

Confronting Transgender Intimate Partner Violence (T-IPV)

Alexander Goode, Webster University – Saint Louis

Transgender intimate partner violence (T-IPV) is an under-researched social problem. Due to a distrust of the police, transgender people are reluctant to seek law enforcement help when dealing with T-IPV and lack formal support for leaving abusive relationships. This paper defines T-IPV, outlines the unique form of IPV that transgender people face, considers the current policies that inadequately address T-IPV, and proposes a violence intervention program that does not immediately rely on police.

Intimate partner violence (IPV) is a serious problem in the United States. IPV includes sexual violence, stalking, physical violence, and psychological aggression. It also includes forms of verbal abuse and financial abuse. The National Intimate Partner and Sexual Violence Survey (NISVS) describes an intimate partner as “spouses, boyfriends, girlfriends, people with whom they dated, were seeing or ‘hooked up’” (Smith et al., 2018, p. 7). The NISVS found that in the United States, one in three women experience intimate partner violence of some form in their lifetime. For men in the United States, the number was also roughly one in three (Smith, 2018). Notably missing from this study, however, are the experiences of transgender and nonbinary people.

Transgender individuals have been ignored or intentionally discriminated against in the existing scholarship and policy related to IPV. This lack of research harms the transgender community because it prevents important information from being disseminated to social service agencies and legal systems. Limited research on transgender intimate partner violence (T-IPV) has found that in the United States, 54% of transgender people have experienced IPV in some form, and 24% have experienced “severe physical violence” at the hands of an intimate partner (James et al., 2016). Tamar Goldenberg et al. (2018) found that nonbinary individuals were more likely to experience intimate partner violence than transgender men and women. Additionally, when an individual is undocumented, has a disability, been incarcerated, was or is involved in sex work, or is HIV-positive *and* transgender, they are at even higher risk of experiencing IPV (Turell, 2000). Adam M. Messinger (2020) theorizes this is because an individual

belonging to multiple at-risk identities may be “more likely to fear the consequences of seeking help for victimization...to perceive sources of help to be less readily accessible...and to view leaving abusers as an untenable loss of emotional and financial support” (p. 115). To change this and make it easier for T-IPV survivors to leave an abusive relationship, new policies must be implemented to address the specific needs of the transgender community.

While transgender intimate partner violence (T-IPV) is an under-researched social problem, we know that transgender people are reluctant to seek law enforcement help when dealing with T-IPV and lack formal support systems for leaving abusive relationships. Because of this reality, a better understanding of T-IPV and how it uniquely affects trans individuals is necessary for the establishment of better support systems. In this paper, I first explain T-IPV by discussing the issue of identity abuse – a unique form of IPV that transgender people face. Second, I consider several theories that help explain the persistence of T-IPV, including honor-based violence theory, disempowerment theory, and minority stress theory. Third, I outline challenges within the current U.S. legal system for survivors of T-IPV. These include issues related to mandatory arrest policies, no-drop prosecution, and a distrust of the legal system by members of the trans community. Finally, since current policies inadequately address T-IPV, I propose a violence intervention program that does not immediately rely on police involvement.

Identity Abuse

Transgender people experience IPV victimization in many of the same ways that cisgender people do. However, one unique form of abuse that transgender people may face is identity abuse. Identity abuse is a form of abuse that leverages heterosexism and cissexism to harm survivors (Woulfe & Goodman, 2018). Within identity abuse, perpetrators may use retroverting and maneuvering. Retroverting entails the abuser repeatedly referencing back toward a victim’s previous identity or forcing survivors to be like their previous self (pre-transition or coming out), while maneuvering entails abusers framing the desired gender identity as unobtainable (Koontz, 2020). In both situations, abusers may take steps to make victims’ physical transition or expression of gender identity nearly impossible. They may ridicule or belittle transgender identities, dictate how gender is expressed, deny access to gender-affirming care, and threaten to “out” someone (Leslie et al., 2022). Victims may also be told that they are not a “real” woman or man by an abusive partner (James et al., 2016) or held to standards of masculinity and femininity that are impossible to achieve (Koontz, 2020). Abusers may also destroy “props” associated with gender transition. These props could be a chest binder, gender-affirming clothing, makeup, or prosthetics. Amanda Koontz (2020) writes that abusers control these props (both

providing them and taking them away) to maintain power in the relationship, to keep victims reliant on the abuser, and to maintain control over how others view the victim (in terms of gender recognition). Abusers may also threaten to “out” victims to friends, family, and employers (Guadalupe-Diaz & Jasinski, 2017). The threatening of one’s identity is a unique form of abuse that transgender victims may deal with – and which social service agencies and current legal systems do not know how to handle.

Theories of T-IPV

One theory that may explain the issue of T-IPV is the honor-based violence theory. This theory argues that cisgender people who are transphobic or accept transphobic beliefs and stereotypes may be more likely to perpetuate IPV towards a transgender partner to “disassociate” themselves from the stigma surrounding being transgender (Messinger, 2021). This works to protect the abuser’s societal privilege as a cisgender person. Some qualitative research indicates that cisgender abusers may express transphobic statements toward their transgender partners (Cook-Daniels, 2015). Analyzing a variety of sources, Messinger (2021) found that 30% of transgender people reported a cisgender partner stopping them from disclosing their status as transgender, 30% reported a cisgender partner preventing them from expressing their gender through physical appearance, and 7% had a cisgender partner prevent them from receiving gender-affirming healthcare. Additionally, in a study comprised of 97 transgender individuals assigned male at birth, 10.3% experienced IPV due to their status as a transgender person (Shpherd et al., 2011). Further research is needed to better develop this theory and provide more evidence as to how exactly transphobia plays a role in T-IPV in cisgender and transgender partnerships since it does not adequately explain intimate partner violence perpetrated by other transgender individuals.

To explain transgender individuals as abusers, Messinger (2020) points to disempowerment theory and minority stress theory. Disempowerment theory states that because some people feel disempowered by societal discrimination, those individuals perpetrate IPV to regain a sense of power and control in their lives. Minority stress theory states that those who feel extreme stress due to societal discrimination abuse others to relieve this aggression (Messinger, 2020). Disempowerment theory and minority stress theory are very similar but differ in the reason why an individual may be abusive; it is the difference between gaining a sense of power and control and expressing stress and frustration. These theories are supported by limited research, such as Nicola Brown's (2007) study, which found some transgender abusers cited the stress of transphobia and transitioning as a reason why they abused their

partners. Yet Messinger (2020) points out that abusers may be exaggerating their stress to rationalize their behavior.

Challenges Within the U.S. Legal System

In the U.S. legal system, transgender people face concerns about whether local police will believe them if they seek help from law enforcement. This is due, in part, to their distance from what society tends to think the “perfect” victim of IPV looks or acts like. Transgender people may also be concerned about making the queer and transgender communities look bad by reporting IPV (Leslie et al., 2022), and they might not see themselves as victims of IPV in the first place (Guadalupe-Diaz & Jasinski, 2017). These various factors prevent transgender people from seeking help from law enforcement, and currently available legal options, such as mandatory arrests and no-drop prosecution policies, are often inadequate for serving transgender people.

Mandatory Arrests

The legal case of *Thurman v. City of Torrington*¹ pushed many states to pass mandatory arrest laws in the case of intimate partner violence. Mandatory arrest laws state that when a police officer is summoned to a scene for a case of domestic violence, an arrest must be made.² Mandatory arrest policies attempt to immediately remove an abuser and provide respite to the victim(s). It is expected that this will allow for a “cool off period” between the couple. These laws also force police officers to take IPV seriously rather than treating it as a private matter. However, research has found that arrest does not significantly reduce intimate partner violence (Garcia & McManimon, 2011; Washington State Institute for Public Policy, 2022). Instead, it often leads to more social inequality and injustice. For instance, arrest rates for women have gone up in intimate partner violence calls. Venessa Garcia and

¹ Tracey Thurman was attacked multiple times over the course of eight months by her husband, Charles, but her reports to the police were consistently ignored. Charles approached Tracey’s house on June 10, 1983, and she called the police. Charles then stabbed Tracey repeatedly. When the police arrived, Charles kicked Tracey in the head, threatened her, and dropped her son on her. Only after Tracey was loaded onto a stretcher was Charles arrested. Tracey sued the City of Torrington and the Torrington police department for violation of civil rights by “not performing and poorly performing their duty” (Garcia & McManimon, 2011, p. 89). The courts found that the city of Torrington had a policy of “noninterference” in domestic violence situations, which was a violation of the Fourteenth Amendment of the U.S. Constitution.

² However, some U.S. states do not currently have a mandatory arrest policy. When the police are called for a domestic dispute in Missouri, for example, they do not have to make an arrest. If a police officer chooses to not make an arrest, they must make a detailed report explaining why no arrest was made. If an officer responds to the residence for a second time in a twelve-hour period, the primary aggressor must be identified, and an arrest must be made.

Patrick McManimon (2011) found that women are more likely to be arrested when the women violate norms and stereotypes or act outside of gender roles. Perceived hostility toward police also increases the risk of arrest, and racial minorities in the United States are frequently concerned that the police will respond in a racist way and will not take their victimization seriously (Garcia & McManimon, 2011). Additionally, victims might not want the perpetrator to be arrested and simply want the violence to stop at that moment. An arrest may also cause the abuser to abuse their victim more severely in the future, and the victim may be reluctant to contact the police again because they do not want to suffer another bout of abuse. Transgender people also report concerns that the police will not take their victimization seriously (Guadalupe-Diaz & Jasinski, 2017). This results in a general distrust of the U.S. legal system among the transgender community.

Distrust of the Legal System

Due to distrust in the police, transgender individuals are less likely to reach out for help through formal legal processes. The 2015 United States Transgender Survey Report found that in Missouri, 61% of respondents who interacted with police (when the police knew the individual was transgender or suspected such) experienced some form of mistreatment. This included, but was not limited to, verbal harassment, misgendering, and physical and sexual assault. As a result of such discrimination, transgender people are very hesitant to contact them, with 56% saying they would be uncomfortable seeking help from the police (National Center for Transgender Equality, 2017).

Society also tends to assign greater value to circumstances that depict IPV survivors as “real” or “perfect” victims of violence. Garcia and McManimon (2011) characterize the “perfect” victim who is deserving of justice and support as a passive woman who still manages to resist her abuser. She stands by her boyfriend or husband but also must attempt to escape the violence. They conclude by suggesting that when individuals “behave outside of these social constructs, they are not recognized as innocent victims” (Garcia and McManimon, 2011, p. 16). As transgender people defy social conventions of what a man or woman is supposed to be, transgender people find it even more difficult than their cisgender counterparts for their concerns about IPV to be taken seriously. This becomes even more difficult when the victim is a person of color. Sharon Angella Allard (1991) writes that theories of battered women's syndrome use a definition of women that is “based upon limited societal constructs of appropriate behavior for white women” (p. 194). Because women of color are not afforded the same opportunities as white women in how they are treated in cases of IPV, we can conclude that transgender women are

likely to not be awarded the same opportunities as cisgender women since transgender women also do not align with what society judges a “perfect victim” to look like.

No-Drop Prosecution

No-drop prosecution laws were established in response to domestic violence victims’ reluctance to cooperate with prosecutors due to fears of retaliatory violence. These policies prevent victims from dropping charges and require prosecutors to use evidence-based prosecution. Garcia and McManimon (2011) favor no-drop prosecution because it shows offenders that intimidation tactics will not work to dissuade victims from pressing charges. No-drop prosecution can be helpful for cisgender survivors, but transgender survivors are more likely to be revictimized and retraumatized through the legal process. Forms of IPV specific to the transgender community, such as identity abuse, are not illegal and do not offer legal recourse for victims. This means that protective orders do not take identity abuse into consideration, making them an inaccessible means for transgender survivors to seek legal protection. Furthermore, if the survivor finds recourse in the legal system, they may face transphobic remarks from members of the court and be misgendered, and the court staff may be uncomfortable when the gender presentation of an individual does not match what is listed on identifying documents (Goodmark, 2020). Litigants are also referred to by their legal name, which can cause those who have not legally changed their name to become extremely uncomfortable. Transphobic strategies have also been used in litigation, such as suggesting that an individual is deceitful due to their transgender status and is thus lying about the abuse (Goodmark, 2020). Due to the unique challenges transgender people face in the legal system, no-drop prosecution, and the system as a whole, are inadequate at addressing the concerns of transgender victims of T-IPV.

Policy Recommendations and Conclusions

Solutions that focus on formal legal systems are often not accessible to transgender people facing intimate partner violence due to distrust of law enforcement by the transgender community. Mandatory arrest policies and no-drop prosecution are well-intended responses that have had some positive impacts. However, for transgender individuals, mandatory arrest policies involve frustrating encounters with police officers, who may or may not take their victimization and concerns seriously. No-drop prosecution also may entrench transgender individuals in legal situations wherein their preferred name and pronouns are disregarded or their identity as a transgender person is weaponized against them. New policies need to be implemented to better serve the transgender community, and

alternatives must be put in place to support transgender victims of abuse and prevent and interrupt violence.

A violence intervention program, for instance, would be a useful alternative to calling the police. Such a program would employ credible messengers to respond to domestic violence calls³. In the instance that there is an episode of domestic violence, a phone call could be placed to a violence interruption center, which would then send an individual (credible messenger) to the residence to mediate the dispute, support the victim, and develop next steps. Transgender individuals would positively benefit from an IPV interruption program as it would have a trusted community member arriving first to the scene instead of a member of law enforcement, which decreases the concern of police violence or police not taking the victim seriously. This is not to say that there would not be situations in which additional levels of care would be necessary – situations would still arise in which calling for police or EMTs to address physical harm would be a more appropriate option than a violence intervention program. However, this program would first allow a credible messenger to visit the residence and address the situation before deciding if it needs to be escalated to law enforcement and/or EMTs involvement. This approach might work better than previous policies because it gives victims more agency over what they want the next steps to be and allows someone with similar life experience (also a member of the transgender community) to help resolve the dispute. This recommendation comes from a radical reform framework, which calls for the shrinking of the system doing harm (in this case, the police) as well as building and shifting power into the hands of those who are directly impacted (Stahly-Butts & Akbar, 2022).

The implementation of a violence intervention program for T-IPV would allow transgender victims to disrupt the abuse they are facing without having to involve the legal and carceral systems. Additional research is needed on the successes of violence intervention programs and how they could be best adapted to address domestic violence. Additional training and funding aimed at interrupting cycles of abuse and cultivating safer options for transgender community members would then be needed for violence intervention programs to make this transition. Trans people cannot wait for the policing and legal systems to be transformed; safety is an immediate need. Violence prevention programming allows for immediate action that can prevent future abuse and mitigate current harm.

³ Although a program such as this has not been tested regarding intimate partner violence, there have been similar successful programs that address gun violence in U.S. communities. Saint Louis, Missouri, has utilized a Cure Violence program in the neighborhoods of Wells Goodfellow, Hamilton Heights, Dutchtown, and Walnut Park. In March 2023, 25 conflicts (involving 163 individuals in total) were mediated, resulting in 44% being resolved, 44% being conditionally resolved, and 12% remaining unresolved (City of Saint Louis, n.d.).

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