

# **LGBTQ+ Communities and Whatcom County's Lethality Assessment Protocol Response**

Bellingham-Whatcom County Commission Against Domestic Violence

September 2017

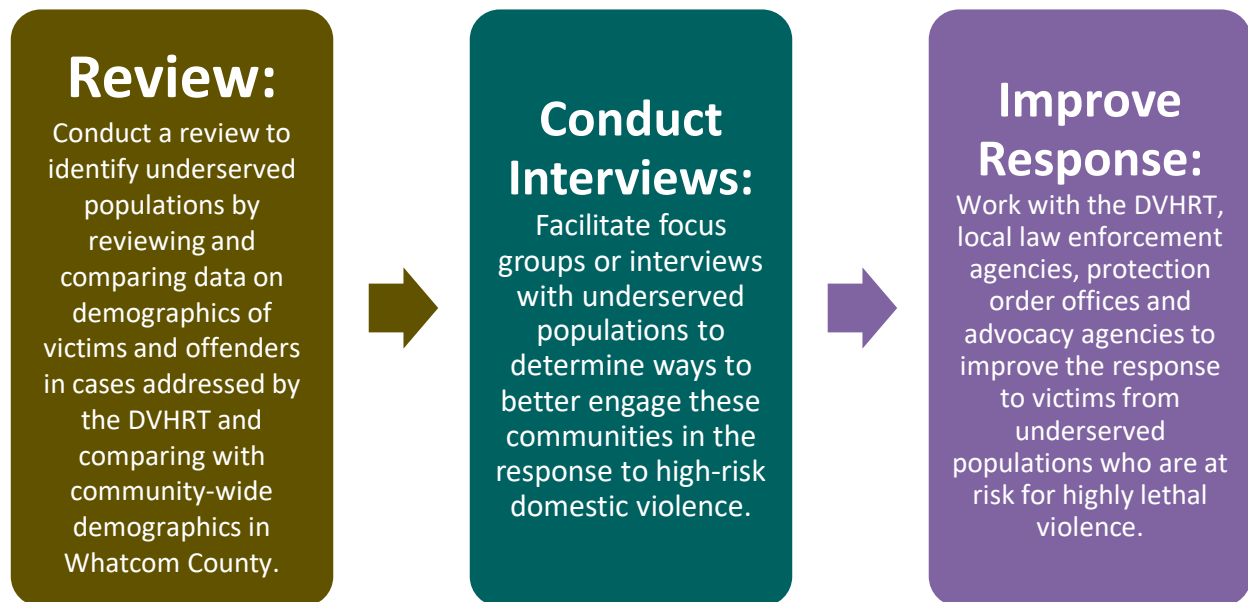
## **Background**

In 2013, the Commission Against Domestic Violence implemented the Lethality Assessment Protocol (LAP) and Domestic Violence High Risk Team (DVHRT) to improve identification of and response to high lethality domestic violence. Key partners included: Domestic Violence and Sexual Assault Services (DVSAS) and local criminal justice agencies.

The LAP is based on the research of Jackie Campbell, which showed that women killed by their intimate partners had very seldom been engaged by advocates. The LAP protocol directs members of law enforcement responding on-scene to a domestic call to conduct an 11-item lethality screen with the victim. When the protocol indicates that the victim is at high risk of lethality, the officer makes immediate contact with DVSAS. The victim is then encouraged, but not required, to speak with the domestic violence advocate. The responding officer and the domestic violence advocate work as partners to provide the victim with safety planning and resource information.

The DVHRT is a multidisciplinary model designed to enhance our community's response to intimate partner violence cases that pose the greatest risk of escalating to lethal or near-lethal assault. The purpose of the DVHRT is to facilitate early identification of the most dangerous DV offenders through research-based risk assessment; establish clear channels of communication across all disciplines involved in responding to domestic violence; and provide coordinated, multi-disciplinary responses to highly lethal domestic violence cases.

As part of the project, the DV Commission reviews LAP and DVHRT data to identify underserved populations. Using this data and targeted focus groups, the DV Commission sought to develop recommendations to improve community response to high risk domestic violence victims from underserved populations.



## Review Findings

In 2016:

- The Domestic Violence High Risk Team monitored 38 high risk domestic violence offenders. **None of these offenders were identified as being in same-gender relationships.**
- Whatcom County law enforcement agencies conducted the Lethality Assessment Protocol with **456 victims** of domestic violence. Of these victims, 52% screened in as being at a high risk for lethality.
- Out of the 456 victims who completed a LAP screening, **three victims were identified as being in same-gender relationships. All three of these victims screened in as being at a high risk for lethality.**
- One victim was put in contact with a domestic violence advocacy counselor at the scene and the other two victims were not.

Based on this review, the DV Commission determined that LGBTQ+ Communities were underserved in the High Risk Domestic Violence project. We can assess from this data that LGBT communities may not be adequately identified or served by the Lethality Assessment Protocol and Domestic Violence High Risk Team in Whatcom County.

## Local and National Data on Domestic Violence in LGBTQ+ Communities

### Gallup Poll<sup>1</sup>, 2016:

4.1%

Percentage of U.S. adults who identify as lesbian, gay, bisexual or transgender, according to a 2016 Gallup poll.

7.3%

Percentage of U.S. young adults born between 1980 and 1998 who identify as LGBT, according to a 2016 Gallup poll.

0.6%

Percentage of domestic violence victims who completed the LAP and were identified as being in same-gender relationships in Whatcom County in 2016.

### DV High Risk Team, 2016:

38

Total number of high-risk DV offenders monitored by the DV High Risk Team (DVHRT) in 2016



0

Total number of high-risk DV offenders monitored by DVHRT who were identified as being in same-gender relationships.

### Lethality Assessment Program, 2016:

456

victims were screened using the LAP in 2016



3

of these victims were identified as being in same-gender relationships



All 3

of these victims screened in as being at high risk for lethality



1

of these victims was put in contact with a DV advocate

Gallup. "In US, More Adults Identifying as LGBT." January 11, 2017. Available at <http://www.gallup.com/poll/201731/lgbt-identification-rises.aspx>

## Prevalence of Domestic Violence in Lesbian, Gay and Bisexual Communities

Recent research shows that LGBTQ people experience similar, if not higher, rates of intimate partner domestic violence (IPV) compared to their cisgender or heterosexual counterparts. The 2010 National Intimate Partner Violence and Sexual Violence Survey (NISVS) found that 44% of lesbian women, 61% of bisexual women, 26% of gay men, and 37% of bisexual men experience IPV at some point in their lives.<sup>2</sup> Additional research found that LGBTQ youth are more likely to experience all forms of relationship violence compared to heterosexual or cisgender youth.<sup>3</sup>



<sup>2</sup> Walters, M.L., and M.J. Breiding. “The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. National Center for Injury Prevention and Control.” Centers for Disease Control and Prevention. (2013).

<sup>3</sup> Dank, Meredith, Pamela Lachman, Janine M. Zweig, and Jennifer Yahner. “Dating Violence Experiences of Lesbian, Gay, Bisexual, and Transgender Youth.” J Youth Adolescence Journal of Youth and Adolescence 43 (2013): 846-57.

## **LGBTQ Domestic Violence Victims and the Criminal Justice System**

According to the Northwest Network,

*“Both historically and currently, legal system responses in the United States have been a site of discrimination, mistreatment and violence for LGBTQ individuals and communities. For generations, LGBTQ people’s lives were explicitly criminalized by ‘sodomy’ and ‘crimes against nature’ laws prohibiting lesbian, gay and bisexual sexual expression and gender transgression. Based on these experiences, many LGBTQ survivors of violence experience apprehension, mistrust or even fear of interacting with law enforcement or the court system. Some may fear that police will treat them badly or arrest them simply for being LGBTQ. They may be ready to leave an abusive relationship and want help, but not want their abusive partner to be arrested or incarcerated and mistreated based on their sexual orientation or gender expression. Other LGBTQ survivors may not know that they can obtain civil legal remedies without involving the police, and those who do know may not trust the civil court judges to treat them well, offer them protection, or appropriately recognize their relationship.”<sup>4</sup>*

According to the Battered Women’s Justice Project,

*“Misconceptions and biases cause law enforcement and courts to make mistakes about LGBTQ survivors. The nuances of LGBTQ intimate partner violence can be complex, and responders may not be able to identify who is the survivor and who is the abuser in a relationship. When law enforcement respond to LGBTQ intimate partner violence calls, they are much more likely to arrest the survivor or make a dual arrest.<sup>5</sup> These experiences can be used against LGBTQ survivors when they try to obtain orders of protection. Additionally, biases that intimate partner violence is less severe or serious between two people of the same sex, or involving transgender partners, cause LGBTQ people to be denied orders of protection.”<sup>6</sup>*

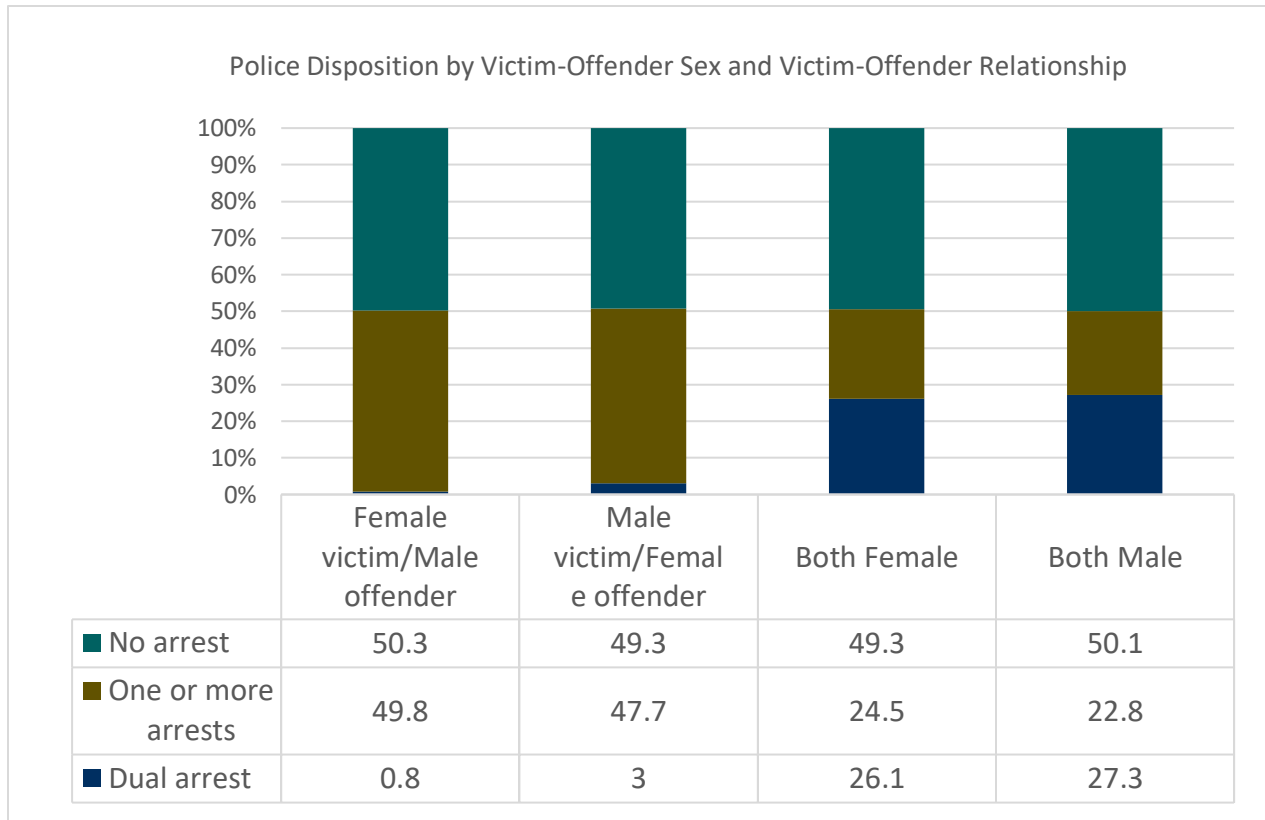
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<sup>4</sup> Lynn, Morgan, Kristin Tucker and Connie Burke. “Proceed! LGBTQ Domestic Violence Legal Toolkit for Advocates.” The Northwest Network. (2013). Available at <https://nwnetwork.squarespace.com/s/NWN-LegalToolkit-2013.pdf>

<sup>5</sup> Department of Justice. “Explaining the Prevalence, Context and Consequences of Dual Arrest in Intimate Partner Cases: Final Report.” (2007). Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/218355.pdf>

<sup>6</sup> Jindasurat, Chai. “Access Denied: LGBTQ Survivors of Intimate Partner Violence and Orders of Protection.” Battered Women’s Justice Project. March 31, 2017.

The prevalence of dual-arrests in same-sex domestic violence incidents is seen in David Hirschel’s research below.<sup>7</sup>



<sup>7</sup> Hirschel, David. “Domestic Violence Cases: What Research Shows About Arrest and Dual Arrest Rates.” (2008). Available at <http://nij.gov/publications/dv-dual-arrest-222679/dv-dual-arrest.pdf/>

## Interview Themes and Survivor Quotes

*Based on eight interviews with local LGBTQ-identified survivors of domestic violence, conducted in the summer of 2017.*

### **THEME 1: Fear of being not being believed or taken seriously**

*“It never really occurred to me to call the police about the abuse. I don’t know if anything she did would actually qualify as domestic violence in the legal sense. It was mostly manipulation and threats and emotional abuse, but there were a few times that she slapped me.”*

*“**I think I would be embarrassed to talk to someone about it [for help] and worried that I wouldn’t be taken seriously.** I grew up in Eastern Washington in a really homophobic family. I know the Bellingham police are probably more progressive, but back home, being a lesbian isn’t something that you talk about.”*

*“I think here is a misconception that abuse doesn’t happen in lesbian relationships because women aren’t seen as being aggressive or violent. Even when she would blow up at me, and was screaming at me and throwing things at me, **I had kind of an internal dialogue going that it wasn’t that bad, or wasn’t really abuse, or that I just wouldn’t be taken seriously as a ‘real victim’ if I told anyone.**”*

*“I think it’s easy to minimize the situation you’re in and blame yourself, but being a lesbian adds another level of fear. **I was afraid of not being believed, or being seen as attention-seeking or dramatic or something.**”*

*“I was really surprised by how well the police responded to the situation with [my ex-girlfriend]. **I really didn’t think that they would take me seriously, but they did take it very seriously and were very protective.** I felt very safe and supported [...] but I wish she didn’t need to go to jail for me to be safe.”*

### **THEME 2: Fear of relationship and gender identity being misunderstood**

*“I did go to DVSA once, but the counselor wasn’t very helpful. She was young and **misgendered me and even though she was nice, you could tell that she wasn’t super knowledgeable about queer issues.** [...] I just got the feeling that they didn’t really ‘get it’ or understand what being genderqueer meant.”*

*"I never really felt like I needed to call the police. [...] I think if it had gotten worse, I would have been nervous about the police not really getting the situation, like, I don't know how well-versed they are in queer relationships... And my legal name is not the name I use and I don't know if I would want to deal with all that. I just get really nervous about people's judgement and lack of understanding about being genderqueer."*

*"[I want law enforcement and advocates to] know about queer, genderqueer and trans issues, to be comfortable with responding to situations where genderqueer or trans people are involved, to be respectful of pronouns and preferred names, and to not assume that whoever is bigger is the abusive one."*

*"It's stressful being a queer and genderqueer person and trying to get help. You never know if someone is going to be supportive or if they are going to think you're a freak, if they are trans-friendly or anti-trans. I am nervous whenever I interact with new places because of that. I think it could help people feel more welcome if social services places were more upfront and outspoken about their support for queer people, rather than us having to take the risk."*

*"I never talked to many people about it at the time. It's a vulnerable issue to talk about for anyone, I think. My family were so upset when my ex-husband and I divorced and I started seeing her. They were unsupportive from the start [...] so it was pretty vulnerable to talk about it not going well."*

*"It's hard talking to someone about really sensitive issues who is not from your community, who doesn't speak the same [social/cultural] "language" as you. I think having more outspoken queer people as police and advocates really builds trust with the community, or even just people who look a little more 'alternative.'"*

*"Someone who looks more "queer" is really important, someone really chill, just go to coffee to talk, pay for the coffee, listen. More people who are representative of the queer community. That would have been amazing for me. A lovely, wonderful police officer who looks like me. More piercings, spikey hair. Real, authentic human."*

### **THEME 3: Need for law enforcement and providers to be skilled in identifying the predominant aggressor**

*"I'm bigger than my ex-girlfriend was, so I'd be worried that they would just look at me and think I must have done it."*



*“Law enforcement really needs to be good at seeing who is the one abusing the other one. [...] Sometimes mistakes can be made and that, and that makes things even worse.”*

*“[I was “pimped” and addicted to drugs], I thought I’d be arrested for prostitution or whatever if I ever told anyone. It’s not easy to get out. **Maybe they would have seen me as a victim, but maybe they would have seen me as a criminal.**”*

*“**She also told me that I was abusive and that she was going to see someone at DVSA.** That was really hard because I knew I probably contributed to some of the problems in our relationship, but I really don’t think I was abusing her. **After that, I didn’t think that going to DVSA would be an option for me.**”*

*“[If I tried to get help] I would be scared of her blaming me and then me ending up being the one arrested.”*

*“[Law enforcement should] be able to understand who the real victim is. **What would they do if I told them that she was abusing me, and she told them that I was abusing her?** Hopefully they are trained on being sensitive with people dealing with this.”*

*“Advocates should also be able to figure out who is the real victim. **What if my ex-wife would have gone to DVSA for help and then I tried to go? I’m guessing that they wouldn’t be able to help both of us. How to they determine who needs help?** I was always scared to call them because I was worried they would recognize my name and automatically think I was abusive.”*

*“**Law enforcement needs to have a great deal of skill and training in picking out who the victim is and who the abuser is, or if it’s mutual violence.** Abusers can be manipulative and put the blame on the victims and police need to be able to see through that.”*

#### **THEME 4: Isolation and ostracization from LGBTQ+ community due to reporting**

*“I think social capital and social power dynamics played a role. **[I was worried that] If I say that this person is abusing me, the queer community isn’t going to accept me.** Bellingham is such a small community that I think that’s pretty common. She was pretty well-known and liked and I felt like the whole queer community would side with her.”*

*“I was so scared I barely left my house for two years. She hacked my accounts and harassed me online and posted disparaging comments about me in a bunch of local groups. I felt like she was trying to turn our whole community against me.”*

*“If you are queer you might have no family to support you, and **if you break away from your partner who is a big part of your queer community you are alone.** Who is going to take you in? It’s literally trying to rebuild your entire life.”*

## Recommendations for Improving Responses for LGBTQ+ Survivors of Domestic Violence

### Recommendations

- Familiarize ourselves with [LGBTQ terminology](#)
- Complete LGBTQ [organizational self-assessments](#)
- Bring a training on LGBTQ and domestic violence to staff
- Display signs or symbols that signify that our offices/buildings are welcoming to LGBTQ communities, such as rainbow posters or stickers
- Law Enforcement: Note that identifying the predominant aggressor is particularly crucial in LGBTQ relationships.
- Prosecution: Consider viewing Aequitas webinar: [Expanding Our Reach: Prosecuting Intimate Partner Violence Against Victims Who Identify As LGBTQ+](#)
- Consider researching best practices for serving LGBTQ communities in your field and sharing with staff (law enforcement, advocacy, CPS, etc.) for example, [Best Practices on Policing LGBTQ+ Communities](#)
- Contact the [DV Commission](#) for additional support and training

### Local Resources for Training

- Page, Queer Youth Project Coordinator at Northwest Youth Services, [page@nwys.org](mailto:page@nwys.org),
- Whatcom PFLAG Speakers Bureau, <http://www.whatcompflag.org/speaker-s-bureau.html>
- Domestic Violence and Sexual Assault Services, <http://www.dvsas.org>

### Regional and National Resources for Training and Research

- Northwest Network of Bi, Trans, Lesbian, and Gay Survivors of Abuse, based in Seattle. <https://www.nwnetwork.org/>
- The Lesbian, Gay, Bisexual, Transgender, and Queer Intimate Partner Violence Institute. <http://lgbtqipv.org/>
- FORGE, national transgender anti-violence organization that provides training and technical assistance to providers around the country who work with transgender survivors of sexual assault, domestic and dating violence, and stalking. <https://forge-forward.org/>