance except for a medical purpose exception;
8. The accused was armed with a firearm;
9. The accused discharged a firearm;
10. The accused during the commission of the crime discharged a weapon that proximately caused great bodily harm, permanent disability or disfigurement or death of another person. 720 ILCS 5/12-14(a)(1-10);
11. The accused was 17 years or older and the victim was 13 or younger. 720 ILCS 5/12-14(b)
12. **Predatory criminal sexual assault of child** is committed if:
13. The accused is the age of 17 or over and commits an act of sexual penetration with a victim who was under the age of 13 at the time the act is committed;
14. The accused is the age of 17 or over armed with a firearm and commits an act of sexual penetration with a victim who is under the age of 13 at the time the act is committed;
15. The accused is the age of 17 or commits an act of sexual penetration with a victim who is under the age of 13 at the time the act is committed and during the commission of the offense personally discharged a firearm;
16. The accused is the age of 17 or over and commits an act of sexual penetration with a victim who is under the age of 13 at the time the act is committed causing great bodily harm to the victim;
17. The harm resulted in permanent disability;
18. The harm was life threatening;
19. The accused is the age of 17 or over and commits an act of sexual penetration with a victim who is under the age of 13 at the time the act is committed and the accused delivered by any means and without the victim’s consent, a controlled substance not for medical purpose. 720 ILCS5/12-14.1(a)(1-3).
20. **Criminal sexual abuse**

Criminal sexual abuse is when a person commits any one of the following acts:

1. Sexual conduct by the use of force or threat of force;
2. The accused knew victim was unable to understand the nature of the act or was unable to give knowing consent and committed an act of sexual conduct;
3. If the accused is under the age of 17, the victim is 9 to 17 years old and the accused commits an act of sexual penetration or sexual conduct;
4. If the victim is 13 to 17 years old and the accused is less than five years older than the victim and commits an act of sexual penetration or sexual abuse. 720 ILCS 5/12-15.
5. **Aggravated criminal sexual abuse**

Aggravated criminal sexual abuse is committed when the accused commits criminal sexual abuse, as defined above, plus one of the following aggravating circumstances existed during the commission of the crime:

1. The accused displayed, threatened or used a dangerous weapon or another object the victim reasonably believed to be a dangerous weapon;
2. The accused caused the victim great bodily harm;
3. The victim was 60 years of age or over;
4. The victim was physically handicapped;
5. The accused acted threatened the life of the victim or any other person;
6. The criminal sexual abuse was perpetrated during the course of any other felony or the attempted commission of a felony;
7. The accused delivered, by any means, to the victim without his/her consent or by threat or deception, any controlled substance;
8. The victim was under 18 years old and the accused is a family member;
9. The accused was over 17 years old and the victim was under 13;
10. The victim was 13 to 17 years old and the accused used force or threat of force;
11. The accused was under the age of 17 and the victim was under the age of 9 at the time the act was committed;
12. The accused was under the age of 17 and the victim was at least 9 years old but under the age of 17 when the act was committed and the accused used force or the threat of force to commit the act;
13. The victim was 13 to 17 years old and the accused was less than five years older than the victim and commits an act of sexual penetration or sexual abuse;
14. The victim was severely or profoundly mentally retarded person at the time the act was committed;
15. The victim was 13 to 18 years old and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim. 720 ILCS5-12-16(a-f).

1. J. Schaller and J.L. Fieberg, “Issues of abuse for women with disabilities and implications for rehabilitation counseling,” Journal of Applied Rehabilitation Counseling 29 no. 2 (1998): 9-17. [↑](#footnote-ref-1)
2. <http://www.gallup.com/poll/160517/lgbt-percentage-highest-lowest-north-dakota.aspx> [↑](#footnote-ref-2)
3. Walters, M.L., Chen J., & Breiding, M.J. (2013). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. [↑](#footnote-ref-3)
4. Cis gender refers to a person whose sense of personal identity and gender corresponds with their sex assigned at birth. [↑](#footnote-ref-4)
5. Underlying the concept of minority stress are assumptions that stressors are unique (not experienced by nonstigmatized populations), chronic (related to social and cultural structures) and socially based (social processes, institutions and structures) (Meyer, 2003). [↑](#footnote-ref-5)