

Queering Forensic Psychology: What Intimate Partner Violence and Sex Trafficking Can Tell Us About Inclusivity



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Forensic psychology—although present in the early development of psychology as a science—expanded rapidly in the eighties with increased offerings in higher education, formal guidelines, and forensic publication outlets (American Psychological Association, n.d.; Brigham, 1999; Heilbrun & Brooks, 2010; Loh, 1981) and has continued through the new millennium (Bull, 2011). Most psychologists agree that forensic psychology is broadly defined as an application of psychology to legal areas and that psychologists from a wide variety of disciplines can engage in forensic applications (e.g., Brigham, 1999; Blackburn, 1996; Heilbrun & Brooks, 2010; Nadal, 2020; Otto & Heilbrun, 2002). Blackburn, (1996) cautions that this field should not be confused as a separate branch of psychology, such as developmental or neuropsychology. Rather, it is the application of psychological principles to issues that arise in law (Fig. 1).

Some of the earliest forays of medical personnel and psychologists into legal arenas involved providing protection for the mentally ill and arguing against discriminatory state practices (Brigham, 1999; Regina v. M[’]Naghten, 1843). Specifically, psychologists and other mental health professionals used social science knowledge to provide information on legal issues—which corresponds closely to contemporary calls for social justice. Impressively, in its earliest manifestations, forensic psychology addressed class and gender (Muller v. Oregon, 1908) and race discrimination (Brown v. Board of Education, 1954).

Despite forensic psychology’s early progressive beginnings, contemporary focus in forensic psychology has not grappled with racial and gender discrimination—nor

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Fig. 1 A young queer Black man raises his fist for racial justice. Photo Courtesy of Nicholas Swatz



homophobia and transphobia—in American society. Instead, within clinical practice, this field has continued to emphasize criminalizing and pathologizing offenders with clinical psychologists battling out issues of competency, dangerousness, and the credibility of defendants. Indeed, numerous psychologists have devoted their lives to trying to catch “dangerous liars” with little critical insight into how power, politics, and culture have shaped who decides what is a truth and what is a lie. This dangerous lack of insight has very real implications. It has resulted in, for example, repeated assaults on women’s credibility when describing sexual assaults or intimate partner violence (IPV), while men’s denials are viewed as honorable (Hempel, 2004).

This lack of critical awareness has also blinded forensic psychology to queer issues—almost nothing is known of how queer populations experience and negotiate interpersonal forensic settings, nor what their most pressing needs are. This lack of critical awareness also undergirds research; forensic psychology research has remained limited with a focus on eyewitness issues, violence recidivism, malingering, psychopathy, and jury selection. Few forensic psychologists study race-related trauma, microaggressions that queer populations endure daily, hate crimes, rehabilitation of queer offenders, spiritual healing for queer offenders and victims, and IPV and sex trafficking in the queer community—all areas of inquiry with deep and meaningful intersections in the fields of psychology and law. As American society becomes more multicultural and accepting of multiple sexualities and genders, so has the backlash against sexual minorities increased (e.g., see FBI crime statistics, which likely underestimate rates and yet, still report a steady increase in hate crimes against LGBTQ individuals since 2014).

The field of forensic psychology is not immune from perpetuating this same discrimination. Non-majority sexual and gender identities previously overtly criminalized (e.g., sexual psychopath and sodomy laws; Sutherland, 1949), continue to face harmful and false assumptions about their propensity for crime rooted in homo- and trans-phobias. For example, despite evidence that perpetrators of child sexual assault are largely male with female victims (Puzzanchera et al., 2018), stereotypes about gay and lesbian sexual “predators” still exist. These harmful assumptions are influenced by theories and data with little to no LGBTQ representation. For example, typologies regarding serial/spree killers often include the notion of the “homosexual serial killer” despite the fact that a small minority of these murders involve male perpetrators and exclusively male victims (e.g., 7 out of 92 offenders; Morton et al., 2015). Forensic psychology has perpetuated the notion of the “homosexual crime,” rather than challenging it through new research or the consideration of existing—albeit limited—data, the role of toxic masculinity, gender role socialization, internalized oppression, and histories of trauma and systemic oppression (Nadal, 2020).

Forensic psychology has remained colorblind and genderblind, critically aware of deep-seated racial, gender, and sexual prejudice within psychology and yet reacting turgidly to how such prejudices bleed into forensic applications. As such, forensic psychology is marginally involved in social justice issues through individual actors, rather than as a field. In contrast, other branches of psychology are breaking boundaries and redefining existing Western-centric, masculine, and industrialized world assumptions, often in radical ways, drawing from non-Western cultures. For example, the study of dreams—once viewed as unscientific—has received renewed interest in neuroscience (Blechner, 2018), and dream work from Tibetan traditions is being explored for its utility in personal growth (Ricard & Singer, 2017). The use of psychotropic drugs and their history in traditional shamanic medicine is being acknowledged in the treatment of addictions and trauma (Holland, 2020). Forensic psychology remains shackled to narrow Western traditions with its punitive and authoritarian outlook.

This chapter is a call for mental health practitioners and scholars—for those who are contemplating a forensic career and even, for those who do not regard themselves as forensic—to begin engaging more critically with issues that affect queer individuals with intersectional identities who are caught up in the criminal justice system. We begin the process of queering forensic psychology via the lens of intimate partner violence (IPV) and sex trafficking, two issues that affect queer Americans in profound and debilitating ways. To illuminate, queer couples experience IPV at equal or even higher rates than heterosexual or gender binary individuals and face unique elements of such abuse (e.g., threats of “outing”), as well as additional stigmatization in seeking help. One study found that transgender individuals comprised a disproportionate rate of sex trafficking victims, accounting for 3% of the total sample (Nichols et al., 2019); yet, a mere 0.39% of respondents identified as transgender in a large-scale general population survey (Meerwijk & Sevelius, 2017). We hope this chapter serves as encouragement to pursue research and practice that has previously been neglected in forensic arenas, drawing from multiple branches of psychology—and not just Western branches.

1.1 Sexist and Heterosexist Biases in IPV and Sex Trafficking

To begin, we utilize IPV and sex trafficking research and practice—issues that deeply affect everyday life of queer folk. IPV, sex trafficking, and traumas that arise from these abuses are not subject areas that are routinely taught in forensic classes; yet, a disproportionate number of individuals entangled in the legal system report IPV and trauma. The lack of information and criminalization of heterosexual IPV survivors contributes to the continuing ignorance and revictimization of queer survivors.

A sexist framework is, in part, a way of ordering the world through binary categories of masculine and feminine, and attributing stereotypic gender roles and sexual activities to each sex. Heterosexual women survivors are often seen as vengeful liars, exaggerating or dramatizing the violence (Bryant & Spencer, 2003; Fischel-Wolovick, 2018). Even if there is clear evidence of IPV, women are blamed for not leaving earlier; and when they do leave, they are charged with neglect for exposing their children to violence (e.g., see *Nicholson v. Scopetta*, 2004). In 2020, women who kill their abusers in self-defense are being sentenced to decades in prison.

For the queer population, sexism is compounded by heterosexism (i.e., the belief that heterosexuality is “superior” or the social and cultural “norm”) and further, homophobia (e.g., fear, disgust, or prejudice toward non-heterosexual individuals). These culturally prescribed and hurtful ideals are perpetrated through the media, sex role socialization, and traditional religious values (Sherkat, 2002), leading to the stigmatization and discrimination of non-heterosexual behavior and identities (Herek, 1990). Related to IPV, heterosexist biases also influence how IPV situations are interpreted. For example, abuse dynamics against male partners may be trivialized as unimportant or disregarded as a “tiff” (Brown, 2008; p. 459).

Furthermore, because many constructs (and subsequent measures in forensic psychology) are not normed on LGBTQ populations, many traditional forensic psychologists might wonder if more forensic psychology research should be expanded to include gay men (or LGBTQ people in general). As an example, there is a lack of research on LGBTQ people and malingering, which is defined as the ability to exaggerate or feign illness (Rogers, 2008); it is a tactic that is often used to assess people who are deemed as psychopaths who may mangle as a way of achieving more favorable legal outcomes. While forensic psychology researchers may be interested in exploring how psychopathy might manifest among LGBTQ “liars,” it is also critical to deconstruct why we need to use malingering as a legal defense at all. Further, we must question why and how many queer populations are stigmatized and disbelieved, and how this harms them. Thus, instead of moving automatically and robotically to create more norms in the name of cultural competency, we must deconstruct the overuse of malingering—among other norms—as a standard forensic practice and identify when and how queer and vulnerable populations involved in IPV are being targeted (Fig. 2).

Fig. 2 A young woman at a #BlackLivesMatter rally in Hawai'i. Photo Courtesy of Daniel Torobekov



2 A Case of IPV and Sex Trafficking

In this case study, we will illustrate how lack of forensic representation, homophobia/heterosexism, and reliance on traditional forensic ideas of malingering and psychopathy were used to evaluate a survivor of IPV and trafficking. While the case study involves a gay cisgender man, many of the depressing and harassing encounters he experienced are likely to apply to other queer and trans individuals involved in the legal system.

2.1 Presenting Information

Armand¹ was in his late thirties when he initially met the second author (who was his evaluating psychologist). He was light skinned, strikingly beautiful, tall, and well-mannered—attributes that would initially prejudice his case. He was also

¹Names, places, and identifying information altered to protect confidentiality.

numb and depressed. He moved slowly and struggled to speak but was determined to tell his story, no matter how painful. Armand was gay and was raised in a wealthy rural farming family in South America that was conservative, homophobic, and very Catholic. Growing up, he had been physically abused by his father who found him “effeminate” and therefore, offensive. He witnessed his father also severely abuse his mother and older brother—which as a young child scared him so much that he began to dissociate early in life to cope with these incidents.

When Armand was 14, his father ordered him to sleep with a prostitute—a woman who was about 10 years older. He dared not refuse and managed to achieve coitus, creating confusion and self-hatred for many years. His father would regularly encourage him to purchase sex; on his second or third visit with each, the women would tell Armand that he was probably gay, but that she and her friends would lie to his father to protect him. As his first open confrontations with his sexuality, Armand was scared, yet relieved; the women kept their word, and he would visit with them (to merely smoke or hang out) for several years until he left for college. By his mid-twenties, Armand began identifying as gay in private circles. He noted that if his father had known, he had no doubt that he would have ordered his son killed, maimed, or punished in some very violent way.

When Armand was in his late twenties, he moved to the United States, and he quickly became involved in a romantic relationship with another Latinx man. Deprived of being able to openly express his sexuality throughout his life, Armand was thrilled and fully engaged with his boyfriend. Although highly educated, Armand could not use his degree in the U.S. and worked in small menial jobs. When his boyfriend suggested that he engage in sex work, Armand was horrified and refused. But eventually, terrified of losing him and eager to prove that he was a capable caretaker, he agreed. He worked as a high-end escort for several years.

Initially, Armand was flattered because he was in high demand but soon began despising escorting. He tried to express it but could not. Armand noted that he was integrated into a gay community openly for the first time in his life and this community was sacred to him. His gay world—many of them escorts—normalized and glamorized his lifestyle; and he did not want to alienate them. Later, he would encounter other gay communities who were supportive of his choices, understood his entrapment, and would help him navigate the lines between celebrating sexuality and objectifying it. However, as a new immigrant who was building his gay identity and trying to survive, he did not think he had other choices.

Armand also struggled with understanding what healthy norms were; he did not know if he was indeed repressed or sexually conservative because of his father’s abuse and his homophobic family, or if escorting was genuinely harming him. Rapidly, he began using dissociation techniques that he had employed as an abused child. And when dissociation alone could not emotionally protect him, Armand began ingesting molly, cocaine, and ecstasy. Drugs were also part of the requirement during his escorting work, and Armand noted that he played the role of the “happy hooker” so well that demand for his services increased.

In his late twenties, Armand met his future husband, Leo, during a paid sex party. Leo was a millionaire working in big city finance; he was highly educated, Asian,

smaller in stature (particularly in comparison to Armand), and generally soft spoken. Leo began courting him, and he eventually suggested that Armand quit sex work and move in with him. He also promised to further his education and help him get into an Ivy League school to complete his advanced degree. Armand (who was single at this point) was thrilled by this turn of events; because he was so desperate to leave escorting, he agreed after a short courting period.

Initially, Leo was controlling, and very jealous, but not violent. Armand attributed this behavior to Leo's low self-esteem and difficulty with his own gay identity. Indeed, Armand was empathetic and compassionate—applying his own difficult childhood and his continual need to be closeted from his family as explanations for Leo's progressively erratic and violent behavior. Over time, Leo became severely physically abusive. Armand was physically beaten and choked; he was ridiculed, demeaned, called names daily, and sexually exploited. He was required to perform sexual acts daily; if he did not abide, his husband would withhold finances. He was prevented from continuing his education, and instead was forced into cooking and cleaning.

Armand's freedom was curtailed. He had no friends and little freedom in movement. Leo had cameras installed in the apartment, and whenever Armand left or returned, his visits would have to be explained. At the behest of Leo, Armand participated in group sex and initially enjoyed it; however, he later grew tired of this and refused. When he did, Leo would fly into rages—physically hitting him or withdrawing affection and sometimes finances. Eventually, Armand unwillingly surrendered. He was frequently directed by his husband during these orgies and forced to sleep with important business associates and closeted political allies in the U.S. and internationally. During these humiliating sexual encounters, Leo would degrade Armand and refer to him as “a prostitute whom he married.” After almost a decade of physical and sexual exploitation, Armand fled from his husband and sought legal protection.

2.2 Initiating the Legal Process

When filing the divorce papers, Armand discovered that Leo had never filed his permanent residency papers. If they were to divorce, Armand would be deported. Leo, furious at Armand's departure, accused him of lying about the abuse and emphasized that Armand was nothing more than a high-end escort. Government lawyers appeared to agree; they demanded evidence that Armand was not lying about the IPV or sexual exploitation. In communicating with Armand's legal team, they noted that government lawyers had difficulty believing that a 6-foot tall man with an advanced degree could not defend himself against his much smaller husband. They posed as evidence that if there had been abuse, why would Armand have remained for such a long time. They also expressed nervousness around the allegations of forced sexual behavior—largely because Armand had not brought it up in great detail at their initial meetings. Why was he alluding to sexual abuse now when

the stakes were higher? And, if Armand had willingly participated in group sex multiple times and worked as an escort in the past, why was he calling it rape later in the marriage?

As Armand's evaluating psychologist, the second author was not surprised by the legal team's prejudice, but was flummoxed by the depth of it. Prejudice abounds in heterosexual IPV cases, and sexism pervades research and practice regarding partner violence. In Armand's situation, these biases impacted the way the government viewed him and judged his behavior. From their point of view, Armand was a disgruntled gay party boy, too lazy to work, enjoying a glamorous life of sex and drugs. Now, discarded, he was seeking revenge. Further, there was serious doubt whether the violence had even occurred—could someone like this be a victim or was he malingering? And worse, the kiss of death legally—given his partying, drugs, sex, and now possible lying about violence—did he have Anti-Social Personality Disorder? Was he just an “exotic” malingering psychopath, good looking and charming to boot?

2.3 The Question of Malingering

Armand spoke English well, but it was not his first language. As a result, standardized tools to assess malingering—different assessments that help psychologists decide the extent to which someone is being truthful—were not an option. While non-verbal assessments exist, their utility is questionable. Eventually, the second author decided against such an assessment. She noted that she would have probably conducted the assessment only because it is the “party line” and it could have easily satisfied the technical demands of the government. But because the entire discriminatory process of disbelieving Armand and asking for a malingering evaluation was a harmful one, the psychologist did not conduct one. By labeling Armand as a potential malingerer, the discussion took a troubling path, and reinforced heterosexist beliefs as a legitimate starting point for a forensic investigation. One simple solution to this is mainstreaming research on partner violence and how it intersects with gender and sexuality, supported by easily accessible data.

In constructing a response to the possibility that he was faking IPV, the second author began considering how oppressive this accusation was and how forensic psychology was playing into it. Both authors have frequently encountered cases in which women, of all races and backgrounds, are viewed as lying about IPV—especially when they are not “perfect” victims (i.e., they have other circumstances or factors that are used to discredit their claims). Similar types of prejudice were used towards Armand; so although he had privileged identities as a middle class, Hispanic-white, and educated man, he was also queer, an immigrant, a former escort, used heavy drugs, and engaged in “kinky” or “deviant” sex. The prejudice that runs deep in our society around IPV intersected with homophobia led to a traditional forensic solution—questioning Armand's truthfulness and attributing his “lifestyle” to a gay version of psychopathy.

Similarly, there are multiple relevant explanations as to why Armand disclosed his sexual abuse later, why he didn't define it as abuse initially, and his personal pathways into and out of drugs. But, none of these questions were posed—instead, questions about his credibility arose. And indeed, little research exists in forensic psychology that examines disclosure—although, researchers in counseling psychology have examined how traumatized respondents conceal disclosure for various reasons (Ahrens et al., 2010; Larson et al., 2015; Sorsoli, 2010). The government had only one explanation for his behavior—that he must be lying. When other reasons—including data supporting why survivors don't disclose sexual abuse, Armand's beliefs that he was to blame, his deep shame, his sexual abuse history, and initial lack of recognition that he was abused—were offered, suspicions around his truthfulness dissipated.

Again, diversifying forensic psychology research to explore creatively why narratives are delayed, take different forms, and are fragmented, and how these are further shaped by intersectional marginalization would offer multiple models for legal actors to select and test. Imagine if the government had said, "Oh, of course, sexual abuse is rarely self-disclosed. I've read about it, and Armand's behavior is consistent with the data. Could you help figure out if it's related to lack of identification, shame, fear, or trauma-related memory?" Instead, they asked if Armand could be lying—demonstrating the White heterosexual cisgender male lens that is used in approaches to violence and abuse.

2.4 *Queering Conceptualizations of Violence*

Another issue that arose was even if there was violence towards Armand, was it all that bad? Isn't it true that men can rough each other up and neither get really hurt? And, if it was all that bad, why did Armand stay for almost 10 years? Further, there was the question of Armand's husband—an erudite, soft spoken, highly educated, and wealthy East Asian man. Could someone this refined really be this crude? Heterosexism and homophobia playing out through sex, gender, race, and class all became central to obscuring Armand's true suffering.

In Armand's case, one key to understanding his abuse was coercive control—an abuse dynamic intended to rob the victim of power and autonomy. Critical elements of these controlling behaviors include an ongoing strategy of intimidation, isolation, and control of access to financial resources, employment, and education (Stark, 2006). Perpetrators also obtain compliance through monitoring the victim's activities and through the use of (or threats of) physical and sexual violence (Dutton & Goodman, 2005; Stark, 2007); but, these more overt tactics are not always present or even necessary, especially in chronic violence. The studies examining coercive control are generally limited in how they define and organize these issues with close to no attention to sexuality, physicality, and its role or its lack of a role. One study of male same-sex relationships found that 6 of the 69 participant relationships exhibited control and dominance exclusively of one partner over another partner

(Stanley et al., 2006), and concluded that coercive control was unimportant in this population. Frankland & Brown (2014) found that about a quarter of their combined male and female same-sex sample used coercive controlling behaviors and the particular combinations of control and violence differed from those identified by Johnson (2008)—this was at least a good start.

But, the second author had to go further than simply demonstrating that violence had occurred. She had to demonstrate the ways in which this violence was profoundly damaging, had created fear in Armand, and led to debilitating posttraumatic stress disorder. This violence was not just because “boys were being boys.” Similar to heterosexual cases, we explained that once fear is induced, physical violence is not necessary (Raghavan et al., 2019). The relative invisibility of micro-regulation (i.e., relentless control of small mundane daily activity and tasks) from outside the relationship, coupled with its critical role in achieving control over Armand, underscored how undetectable, yet powerful, these behaviors were. Throughout the report, absurdly basic arguments needed to be made, including that being queer doesn’t protect you from violence; gender does not equate sex; and while men are more likely to be abusive than are women in heterosexual relationships, this latter statistic has no meaningful bearing on queer couples. These simple equations, drawn from existing heterosexist beliefs, almost derailed Armand’s quest for justice.

Another problem arose when trying to work out confused links between gender, sex, race, and class. IPV in LGBTQ populations remains understudied and there is little by way of forensic work. Thus, there were very few sources to cite, potentially discrediting the report as flimsy and biased. Yet, the lack of forensic scholarship on queer and trans people is a forensic reality. Government lawyers were probably not familiar with same-sex IPV because gay men rarely report their victimization to the police (Finneran & Stephenson, 2013; Langenderfer-Magruder et al., 2016), thereby limiting arrest and conviction (or perpetrator) data. Further, even if seriously injured and hospitalized, male victims may not identify the injury as IPV-related (Kuehnle & Sullivan, 2003; Letellier, 1994; Loveland & Raghavan, 2014) even though prevalence data indicate that partner violence is more prevalent among gay, lesbian, and bisexual partners, compared to heterosexual couples (Messinger, 2011). This dearth of knowledge was clearly noted as a meta-fact. That is, if one doesn’t think Armand was abused, it is just as much about one’s lack of experience with LGBTQ communities, as it is about the field of forensic psychology.

2.5 *Forensic Pathology*

There are many different stories that Armand could tell—of his resilience, courage in seeking legal redress, moving from a luxury apartment to a homeless shelter, his continued love for his mother who could not protect him, understanding why his

first entry into gay America was the way it had been. But none of these tales would help him legally.

Legal requirements aside, there is no pathway in forensic psychology that charts growth, resilience, and compassion mingled with pain as evidence of abuse or ill-treatment. Indeed, the only acceptable outcome is bleak pathology. This either-or requirement not only pathologizes survivors, it forces them to lie or delete moments of strength and growth from their narratives—lest authorities think they have not suffered enough. Yet, psychologically, years of research tells us that deep suffering leads to different levels of growth, which exist alongside scars. We told a simpler story to the government.

Years of abuse had left Armand with severe untreated Posttraumatic Stress Disorder and depression. Pathologizing Armand with labels of PTSD and depression were in his favor—they gave his story credence and a stamp of realism. Of course, female survivors are also asked to provide evidence of harm as a result of trafficking. But in Armand's case, it seemed to tip the scale from viewing him as a pathological liar to a "true" victim. If several mental health professionals diagnosed him with trauma, then the sexual abuse must have been really bad. Indeed, for a grown *masculine* man to be diagnosed with PTSD, must mean serious business.

Forensic psychologists shape what knowledge is important in legal arenas. If we take a stand, identify how suffering is complex and multi-faceted and includes trauma and growth, and shape its importance in documenting abuse, we can tell the full story. When considering shame, trauma, and victimization, those subjected to these hardships already face so many difficult—at times, unanswerable—questions. What took you so long to come forward? Why does your story not add up? How do you explain that missing detail? Why did you stay? All of these questions are produced from a simplistic and limited understanding of trauma and victimization, predefined by what the field has deemed interesting or important and are deeply impacted by racism, sexism, homophobia, and xenophobia. They force cookie-cutter applications of psycho-legal inquiry and explanation. By expanding the framework, allowing nuance, and even seeming contradiction, we can tell valid stories of victimization and of healing. And, we can begin to challenge the notion that one must be suffering and broken to be worthy of legal salvation or protection. In doing this, we too challenge sexist and homophobic notions of victimhood (Fig. 3).

2.6 *Sex Work Versus Sex Trafficking*

Armand described the sexual torture he had endured, often weeping quietly. He was filled with self-loathing and didn't blame the government for not believing his stories because he himself could not believe that he had endured such abuse, let alone married the abuser. Intelligent and thoughtful, he wondered why he had escorted

Fig. 3 Protestors holding up signs at a protest in Brooklyn, New York. Photo Courtesy of Kelly Lacy



even when he hated it. He believed that his early escorting had led to exploitation and that in some way, he deserved such abuse.

The earliest research on men engaged in prostitution emerged in the late 1940s, framing this activity as psychopathological (Browne & Minichiello, 1996; Butts, 1947; Freyhan, 1947; Minichiello et al., 2013), unnatural, and socially problematic (Scott, 2003).² Commercial sex is currently understood as a profession that is rationally chosen by an individual for financial gain (Bimbi, 2007; Scott et al., 2005). Those who endorse this view, otherwise known as the empowerment paradigm (Weitzer, 2010), argue that violence, coercion, and other harms are not intrinsically linked to commercial sex (Comte, 2014; Scott et al., 2005), thereby assuming a reduced risk of violence during commercial sex. The desire to frame commercial sex as empowering is completely understandable, given the history of blame, stigmatization, prejudice, and debasement experienced by individuals involved in the industry. This desire is even further understood for the queer population, which has historically faced harsher abuses in childhood, increased rates of homelessness, and

²For a full review of history of male commercial sex, see: Minichiello, V., Scott, J., & Callander, D. (2013). New pleasures and old dangers: reinventing male sex work. *Journal of Sex Research*, 50(3–4), 263–275.

sometimes additional barriers to employment or access to healthcare—all contributing to a potential increased need to engage in commercial sex as a means of survival. However, in Armand's particular case, peer pressure presented him with a false dichotomy—criticize commercial sex and lose his friends or maintain his new-found social support and conflate the necessity to enter commercial sex with an absence of emotional harm.

The government seemed to have little interest in (or perhaps knowledge of) this history, which easily explained Armand's initial cultural encounters with one of many slices of gay community. Neither were they particularly interested in the idea that Armand might have engaged in escorting because his community—accessed for the first time in his life—meant a great deal to him at a time when he was isolated. This is, perhaps, because so little of forensic psychology even broaches the questions of sexual identity and commercial sex. Whereas the identity of heterosexual alliances is rarely subject to definition, men and women in same-sex relationships are defined in part by a shared sexual minority identity (Mohr & Kendra, 2011; Warner & Shields, 2013) and must make conscious decisions about whether to conceal or reveal their sexual preferences (Chrobot-Mason et al., 2001). Groups become crucial in helping navigate identity, especially for someone with Armand's history of oppression. This kind of information—crucial to Armand's decisions—was not available in much of forensic writing, although it is available in other branches of queer studies and psychology.

If the government didn't understand his trafficking pattern, it was simply because they had very little access to these data. They wanted more information on what made legal sense to them—were his activities with Leo consensual or coerced? As it was, on this matter, the government was puzzled; Why would Armand regularly engage in paid and then later, unpaid group sex—then change his mind? And if he continued to ingest party drugs before the event and admitted to enjoying some of the events, surely this indicated consent? To be fair, consent is another underdeveloped issue in forensic psychology—one that raises its murky head whenever sexual assault or sexual coercion with female survivors emerge. Misunderstanding Armand was both a failure to understand the role of homophobia, coming out later in life, and queer sexuality and also a general failure of understanding sexual consent.

Armand entered a relationship with hope but was eventually sexually trafficked—that is, coerced into sleeping with wealthy and powerful men, rewarded when he did, and punished when he did not. Failing to recognize the broad scope of experiences within forced sexual exploitation leads to a dichotomization of victims' experiences (Doychak & Raghavan, 2018). Trafficked survivors are viewed as either consenting and “fallen” or physically abused and “innocent.” In addition, government initially viewed with incredulity that someone who admitted to enjoying group sex could then change his mind. Dangerous and harmful stereotypes of queer men as party “animals” with enviable and voracious sexual appetites—and therefore, invulnerable to harm—raised their multiple heads. Interestingly, these are some of the same sexual stereotypes many of us have encountered when working with young black trafficked girls.

Again, forensic psychology can take a stand and start redefining how crucial matters of consent and coercion should be understood—by context steeped in sound understanding of intersectionalities of sexuality, race, gender, class, and immigration status.

2.7 Strategic Opportunities to Navigate Oppressive Systems

Despite the suspicion that the IPV could not have really been all that bad and some reluctance to accept the sexual abuse and exploitation, a strange opportunity presented itself. The case was “legally messy” but there was much interest in prosecuting sex trafficking in the U.S. Armand’s team, a brilliant duo of lawyers (some of whom were gay), saw a potential exit for Armand. They reframed the legal argument from an IPV case, to a sex trafficking encounter, positioning Leo as a pimp. Psychologically, it made little sense to Armand. He viewed himself as a survivor of IPV who had been sexually exploited—the entirety of his terrible ordeal contributed to his current suffering. He wanted us to know that he had loved Leo and that Leo had tried to love him but could not. He wanted us to know that he had stayed with Leo because of strength, not weakness. He did not see Leo as a pimp but rather, a sexually damaged man who could only be intimate if he demeaned Armand.

But legally, many of Leo’s actions met the Federal Government definition of sex trafficking.³ While the government hemmed and hawed over whether Armand had been in a truly violent relationship, they eventually found it much easier to swallow that Armand had been sexually exploited and harmed by this exploitation. Armand’s intense fears of being killed in his hometown did not resonate intuitively at all for the same patriarchal and heterosexist reasons that the IPV narrative did not—but they did fit a convenient legal requirement. Further, his immigration status was familiar to them; many women are exploited because they do not have permanent residency status in both sex trafficking and IPV cases. And of course, once divorced, Armand was willing to testify in open court against his rich and powerful husband—something that very few survivors dared to do. Armand’s social class and education continued to baffle them, but they seemed to not dwell upon it.

In part, this case was a political opportunity. In part, the government’s ultimate approach seemed to come from a genuine place—they saw Armand as a victim but could not understand quite how. This confusion highlights shortcomings of our current forensic frameworks and of not understanding sub-cultural norms—the kinds of incidents that Armand described fit better into narratives of gay life than they did

³The comprehensive federal statute aimed at combatting human trafficking through protection, prosecution, and prevention efforts— The Victims of Trafficking and Violence Protection Act (TVPA; 2000, 2003, 2005, 2008, 2013)—defines sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

in dominant heterosexual ones. Ironically, the government perhaps saw an opportunity to demonstrate how deleterious the effects of sex trafficking are, which they struggled to do without good data. And, since opportunities to litigate sex trafficking are fewer than IPV, they took it.

Ultimately, Armand applied for legal rights to remain in this country based on sex trafficking and the harms that ensued from it and was granted permanent residency and the opportunity to start his life over. I have heard from his lawyers that he is doing well, in recovery, and living a quiet life in the country. While he courageously pressed charges against his abuser, at the time of this case, Leo was not investigated.

3 Implications for Psychology

This chapter is a call to action regarding the many fundamental issues in forensic psychology—which have never been critically examined or deconstructed—and how they arise in harmful and sometimes absurd ways when working with queer populations. Forensic psychologists have a grave responsibility, as they bridge psychology and law. When legal actors try to understand a psychological context, they reach out for what is most central and easily available in forensic psychology print. The government had at its disposal volumes of forensic information on psychopathy and malingering, but nothing on queer sexuality, queer identity, trauma, and same-sex IPV or commercial sexual exploitation. When no easier explanation presented itself, they leaned on what was available.

Fortunately, the question as to whether Armand might have an Anti-Social Personality Disorder—the go-to diagnosis in forensic psychology—disappeared. Perhaps Armand’s legal team imagined this fear, or perhaps the government recognized how absurd it was when they had spent hours questioning him. But, the fact that the question was even raised is a problematic reality of what many people in the criminal justice system are presumed to be. We shudder to think of the injustice Armand might have severely suffered had he been labelled as a malingering psychopathic drug-addicted gay escort.

Though currently limited in its pathways for resolve, forensic psychology can improve the way cases like Armand’s are approached, understood, and litigated. Forensic psychology is broadly defined and thus, requires no additional definition to meet these goals. However, we must reevaluate what is important within forensic psychology and how to move toward more inclusive training and application. Though psychology rests upon personality development and identity formation, forensic psychology does little to consider identity of any kind. Intersectional queer identity is particularly important; marginalized groups must forge their own histories and these histories shape who we are. The histories of queer identity, how queer identities develop (which would have furthered Armand’s case quickly), and how these could intersect with forensic issues should be part of a standard forensic curriculum. Gender and sexuality in cultural contexts—altogether ignored in forensic

psychology—should be frontally confronted. The intersectionalities of gender, ethnicity, immigration status, social class, language, and sexuality should begin the introduction to forensic psychology class, not be added as a footnote.

Further, in addition to improving *how* we educate and practice, *who* is overseeing the training of forensic psychology matters for the way in which it is conceptualized. Representation in the classroom—as well as lab rooms and court rooms—matters in a field grappling with a white, dominant framework for understanding intersections of psychology and law. Herein lies a self-fulfilling prophecy. We must consider the accessibility and attractiveness of forensic psychology to POC/LGBTQ psychologists. After all, why would budding POC/LGBTQ students—who themselves or whose communities have been seen as unreliable, incompetent, potentially dangerous, and subject to sexist and heterosexist microaggressions daily—line up to engage in perpetuating more of the same in the name of science?

Without a strong understanding of gender, sex, and culture, the deep heterosexist prejudices that Armand encountered in the legal system, will continue. And, Armand was luckier than many—while his case dragged for years, his team was experienced, committed, and queer. Forensically-relevant data on LGBTQ communities should be collected or, if it exists, disaggregated and made easily available. How many queer folks are incarcerated and why? Do they encounter homophobia and microaggressions in correctional settings? Was the trial process free of prejudice? Was their arrest even justified or an example of profiling?⁴ How does their trauma history—if it exists, and it so often does—interact with their current presentation, or their history of offending? This utter lack of inclusion harms forensic psychologists' ability to do their work—as we found when trying to cite Armand's report. Lack of data is yet another self-fulfilling prophecy, as it discourages queer research. But if there is to be new research, it should be thoughtful. Merely replicating and expanding existing forensic research, adding queerness as a solo variable, will only reinforce heterosexism and white hegemonic empiricism. We need to deconstruct forensic psychology's reliance on old concepts of malingering, dangerousness, and the overuse of psychopathy as the only explanatory variable.

Overall, the government wanted to be helpful but they too were dealing with standard adversarial forensic tools. Deconstruction of these tools, which are used to harm those of marginalized sexual and gender identities, should become an important topic of discussion. Why do we study malingering and not truthfulness? How do heterosexist, homophobic, or transphobic ideals impact the way we arrive at answers? Why do we not explore other reasons that queer men like Armand may have concealed aspects of his private life, other than lying? Understanding the misuse of standard forensic tools while being critically aware of queer history and identity will advance and queer forensic psychology.

⁴For example, advocates argue that New York's Loitering for the Purpose of Prostitution Law (colloquially referred to as the Walking While Trans Ban) effectively allows police to make arrests based on the visual suspicion of engagement in commercial sex and disproportionately impacts transgender women of color (LGBTQ Rights Committee et al., 2020).

Trauma—and its presentation in the courts—must also be reconsidered, as an overwhelming number of those involved in the legal system bear trauma histories. The trauma literature speaks much of pain and growth, and exhorts psychologists to not minimize one for the other but to understand the interconnectedness. For many abused individuals, surviving the experience leads them to strength. But in forensic contexts, this would be technical suicide. For good results—whether civil or criminal—only the terrible, bad, and very bad should be presented. But this is not reality; it is simplistic, non-psychological thinking. We don't propose that forensic psychologists stop evaluating negative outcomes of victimization; but rather, that we find ways to explain to our clients or lawyers why we use certain terms and language, while seeking ways to decolonize the pathological labels that are applied so freely.

The scope and application of forensic psychology has been focused around three large issues, which play out in the court system. The first roughly corresponds to establishing the mental status of a defendant at the time a crime was committed and how to manage this through the legal process. The second focuses on psychological information to protect children in the case of IPV and/or divorce. A third largely non-clinical strand includes research (and court testimony) on how legal actors such as police, judges, and eyewitnesses interact in court. Much more queer and intersectional research needs to enter the field, which is relevant to sexual and ethnic non-majority populations. Applying microaggression, race-related trauma, and gender discrimination to not only legal processes, but as predictors of violence and violence resistance would increase the relevance of this field.

While we have only spoken of an immigrant queer cisgender man, trafficking of trans and queer women is a serious issue and is little researched or considered. In making these larger changes toward queering forensic psychology, IPV and sex trafficking researchers and practitioners offer us a model on how to begin challenging dominant value systems and harmful frameworks for understanding human behavior. We must systematically strive for inclusivity while confronting oppressive systems; we must do this not by developing forensic research or teaching forensic curricula that attempts to fit queer narratives into current forensic models—which pathologize, ignore, or marginalize the experience of certain groups and not others—but by dismantling these frameworks and reconstructing new ones.

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