Responding to SEXUAL VIOLENCE in LGBTQ+ COMMUNITIES

LAW ENFORCEMENT STRATEGIES AND CONSIDERATIONS

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VOCABULARY AND LANGUAGE[1]

In order to establish trust and rapport with individuals who identify as LGBTQ+[2], and to speak accurately about crimes committed against them, it is critical to use accurate terminology and language. Below are definitions of some commonly used terms. Law enforcement officers are encouraged to become familiar with these as well as other specific terminology that might be used in the communities and cultures within their jurisdictions, but they must remember to never make assumptions and to always reflect back and respect the terms an individual uses about themselves. Additionally, readers are cautioned against memorizing definitions alone in an effort to improve agency relations with LGBTQ+ communities.

Biphobia: Prejudice, fear, or hatred directed toward bisexual people.

Bisexual: A person who is emotionally, romantically, physically, spiritually, or sexually attracted to more than one sex, gender, or gender identity though not necessarily simultaneously, in the same way, or to the same degree.

Cisgender: A term used to describe a person whose gender identity aligns with those typically associated with the sex they were assigned at birth.

Coming out: The process in which a person first acknowledges, accepts and appreciates his or her sexual orientation or gender identity and begins to share this information with others.

Gay: A person who is emotionally, physically, spiritually, or sexually attracted to members of the same gender.

Gender: A societal construct, defined by expectations of the ways men and women should behave, including but not limited to the way individuals dress, talk, or act.

Gender Expression: External manifestations and appearance of gender identity; frequently expressed through one's name, behavior, pronouns, clothing, hair, behavior, voice, or body characteristics, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity: One's innermost concept of self as male, female, a blend of both or neither; how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from the sex assigned at birth.

Gender-Nonconforming: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category. Related terms include genderqueer, nonbinary, androgynous, and gender-variant.

Homophobia: The fear and hatred of or discomfort with people who are attracted to members of the same sex.

Lesbian: A woman who is emotionally, physically, spiritually and/or sexually attracted to women.

Misgendering: The accidental or deliberate use of a name or gender pronouns that do not reflect the gender with which an individual identifies.

Outing: Exposing someone's lesbian, gay, bisexual or transgender identity to others without their permission. Outing someone can have serious repercussions on employment, economic stability, personal safety, or religious or family situations.

Queer: A term often used interchangeably with lesbian, gay, bisexual, and transgender individuals.

Sex: A biological term referring to the genitalia and reproductive anatomy a person has at birth.

Sexual Orientation: A term describing a person's inherent or immutable emotional, romantic, or sexual attraction to other people.

Transgender: An umbrella term for people whose gender identity or expression is different from cultural expectations associated with their assigned sex at birth. "Trans" is shorthand for "transgender." Transgender is an adjective, not a noun; thus, "transgender people" is appropriate but "transgenders" is disrespectful. Being transgender does not imply any specific sexual orientation; therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Transgender Man: A term for a transgender individual who currently lives as a man.

Transgender Woman: A term for a transgender individual who currently lives as a woman.

Transphobia: The fear and hatred of, or discomfort with, transgender people.

Two-Spirit: A contemporary term that refers to Native American lesbian, gay, bisexual, and transgender individuals. This term has been reclaimed by some in Native American LGBT communities in order to honor their heritage and provide an alternative to the Western labels of gay, lesbian, bisexual, or transgender.

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1 These definitions have been replicated or adapted from definitions presented by: the National Sexual Violence Resource Center and Pennsylvania Coalition Against Rape, Talking about Gender & Sexuality: Sexual Violence & Individuals Who Identify as LGBTQ, 2012, http://www.nsvrc.org/publications/nsvrc-publications-guides/talking-about-gender-sexuality; Office on Violence Against Women, "Sexual Assault," https://www.justice.gov/ovw/sexual-assault; Office for Victims of Crime, "Responding to Transgender Victims of Sexual Assault," https://www.ovc.gov/pubs/forge/about_why.html; The Human Rights Campaign, "Glossary of Terms," http://www.hrc.org/resources/glossary-of-terms; Federal Bureau of Investigation, "Rape Addendum," in Crime in the United States, 2013, https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/rape-addendum/rape_addendum_final.

2 The "+" sign represents other gender identities and sexual orientations not included explicitly in the term "LGBTQ".

INTRODUCTION

Sexual violence perpetrated against individuals who identify as lesbian, gay, bisexual, transgender, questioning, and queer (LGBTQ+) warrants the full attention of law enforcement agencies. It is imperative that law enforcement agencies strive to build strong relationships with leaders and members of LGBTQ+ communities and implement effective strategies departmentwide through agency mission, policy, training, and personnel to proactively address and prevent sexual violence in LGBTQ+ communities. The following strategies and considerations are based upon current or emerging promising practices to address sexual violence in LGBTQ+ communities. The content presented was developed in collaboration with national subject matter experts from within and outside of the criminal justice profession.

There are many identities under the LGBTQ+ umbrella and no consensus among different communities about definitions of certain terms. The provided glossary attempts to define commonly used terms by and about LGBTQ+ communities. While language is ever-changing, the working definitions of these terms and the inclusivity of this document reflect current thinking by several anti-sexual assault and pro-LGBTQ+ organizations.

The goal of this resource is to strengthen law enforcement's understanding of and response to sexual violence in LGBTQ+ communities and should be used in tandem with the IACP Sexual Assault Response and Investigation Policy and Training Content and Investigative Guidelines, and the IACP Sexual Assault Incident Reports: Investigative Strategies.[3] The considerations presented will aid in overall agency strategies to promote an understanding of the complexities of sexual violence in LGBTQ+ communities and encourage the proactive implementation of agency policy and prevention efforts.

BACKGROUND

Many lesbian, gay, bisexual, transgender, and queer or questioning community members have historically faced a range of negative experiences with law enforcement, from lack of understanding to discrimination, hostility, or violence which have influenced the levels of trust within LGBTQ+ communities. It has been less than 50 years since the 1969 uprising against a police raid of a gay bar, the Stonewall Inn, in New York City. While most U.S. laws mandating discrimination against lesbian, gay, bisexual, and transgender people have been changed or repealed, and many law enforcement agencies have made strides establishing, building, and sustaining partnerships with LGBTQ+ communities, some agencies still struggle to be seen as a trustworthy, safe, and protective resource for LGBTQ+ individuals seeking assistance, particularly those LGBTQ+ individuals who face additional discrimination based on class, race, HIV status, religion, disability, age, or immigration status.

These strategies and considerations are not intended for use when the victim is a minor.

"As with all law enforcement strategies, building and maintaining healthy relationships with LGBTQ+ communities before a need for service is critical to success."

Lianne Tuomey
Chief, Burlington, Vermont
University of Vermont Police

Because sexual assault is one of the least commonly reported crimes[4] and underserved communities[5] are among the most at risk,[6] effectively handling sexual violence in LGBTQ+ communities is a particularly critical requirement for law enforcement agencies as they aim to reduce violent crime in their jurisdictions, and encourage victims to report crimes and participate in the criminal justice system. Furthermore, when an incident of sexual misconduct or violence involving an agency member is reported, it is imperative that a complete investigation is carried out. Agency members are responsible for establishing and maintaining a healthy culture within their departments. This requires consistently looking to identify and prevent even the subtlest forms of misconduct. The foundational information presented in this document is of particular importance to building trust and relationships with LGBTQ+ communities through agency mission, procedures, policy, and training.[7]

3 These documents can be found on the IACP's Police Response to Violence Against Women webpage, http://www.iacp.org/Police-Response-to-Violence-Against-Women.

4 Lynn Langton, Marcus Berzofsky, Christopher Krebs, and Hope Smiley-McDonald, Victimizations Not Reported to the Police, 2006-2010, report from the National Crime Victimization Survey, August 2012, https://www.bjs.gov/content/pub/pdf/vnrp0610.pdf.

5 The term "underserved populations" means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, race, and ethnicity, special needs (such as language barriers, disabilities, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate. See 42 U.S.C. § 13925(a)(39).

6 Office for Victims of Crime, "Responding to Transgender Victims of Sexual Assault," https://www.ovc.gov/pubs/forge/about_why.html.

7 International Association of Chiefs of Police, *Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide*, http://www.theiacp.org/portals/0/pdfs/addressingsexualoffensesandmisconductbylawenforcementexecutiveguide.pdf.

PUBLIC RELATIONS

Improving police response to sexual assault in LGBTQ+ communities requires effective communication with and visibility within those communities. Therefore, agencies **should consider** the following:

- Public information officers should be knowledgeable about the correct terminology and language to use when providing media information on a sexual assault case that involves an individual who identifies as LGBTQ+; details should not be any more elaborated or minimized compared to other cases. Adapt and adopt effective, existing media guidance on how to speak publicly about LGBTQ+ victims of crime.
- Agencies should work with LGBTQ+ subject matter experts and community partners to develop public statements to ensure accuracy and effectiveness.
- Points of contact with local LGBTQ+ nonprofits, government task forces, rape crisis centers, and other related community partners should be identified and relationships developed prior to an emergency situation. Ride alongs or "sit alongs" where staff from community partners can learn more about an agency and vice versa can be an excellent tool for building relationships.
- The use of social media can be helpful in fostering dialogue: "follow" or have the agency page "like" LGBTQ+ community partner organizations and post messages of support such as during gay pride month (typically June, but check with local partners).
- Attendance at LGBTQ+ community gatherings can improve relations— ensure designated LGBTQ+ liaison officers or unit members are visible at these events.
- Maintain a written list of support and intervention programs for LGBTQ+ survivors of sexual assault, as well as referrals for sex offender treatment and batterer intervention groups specializing in offenders who identify as LGBTQ+.

SEXUAL VIOLENCE AND LGBTQ+ COMMUNITIES

According to the Centers for Disease Control and Prevention:[8]

- 13.1 percent of lesbians have been raped in their lifetime, and 46.4 percent of lesbians are victims of sexual violence other than rape (coercion, unwanted contact, or unwanted non-contact sexual experiences).
- 46.1 percent of bisexual women have been raped in their lifetime, and 74.9 percent of bisexual women are victims of sexual violence other than rape.
- Bisexual women have a statistically significantly higher rate of both completed, forced penetration and all forms of sexual violence other than rape compared to both for heterosexual women.
- 40.2 percent of gay men and 47.4 percent of bisexual men are victims of sexual violence other than rape.
- Gay and bisexual men have a statistically significantly higher rate of sexual violence compared to heterosexual men.

Furthermore, transgender people (who may be lesbian, bisexual, gay, or heterosexual) experience much higher rates of general violent victimization than most other populations. Nearly half (47 percent) of the respondents of the 2015 U.S. Transgender Survey reported having been sexually assaulted at some point in their lifetimes.[9] Of the survey respondents who interacted with law enforcement the year prior to the survey, four percent reported having been sexually assaulted by the officer or forced to engage in sexual activity to avoid arrest.

"Transgender women, especially transgender women of color, face increasingly high rates of violence. The intersection of transphobia, racism, and sexism creates a toxic combination of violence which is often fatal."

Michael Crumrine
Sergeant, Austin, Texas Police Department

It is important to note that it is possible for heterosexual, cisgender people to be the victims of hate crime sexual assaults targeting LGBTQ+ people because of their perceived sexual orientation or gender identity, regardless of whether they actually identify as part of an LGBTQ+ community.

While hate crimes[10] make up a significant proportion of sexual violence against LGBTQ+ people, particularly those in the transgender community, the majority of sexual assaults mirror similar, yet somewhat distinct, patterns seen with cisgender and heterosexual victimizations. Most victims know their offender, whether it is a friend, intimate partner, colleague, or acquaintance, and there is often established trust between the victim and offender, which speaks to the fact that most assaults and rapes happen behind closed doors without witnesses to the actual incident.

8 Mikel L. Walters, Jieru Chen, and Matthew J. Breiding, *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, January 2013), 10–12, https://www.cdc.gov/ViolencePrevention/pdf/NISVS_SOfindings.pdf.

9 Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey* (Washington, DC: National Center for Transgender Equality, December 2016), 3, http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf

10 U.S. Department of Justice, "Hate Crime Laws," https://www.justice.gov/crt/hate-crime-laws.

REPORTING SEXUAL VIOLENCE; CHALLENGES

Survivors of sexual assault often cite fear of reprisal, the belief that police cannot or will not help, prior mistreatment by law enforcement, or that the victimization was not important enough to come forward as reasons they do not report the crime to law enforcement.[11] While any of the below reasons can influence the decision made by a victim who identifies as LGBTQ+ to make a report or participate in the criminal justice system, there may also be additional obstacles to overcome.

Fear of being outed

If an individual who identifies as LGBTQ+ was assaulted within the context of a same-sex intimate relationship, or while at an LGBTQ+ social event or venue, he or she might fear having his or her sexual orientation or gender identity becoming public record as part of a law enforcement investigation or court proceeding. Additionally, people living with HIV might fear inadvertent or improper disclosure of their HIV status, which can result in a denial of employment, additional victimization and violence, or other consequences.

Not seeing the law enforcement agency as reflective of their community

Some sexual assault survivors who identify as LGBTQ+ might simply not see their local law enforcement agency as representing themselves if the agency has not engaged in outreach with LGBTQ+ communities or implemented policies, training, or hiring practices aimed to be inclusive of LGBTQ+ individuals.

"It is critical for law enforcement officers to understand why individuals who identify as LGBTQ+ often do not report victimization. The fear of being "outed", combined with tenuous confidence in how officers will react to their sexual orientation or gender identity, may impact the decision to reach out. Educating all agency members on enhanced community engagement is crucial to gain the confidence of these victims."

Jim Ritter
Officer, LGBTQ Liaison, Seattle, Washington Police Department

Body image and discomfort

Some transgender individuals have negative feelings about their bodies and can be uncomfortable participating in an interview or examination that would require them to describe their anatomy and how they were victimized.

Fear of discrimination or mistreatment

Some LGBTQ+ individuals might fear being treated unfairly by law enforcement, the courts, medical facilities, or advocacy agencies. Many transgender survivors report being misgendered by officials, being blamed for their assaults because of their identities or appearance, or being arrested instead of the people who assaulted them. Additionally, some individuals who identify as LGBTQ+ might fear mistreatment, discrimination, or sexual misconduct by law enforcement or medical practitioners.

Fear of outing their offender

If an individual who identifies as LGBTQ+ was assaulted within the context of a same-sex intimate relationship, or while at an LGBTQ+ social event or venue, he or she might worry about their offender's sexual orientation or gender identity becoming public for a number of reasons, such as concern that this would increase the potential for retaliation, including "outing" of the victim, that it would affect the offender's employment, or because they fear the offender would be treated particularly negatively by law enforcement or in a corrections facility.

Fear based on other factors

Undocumented immigrants who identify as LGBTQ+ might fear deportation if they interact with law enforcement, or they might originate from a country where laws criminalize consensual same-sex sexual relations—or both. LGBTQ+ individuals who are targeted because of their actual or perceived involvement in sex work might also fear being blamed for the victimization or charged if they report the crime that occurred. There is also an erroneous belief that lesbians and transgender men cannot be raped by a woman.

Fear of prosecution

Laws that criminalize people living with HIV for nondisclosure, exposure, and transmission disproportionally impact women, particularly women of color including sex workers and transgender women. These individuals might fear that reporting the assault will put them at risk of criminal charges, as well as being exposed to additional violence, harassment, and threats.[12]

Potential in-group consequences

The estimated percentage of people identifying as LGBTQ+ in the United States is approximately 3.5 percent.[13] Therefore, LGBTQ+ communities, even in large cities, are usually relatively small. There might be fear around "airing the dirty laundry" that sexual assault happens within these minority communities, and there might also be the fear of being socially ostracized for making a report against a fellow community member.

11 Langton et al., *Victimizations Not Reported to the Police.*

12 See HIV-Specific Criminal Laws at https://www.cdc.gov/hiv/policies/law/states/exposure.html

13 Gary J. Gates, *How Many People Are Lesbian, Gay, Bisexual, and Transgender?* (Los Angeles, CA: The Williams Institute, 2011), https://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf.

ADDITIONAL CHALLENGES

There are few specialized victim services for crime victims and sexual assault survivors who identify as LGBTQ+. Abuse shelters are rarely multi-gender facilities; often anyone not identifying as a woman is placed in a hotel, where they may be more isolated than survivors in the shelter itself where services are located. Transgender women who are sheltered may fear being ostracized or mistrusted by cisgender women in the facility. Many sexual and domestic violence agencies are staffed entirely by cisgender women, and, even when they are well-versed in working with cisgender male and transgender clients, the services are often interpreted as insensitive to these populations because of the lack of staff diversity.

Additional barriers creating real or perceived exclusion for LGBTQ+ sexual assault survivors include the names of laws, policies, and programs, such as "the Violence Against Women Act," which, even if open to all victims, might be perceived as inaccessible, and state criminal laws that have not yet caught up with expanded federal rape definitions which classify forced anal and oral penetration as rape. Furthermore, many medical sexual assault forensic examination (SAFE) providers have little or no training in working with the LGBTQ+ population and can be inexperienced at providing exams for cis- and transgender men and transgender women, or might even lack the appropriate paperwork to do so.

Finally, there are general social stigmas that LGBTQ+ survivors of sexual assault might fear or even internalize themselves. Stereotypes about men and masculinity make it difficult for men of any sexual orientation to come forward to disclose having been assaulted, and stereotypes about women and femininity make it difficult for people to believe a woman could be a sexual offender. Stereotypes about transgender women being sex workers and increased victim-blaming of anyone engaged in sex work might also impede thorough investigations.

POLICIES AND PROCEDURES

Agencies are encouraged to review and update all policies and procedures that might affect interactions with individuals who identify as LGBTQ+. This can include profiling, stops, search and seizure, use of force, transportation, arrest processing, agency member sexual misconduct, report writing and documentation, policing prostitution-related offenses, access to medical treatment and medications while in custody, use of restrooms while in custody, confidentiality, responding to intimate partner violence and sexual assault, and responding to hate crimes. Policies that pertain to LGBTQ+ communities should be informed and reviewed by community organizations and stakeholders who work directly with and provide services to the LGBTQ+ population. A routine process for receiving feedback on policies and their ongoing implementation should be developed and implemented.

"People who identify as LGBTQ+ are often targeted because of their actual or perceived vulnerabilities. Agency members should have the tools to best serve and protect all individuals in their community."

Brett Parson
Lieutenant, Washington, D.C., Metropolitan Police Department

Numerous law enforcement agencies in the United States receive grant funding from the U.S. Department of Justice, Office on Violence Against Women. The Violence Against Women Act explicitly bars discrimination based on actual or perceived gender identity or sexual orientation. All grantees should fully comply with the LGBTQ nondiscrimination provisions and make all services, including access to orders of protection, supportive services, and shelters, available to all survivors of intimate partner and sexual violence. Non-grantee agencies should be aware of these provisions to better advocate for and support LGBTQ+ communities.

Even if already required by state law, an internal agency non-discrimination policy should include sexual orientation and gender identity and expression. Information about zero tolerance policies should be posted around the law enforcement station and facilities. Agencies should take allegations of harassment and stalking seriously—and document all incidents even if they do not reach probable cause standards. Agencies should also consider policies on transporting and housing people based on safety and gender identity.

Agencies should consider:

» Including standards for using the gender pronouns requested by the individual (individuals may wish to use her/she, his/he/him, they/them/their or other pronouns; all members should honor this request).

» Requiring that personal searches be conducted only when appropriate, by officers of the gender expressed by the individual being searched— when reasonably feasible— unless they request to be searched by an officer of a different gender, and that physical searches never be conducted for the purpose of assigning gender based on anatomical features.

Agencies should consider prohibiting:

» Asking questions of any witness, suspect, or victim about their anatomy or sexual behavior in order to assign them a gender, or questions about anatomy and surgical procedures unless it is germane to the case and necessary to establish the elements of the crime that occurred.

» Using language that is demeaning to another person, in particular, language aimed at a person's actual or perceived gender identity or expression or sexual orientation.

» Using gender expression or presentation to be used as reasonable suspicion or prima facie evidence that an individual is or has engaged in sex work or any other crime.

Agencies should consider the use and support of "victim neutral affidavits". Some state laws prevent the identification of a sexual assault victim in public documents; however, most do not. Adopting a victim neutral affidavit policy would prevent LGBTQ+ victims from being immediately "outed" in a public document.

Information regarding privacy, confidentiality, and safety concerns should be included in policy and articulated to all individuals during interactions when using body-worn cameras and other recording devices. These concerns may increase for individuals who identify as LGBTQ+ and there might be hesitation by LGBTQ+ individuals to report crimes or call the police due to fear of sexual orientation, gender identity, HIV status, or other personal information being "outed" in recordings that become public or are accessed by others.

SEXUAL ASSAULT POLICIES AND PROCEDURES

Agencies' policies should instruct responding officers and communications and dispatch personnel to inquire how all callers, victims, witnesses, and suspects would like to be addressed and referred to in reports and what pronouns they use for themselves, regardless of what is listed on legal identification documents. This will help establish initial rapport with LGBTQ+ communities.

Moreover, agencies should ensure that responding officers are aware that the presence of needles on a scene may be indicative of multiple scenarios, not exclusively related to illegal drug possession, use, or paraphernalia. While needles might be an indicator of the use or presence of illicit substances, they might also indicate use of prescribed hormone treatment or other medications. Officers should exercise caution not only to secure themselves from injury due to the presence of needles, but also to avoid making assumptions about their presence or possession by parties involved in a report.

For crime reporting forms, agencies should allow for diversity of responses for sex or gender identity. In addition, agencies should determine if gender or sex markers can be changed after they are entered into the records management and dispatch systems.

Agencies should consider:

- Options for anonymous reporting, third-party reporting, information only reporting, and other victim-focused alternative reporting programs.
- Adding questions regarding whether the victim believes any aspect of their identity (race, gender, sexual orientation, gender identity, immigration status, disability, etc.) played a role in the offense committed against them to crime report forms for demographic or crime analysis tracking—but only if the data will be used in this way—and communicate the reasons these questions are asked to the victim.
- Assigning a tracking number and document in writing any report of sexual assault or harassment, even if the incident does not meet the legal elements of a crime.
- Not labeling a report "false" as a result of an initial victim interview or a victim's reluctance to participate or recantation. No case should be labeled false until a comprehensive and thorough investigation is completed.
- The additional obstacles and barriers faced by LGBTQ+ individuals when reporting sexual assault crimes. Offer a supervisor or a trained advocate to victims for support and for unresolved questions about participating in an investigation or prosecution.
- That survivors who identify as LGBTQ+ might be even more hesitant than cisgender and heterosexual survivors to describe exactly what happened to them, and might not initially be forthcoming until trust is established that they will be treated fairly and respectfully.
- Prohibiting all forms of on-duty sexual contact and include language inclusive of LGBTQ+ communities in agency directives regarding officer sexual misconduct.[14]

For suspect interviews, officers should provide the same inclusive statements and avoid deliberate misgendering. If an agency has a holding facility or lock-up, ensure compliance with the Prison Rape Elimination Act (PREA) standards regarding screening, security classification, and housing of transgender detainees.[15]

If sexual assault is suspected to be a hate crime, fully investigate all prior bad acts, crimes, and other facts of evidence, and document social media postings, etc., that might indicate a suspect's bias against LGBTQ+ communities.

14 For more information on developing and implementing policies addressing officer sexual misconduct, see Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide, http://www.theiacp.org/portals/0/pdfs/addressingsexualoffensesandmisconductbylawenforcementexecutiveguide.pdf

15 See Frequently Asked Questions for LGBTI inmates, residents, detainees, and staff at https://www.prearesourcecenter.org/frequently-asked-questions.

INTERVIEWING LGBTQ+ VICTIMS OF SEXUAL VIOLENCE

When interviewing LGBTQ+ victims of sexual violence, officers should explain the investigation process, keeping in mind that individuals who identify as LGBTQ+ might have a distrust or fear of law enforcement and might need reassurance that their cases will be treated fairly.

Officers should consider the following during the interview:

- Address privacy concerns with the victim about "outing;" be clear about what may or may not be public record including written documentation as well as any audio and visual recordings.
- Acknowledge that transgender individuals may use different terms for parts of their anatomy. For example, some transgender men might say "front hole" instead of vagina. Describe the need to clarify what anatomical part they are referring to but also allow them to use the language with which they are comfortable or to draw diagrams if they are more comfortable doing so.
- That, due to societal stigma and gender norms, it might be particularly difficult for men, including transgender men, to describe their experience of sexual assault.
- Document all information provided by the victim, no matter what the circumstance of the sexual assault. Note that victims who might be judged as unreliable witnesses may have been targeted by the suspect for this exact reason.
- Keep in mind the co-occurring nature of interpersonal crimes: look for evidence of additional crimes of intimate partner violence, stalking, strangulation, false imprisonment, human trafficking, abduction, administering an illegal substance, witness tampering, etc.
- Explain the medical significance of obtaining a sexual assault forensic examination (SAFE), as well as disease prevention, prophylaxis, and treatment, and notify victims of locations where they are available. If the victim is male or transgender and certain SAFE facilities have more expertise in working with those victims, offer that information to the victim so he or she can make an informed decision about where to go.[16]

Officers should also provide written referrals to local service agencies for sexual assault and intimate partner violence for LGBTQ+ individuals—these service agencies are often not the same. Agencies should offer a victim advocate or support person—or allow the victim to contact their own support person—to accompany the individual through the interview, if available. Agencies can pre-identify victim advocates with expertise in working with LGBTQ+ communities.

PERSONNEL

Many law enforcement officers are members of LGBTQ+ communities, and some are more open about their sexual orientation or gender identity than others. Departments should avoid assuming that an "out" LGBTQ+ agency member is automatically an expert on LGBTQ+ community resources, and should not require LGBTQ+ personnel to focus on cases involving the LGBTQ+ community. However, when they are interested and willing, LGBTQ+ officers can be excellent liaisons to the community.

Hiring practices should include specific recruitment outreach to improve diversity of the agency and make it more representative of the population. Consider, when possible, asking a leader of a local LGBTQ+ community center to review agency applications or interview questions or both or to sit on a hiring panel. Effective engagement with the LGBTQ+ community should also be considered as part of personnel evaluations.

"Whether or not the agency has a specified LGBTQ+ unit or personnel, all members, including civilian and sworn, should be trained to treat LGBTQ+ sexual assault victims with dignity and respect."

Steve Bellshaw
Deputy Chief, Salem, Oregon Police Department

Some law enforcement agencies in metropolitan areas have instituted specialized LGBTQ+ Liaison Units. This practice is encouraged as it can help build trust within the community and increase victims' comfort with reporting crime as victims learn who the officers are in the unit from the outreach they conduct. However, most departments in the U.S. are not large enough to have a specialized unit. These departments may seek an agency member or members who have particular interest in this topic to obtain advanced training and become designated reviewers of or consultants to sexual assault cases involving LGBTQ+ communities.

16 For more information on SAFE examinations and transgender victims, see U.S. Department of Justice, Office on Violence Against Women, A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents Second Edition (2013). https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf

COMMUNITY FEEDBACK

Agencies should consider implementing a system of capturing feedback from the public regarding agency member response, whether through surveys, online forums and web-based platforms, or other innovative procedures.

- Hosting focus groups can help to obtain feedback on agency response to LGBTQ+ community members, both generally and specific to sexual assault.
- Using feedback surveys can also provide valuable information; if one is already routinely used with crime victims, ensure the questions include LGBTQ+ inclusive language.

TRAINING AND SUPERVISION

In order for law enforcement agencies to ensure they are effectively responding to and investigating sexual violence in LGBTQ+ communities, ongoing training and supervision of all ranks, as well as civilian personnel, is necessary.

- Cultural diversity training regarding LGBTQ+ communities should occur in the academy and onward through regular in-service sessions. Sexual assault and intimate partner violence components of trainings should always include LGBTQ+ examples to ensure the understanding that these communities are affected by sexual assault. The increased rate of sexual violence against bisexual and transgender people, addressing HIV-related stigma, and the need to foster respectful dialogue should also be covered.
- Agencies should make efforts to co-train with subject matter experts from the community, particularly those who are self-identified LGBTQ+ individuals.
- When focusing on LGBTQ+ sexual assault, case examples should be provided, with identifiers redacted, so members can learn from past successes and mistakes in handling victimization in LGBTQ+ communities.
- Training curricula pertaining to LGBTQ+ individuals should be reviewed for possible revisions at least every other year to keep up with current data, definitions, and thinking in the field. Also, any policies or procedures that are updated should be inclusive of LGBTQ+ communities and should have corresponding training associated with them. Review and update should be done in coordination with community partners and subject matter experts.
- Training content should explicitly address sexual violence and misconduct by law enforcement agency members and the prohibitions on conducting searches for the sole purpose of assigning gender based on anatomy.

Both frontline supervisors and higher level command staff have significant responsibilities in ensuring effective frontline response to sexual assault in LGBTQ+ communities. Department leaders and supervisors have large influence over the agency's culture and should consider conducting an agency climate study or assessment to determine, for example, whether homophobic, biphobic, and transphobic jokes or slurs are informally tolerated amongst the rank and file, whether LGBTQ+ law enforcement officers feel comfortable working there and being "out," and whether there is general understanding of LGBTQ+ identities. They should be clear with members that even if they are in a small community, LGBTQ+ individuals are in it— and the agency has a responsibility to serve everyone respectfully and inclusively.

Leaders and supervisors should also consider whether to initiate an LGBTQ+ liaison officer or liaison unit program. They must determine what role the member or unit will serve in the community generally and how sexual violence will be specifically addressed. They can also collaborate with emergency (911) call centers to ensure their training, policies, and practices are consistent with those of the agency.

Frontline supervisors and those supervisors of specified units or investigators play a very important role in ensuring patrol officers and detectives are responding appropriately to sexual assault victims who identify as LGBTQ+. All sexual and intimate partner violence reports should be reviewed generally, but the reports involving LGBTQ+ victims should be reviewed by designated supervisors. Cases involving same-sex intimate partner assault should be reviewed to determine whether dual arrests are being made more often than in heterosexual assault, or whether arrests in general are being made more or less often. Predominant aggressor determination should be done routinely and carefully, and responding officers should be held accountable if they violate established procedures when responding to intimate partner and sexual violence calls involving LGBTQ+ individuals.

Furthermore, frontline supervisors are in an excellent position to model the type of inclusive, diversity-embracing culture for which their command aims. They can shut down inappropriate jokes, use appropriate names and pronouns for agency members who are transitioning, and make sure that everyone they oversee fully understands any policies or procedures pertaining to LGBTQ+ communities. They are in a crucial role to disallow practices for which the agency has zero tolerance—and, in helping to set this culture of inclusion internally, the agency will be much more likely to be seen externally as being a safe place for LGBTQ+ sexual assault victims to come forward.

IACP RESOURCES

This document should not be considered comprehensive guidance on sexual assault investigations, but it is guidance on improving response to sexual assault in LGBTQ+ communities. For general sexual assault policy and investigative information, please refer to the following:

Police Response to Violence Against Women
http://www.theiacp.org/Police-Response-to-Violence-Against-Women

- *Bringing Sexual Assault Offenders to Justice training video*
- *Sexual Assault Response Policy and Training Content Guidelines*
- *Sexual Assault Incident Reports: Investigative Strategies*
- *Sexual Assault Response Supplemental Report Form*
- *Sexual Assault Response and Investigation Pocket Tip Card*
- *Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide*
- *Deliberations from the IACP National Forum on Body-Worn Cameras and Violence Against Women*
- *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation training video and guidelines*

AGENCY ASSESSMENT QUESTIONNAIRE

The Agency Assessment Questionnaire tool was created to assist agency leaders examine their operations with respect to policy, training, personnel, and additional efforts specifically regarding LGBTQ+ communities. The Assessment is meant to raise thoughts and help gather the most accurate picture of agency practice in order to develop a strategic plan to strengthen understanding of and response to sexual violence in LGBTQ+ communities.

1. How are **values** regarding LGBTQ+ individuals evaluated and implemented in your agency?
   - » How do leaders in your agency model inclusive behavior toward staff, sworn and civilian, who identify as LGBTQ+?
   - » Are behaviors and actions of all agency personnel inclusive and supportive of LGBTQ+ individuals?
   - » Does your agency use language inclusive of LGBTQ+ communities in its messaging to employees and the community?
   - » How has your agency engaged interested employees who identify as LGBTQ+ and community partners to influence or contribute to policy and program development for your agency or community?
   - » What information is presented on your agency website specific to LGBTQ+ communities?
   - » What resources does your agency have to support members of LGBTQ+ communities?
   - » Does your agency have policies in place that protect the rights of sworn and civilian employees who identify as LGBTQ+?
2. What **data** does your agency collect regarding sexual violence?
   - » What statistical data regarding the LGBTQ+ communities in your jurisdiction are collected?
   - » What percentage of sexual assaults reported by persons in LGBTQ+ communities are closed and coded as "unfounded"? What percentage are coded as "false"?
   - » What percentage of crimes against LGBTQ+ persons are identified as hate crimes?
3. Does your agency have an assigned **liaison** or **unit** to work with LGBTQ+ communities?
   - » What required skills and understanding do these individuals or units need to possess to adequately support and respond to LGBTQ+ communities?
   - » How does your agency engage in outreach to LGBTQ+ communities or participate in sponsored LGBTQ+ events?
   - » What LGBTQ+ community surveys, or similar, have been conducted to gather information about perceptions of the agency and agency members?
4. What **training** does your agency provide to members regarding responding to and investigating sexual violence in LGBTQ+ communities?
   - » What does the training cover (building relationships, language, addressing HIV-related stigma, effective response, interviewing, and documentation, etc.)?
   - » What experiences from LGBTQ+ communities in your jurisdiction are integrated and acknowledged in the training content (case studies, lessons learned, success stories, etc.)?
   - » What statistical data from LGBTQ+ communities in your jurisdiction are integrated and acknowledged in the training content?
   - » What information is presented in the training regarding hate crimes (what they are and what they are not)?
   - » What information is presented in the training regarding gender bias and its impact on the response to sexual and intimate partner violence?
5. What **reporting options** are available in your agency for reporting sexual violence?
   - » Does your agency accept anonymous reports of sexual violence? Third party reports? Information only? Other reporting options?
6. What **policies** are in place to hold agency members who respond inappropriately or ineffectively to sexual or intimate partner violence in LGBTQ+ communities accountable?
   - » How often do agency supervisors conduct reviews of initial reports of sexual violence?
   - » What is the supervisory review process of recorded victim and suspect interviews?
7. What **partnerships or collaborative** efforts does your department have in place?
   - » What partnerships or collaborative efforts does your department have in place with community or national organizations that represent LGBTQ+ communities?
   - » What partnerships or collaborative efforts does your department have in place with community or national organizations that address sexual and intimate partner violence?
   - » What specific LGBTQ+ terminology is used in the jurisdiction in which your agency operates?
   - » Does your agency actively participate in a Sexual Assault Response Team (SART) or similar? Does this group include individuals who represent LGBTQ+ communities?
   - » How does your agency receive feedback about how your agency is responding to and interacting with members of LGBTQ+ communities?

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