



# 'It was Dangerous, Corrosive and Cruel but not Illegal': Legal help-seeking Behaviours Amongst LGBTQA+ Domestic and Family Violence Victim-survivors Experiencing Coercive Control in Australia

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## Abstract

**Purpose** There is an expanding body of research interrogating lesbian, gay, bisexual, transgender, queer, asexual and other gender and sexuality diverse (LGBTQA+) persons' experiences of domestic and family violence (DFV). However, few studies have considered LGBTQA+ persons' specific experiences of 'coercive control' and none have considered legal help-seeking behaviours and decisions within this context. This article addresses this gap, through an examination of LGBTQA+ Australians' experiences of legal help-seeking behaviours when experiencing coercive control from an intimate partner and/or family member.

**Method** The article draws on the qualitative responses of a sample of 137 LGBTQA+ victim-survivors who participated in a survey on Australians' experiences of coercive control. The analysis considers the reasons why some participants did not report abuse to the police, and the impact of police reporting for those who did.

**Results** The study found that many of the concerns about the impact of reporting held by those who did not report to the police, were actualized in the experiences of those who did. Further, the study found that LGBTQA+ persons experience similar barriers to help-seeking compared to heterosexual and cisgender women, in addition to barriers that speak specifically to LGBTQA+ communities.

**Conclusion** The findings of this study highlight the shortcomings of the law's response to domestic and family violence and the need for intersectional responses to coercive control in Australia and beyond. The emerging findings presented in this article reinforce the importance and further need for research that specifically examines LGBTQA+ experiences of coercive control.

**Keywords** Domestic and family violence · Coercive control · LGBTQA+ · Policing · Legal responses · Help-seeking

## Introduction

Since the 1960s, feminist advocates, activists and academics have made strides in raising public consciousness of the prevalence, nature, and impacts of domestic and family violence (DFV) perpetrated against women by their male

partners. Building on this tradition, knowledge of DFV continues to be expanded by drawing attention to the experiences of diverse populations. This article focuses on and aims to contribute to the still-emerging body of research dedicated to the DFV experiences of lesbian, gay, bisexual, transgender, queer, asexual and other non-cisgender and sexuality diverse populations (LGBTQA+). A current gap within the LGBTQA+ DFV research space is the dearth of research examining LGBTQA+ persons' experiences of, and DFV legal system responses to, 'coercive control' – the latter of which we seek to address.

We conducted a national survey of Australians' experiences of coercive control in a DFV context. Of 1261 respondents, 227 identified as LGBTQA+ and in this article, we draw on the experiences of 137 of those participants, who

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completed qualitative survey questions about legal help-seeking and specifically, engagement with the police. Our data indicated that the LGBTQA+ sample were less likely to report their experiences of coercive control to the police when compared to the broader sample. Given this initial observation, the study was guided by three key research questions: (1) Why did some participants decide not to report coercive control to the police? (2) For participants who did report to the police, what role did gender and sexuality diversity play in their experiences of legal help-seeking? And (3) Do the findings for research questions (1) and (2) offer any insight into why LGBTQA+ victim-survivors may be less likely to report coercive control to the police?

This article qualitatively analyzes the reasons that the LGBTQA+ sample gave for not reporting coercive control to the police and the impact of reporting for those who did. We found that the concerns held by survey respondents in the sample who chose not to report to police were realized in the experiences of those who did seek help through the legal system. Key concerns included fears that the abuse experienced was not serious enough to justify a response; that there would be insufficient evidence; that police would not take action and that calling on police would worsen the situation and potentially make it more dangerous. Our findings additionally suggest that the LGBTQA+ community is heterogenous and that this heterogeneity has the potential to bring about complex inequalities in terms of accessing justice, particularly in relation to perception of biological or sex-assigned at birth status, age and ethnicity. Extrapolating from this, we suggest that the reluctance to engage in formal help-seeking means that LGBTQA+ individuals may remain exposed to coercively controlling behaviours and relationships.

### **Nature and Prevalence of DFV in LGBTQA+ Communities**

LGBTQA+ people experience DFV in similar forms to heterosexual and cisgender people, as well as in ways which are unique. LGBTQA+-specific forms of DFV include outing, closeting, and altercasting (Guadalupe-Diaz & Anthony, 2017; Whitfield et al., 2018). Further, trans and gender diverse people may experience abusive behaviours, such as having transition-related hormones withheld, that are specific to their gender expression and identity (Peitzmeier et al., 2019).

Many of the behaviours that LGBTQA+ people experience as DFV may be characterized as ‘coercive control’. In their definition of coercive control Buzawa et al. (2017, p. 105) describe it as a form of abuse:

...in which some combination of physical and sexual violence, intimidation, degradation, isolation, control and arbitrary violations of liberty are used to subjugate a partner and deprive her of basic rights and resources.

This well-known definition uses gendered language, and indeed, feminist research and understandings of the role of patriarchy have been pivotal to recognizing and understanding coercive control and DFV more broadly. In recent years, researchers have demonstrated that coercive control is also experienced within LGBTQA+ relationships (Frankland & Brown, 2013; Donovan & Barnes, 2020a). Donovan and Hester’s (2014) ‘power and control wheel’ more accurately reflects the experiences of LGBTQA+ people when compared to earlier feminist models (Pence & Paymar, 1993). For example, it specifically considers the role of gender and sexuality, uses trans inclusive language and highlights additional forms of abuse relevant to LGBTQA+ victim-survivors, such as identity abuse. Despite recent advancements in applying the concept of coercive control to LGBTQA+ communities, coercive control more broadly is inconsistently measured (Hamberger et al., 2017). Thus, the gaps in understanding about the nature and prevalence of coercive control are heightened when considering LGBTQA+ communities, with this work still in its infancy.

Broader research maintains that DFV occurs at similar, if not higher rates in same-sex relationships as in opposite-sex relationships (Bermea et al., 2019; Guadalupe-Diaz & Jasinski, 2017; Russell & Sturgeon, 2018). Conclusive statistics on the exact rates of DFV in LGBTQA+ relationships are difficult to quantify due to the significant underreporting by LGBTQA+ people (Dario et al., 2019; Fileborn, 2019; Ard & Makadon, 2011, p. 630) suggest ‘rates of physical and sexual abuse of 22% and 5.1% respectively [in male same-sex relationships ... compared to] rates of 20.4% for physical assault and 4.4% for sexual assault for opposite-sex cohabitation.’ Furthermore, Bermea et al. (2019, p. 409) maintain that bisexual women are at a 40% and 20% higher risk of psychological violence than their heterosexual and lesbian counterparts, respectively. It is generally accepted that transgender people are at the highest risk of victimisation (Langenderfer-Magruder et al., 2014).

### **Help-Seeking for DFV in LGBTQA+ Communities**

Understanding why DFV is so prevalent among LGBTQA+ populations is challenging when the theoretical frameworks have, almost exclusively, been developed to understand the drivers and contributing factors for DFV in a heteronormative/cisgender context. The (feminist) ‘public story’ of DFV has invisibilized LGBTQA+ communities’ experiences of abuse in relationships (Cannon & Buttell,

2015; Donovan & Barnes, 2020a). Some queer theorists maintain that because of the absence of LGBTQA+ people in DFV literature, queer people ‘rank’ risks and place DFV as both less of a threat, and less of a priority when seeking help (Donovan & Barnes, 2020b; Turell et al., 2012). If they seek help, they frequently encounter minimizing attitudes from formal and informal supports due to the relationship failing to meet the criteria for the ‘typical’ DFV relationship (Donovan & Barnes, 2020b). Perpetrators may weaponize the dominant discourse, telling the victim-survivor that if they report the abuse no-one will believe them because they are not a heterosexual woman (Calton et al., 2016). These experiences vary across different genders, sexualities and relationship dynamics. For example, bisexual women – the largest group represented in the present study – face unique challenges when seeking help for DFV. Bisexual individuals are often subject to a form of discrimination that invalidates and undermines their sexuality, labelling it as ‘just a phase’ and bisexual persons as ‘promiscuous’ (Bermea et al., 2019). In research and policy bisexual women in relationships with women tend to be grouped in with lesbian women, whereas bisexual women in relationships with men are treated as heterosexual – thus, the unique risk factors for bisexual women are ignored. As highlighted by Barrett and Pierre (2013) the focus becomes a victim-survivors’ sexual behaviours rather than their sexual *identity*.

Informal help seeking behaviours are more common among LGBTQA+ people than formal help-seeking (Messinger, 2017). This is explained, at least in part, by the invisibility of LGBTQA+ in DFV public messaging (Ard & Makadon, 2011; Turell et al., 2012), and a lack of services tailored to LGBTQA+ experiences (Freeland et al., 2018). Another barrier to formal help-seeking faced by LGBTQA+ people is the fear that disclosing abusive behaviours between LGBTQA+ people will create, or perpetuate, an image of LGBTQA+ people being criminal or violent (Dwyer, 2014). Among the formal help-seeking resources which are accessed by LGBTQA+ DFV victim-survivors, the most common are counsellors and associated mental health professionals such as psychologists, psychiatrists, and social workers (see Santoniccolo et al., 2021). Police and organisations dealing primarily with DFV (such as shelters) are generally the least-accessed formal help-providing resources among LGBTQA+ DFV victim-survivors (see Messinger 2017; Santoniccolo et al., 2021).

The relationship between LGBTQA+ people and law enforcement is informed by a vast and nuanced history. In general, research suggests that LGBTQA+ people do not trust police officers to respond to DFV appropriately, sensitively, or with adequate knowledge of LGBTQA+-specific issues (Dario et al., 2019; Fileborn, 2019; Miles-Johnson & Pickering, 2018). The relationship between the

LGBTQA+ communities and police in Australia may be understood in the context of international gay liberation movements such as the Stonewall riots (Dwyer & Tomsen, 2016; Fileborn, 2019; Russell, 2015), as well as Australian events such as the Sydney gay beat murders, the Tasty Nightclub raid and the Hares and Hyenas bookshop raid (Russell, 2015; Vedelago, 2020). This historical context informs the relationship between LGBTQA+ people and police in Australia, and impacts formal help-seeking behaviours (Russell, 2015; Victorian Pride Lobby, 2021). LGBTQA+ people are often reluctant to report their experiences of general crimes, hate crimes, and DFV due to fears of uninformed, inappropriate, or discriminatory responses by police officers (Dwyer & Tomsen, 2016).

Research in the field of coercive control and help seeking behaviours among LGBTQA+ victim-survivors is scarce. Due to challenges in recruiting LGBTQA+ participants, research is often generalized, as opposed to analysis of specific forms of violence experienced by LGBTQA+ people, such as coercive control (see, for example, Ard & Makadon 2011; Baker et al., 2012; Langenderfer-Magruder et al., 2014). The current body of research has played an important role in understanding LGBTQA+ people’s experiences of DFV, and the benefit of such research cannot be underestimated. However, better understanding of the help-seeking behaviours associated with coercive control among LGBTQA+ victim-survivors is an imperative next step in responding to DFV in LGBTQA+ communities and improving existing legal responses.

## Methodology

Data for this study was conducted over a four-week period in early 2021 and involved an online anonymous survey aimed at Australians over the age of 18 who had experienced coercive control in a DFV context. Ethics approval for this project was obtained in April 2021 from the Monash University Human Research Ethics Committee (approval no. 27305).

## Sample

In total, the survey garnered 1261 responses, of which 18% (n=227) identified as LGBTQA+. This was determined by participant responses to two demographic questions about gender identity and sexual orientation. If participants identified as trans, non-binary or agender and/or identified with a sexuality other than heterosexual, they were included in the original sample. For the purpose of this article, 15 of these responses were then excluded due to the participant stating that the abuse occurred in a heterosexual relationship. To

further clarify this, when analyzing the data, we noted several participants who now identify as, for example, lesbian, but cited experiences of abuse from a male former partner in a heterosexual relationship – these responses were excluded. We acknowledge that sexuality is fluid and that there are likely important learnings from participants who identified as queer after being in an abusive heterosexual relationship, however, after extensive discussion between the researchers, the decision was made to exclude these participants as their experiences fell outside of the study's scope. There were, however, a high number of participants who identified as bisexual and we cannot, based on the nature of anonymous surveys, know whether some of these participants also experienced abuse in heterosexual relationships but later identified as bisexual. We anticipate that there will be some participants in the sample for whom this experience resonates. All participants who identified as LGBTQA+ and identified a family member (e.g., parent) as the perpetrator were included, so as to capture experiences of family of origin violence, which in the context of queer criminology and LGBTQA+ theory refers to violence, both physical and non-physical, that may be motivated by homo- or trans-phobic attitudes of family members.

A further 74 participants were excluded for the purpose of this article as they had not disclosed the abuse to anyone and were not asked questions about police reporting. Finally, one participant was excluded as they dropped out of the survey before questions about legal help-seeking were asked. Thus, the final sample subject to analysis in this article is 137.

Of the 137 participants 83.2% of participants were over the age of 30, with the mean age of 31–40 years old ( $n=54$ ). 77.37% ( $n=106$ ) identified as female, 12.41% ( $n=17$ ) identified as male, 1.46% ( $n=2$ ) as transgender men, 1.46% as transgender women ( $n=2$ ) and 5.84% ( $n=8$ ) as non-binary. An additional two participants selected 'other', within which both identified as assigned female at birth (AFAB) non-binary. 56.2% ( $n=77$ ) of participants identified as bisexual, 16.78% ( $n=23$ ) as pansexual, 13.86% ( $n=19$ ) as queer, 7.29% ( $n=10$ ) as lesbian, 5.8% ( $n=8$ ) as asexual, 5.1% ( $n=7$ ) as gay, 6.56% ( $n=9$ ) as questioning, 4.37% ( $n=6$ ) as heterosexual and two participants selected 'other'. 17.52% ( $n=24$ ) of participants were born in a country other than Australia and 5.83% ( $n=8$ ) of participants identified as Aboriginal and Torres Strait Islander – slightly higher than the broader survey sample (3.56%,  $n=45$ ). Consistent with the broader sample, there were high rates of education, with 62.77% ( $n=86$ ) of participants having an undergraduate or postgraduate degree. However, there were higher rates of unemployment in the LGBTQA+ sample (15.33%,  $n=21$ ) when compared to the broader sample (9.67%,  $n=122$ ). Further, 31.39% ( $n=43$ ) of the LGBTQA+ sample stated

that they lived with disability, compared to 18.57% ( $n=234$ ) of the broader sample.

## Survey

The purpose of the survey was to better understand Australians' experiences of coercive control, their help-seeking behaviours and their views on the criminalisation of coercive control. At the time of the survey, there was increasing government and media attention on the potential criminalisation of coercive control in Australia – largely sparked by the very high-profile murder of a Queensland mother and her three children by her former husband and father of the children. Given the contested nature of the 'criminalisation' debate in Australia at the time (see Fitz-Gibbon et al., 2020), the survey presented an important opportunity to better understand how victim-survivors experienced coercive control and how *they* think law reform would help them and/or other victim-survivors.

The survey consisted of 63 questions – a combination of multiple choice and open-ended questions. Questions were developed and designed by the research team in such a way as to understand the context of victim-survivors' views on criminalisation. One question that was asked of participants was whether they had told anyone about the abuse that they had experienced, of which 71.13% ( $n=138$ ) of the LGBTQA+ sample indicated that they had. Of those, only 31.39% ( $n=43$ ) reported to the police, which is 15.53% fewer than the broader survey sample (see, Reeves et al., 2021). Participant reasons for reporting or not reporting to the police are the focus of this article.

A purposive non-probability sampling method was chosen for this research as it is a technique known to be very effective when researchers are aiming to collect data from experts within particular groups, populations or specific cultural contexts (Dolores & Tongco, 2007, p. 147; Braun et al., 2017, p. 252). Scholars have suggested that the 'inherent bias' of the purposive sampling method can 'contribute... to...[research] efficiency' and is central to the 'quality of data gathered' (Dolores & Tongco, 2007, p. 147). Victim-survivors of DFV are a notoriously hard-to-reach population whose lived experience expertise is recognized as critical to the provision of the evidence base for policy and practice change in the DFV sector.

Similarly, the choice to utilize a qualitative survey to conduct the research was motivated by the ability for an increased reach and the potential to obtain a larger sample that would maximize the diversity of responses from the target sample. The idea of maximum diversity is captured by Harrie Jansen's (2010, p. 1) distinction between quantitative or statistical surveys which analyze 'frequencies in member characteristics in a population' and qualitative surveys

which analyze ‘the diversity of member characteristics within a population’.

In their chapter on innovative qualitative methods, Braun et al. (2017) distinguish between ‘mixed-method’ surveys in which open ended questions are included alongside quantitative measures and genuine qualitative surveys. In the former they note that qualitative data ‘are often analyzed in a limited way’ such as being ‘coded into categories and reported as category names with frequency counts’, while in the latter qualitative data is prioritised and analyzed ‘in a way in keeping with the assumptions of a qualitative paradigm’ (2017, p. 251). For Braun et al. (2017, p. 251) qualitative surveys are well suited to research that aims to explore ‘people’s views and opinions’ precisely as the present research project does. The authors note that qualitative surveys offer participants the ability to respond ‘in their own words’ thereby giving researchers ‘access [to] participants’ own language and terminology’ and to gather the lived experience data of specific groups (2017, p. 251; 252). Additional benefits of the qualitative survey as outlined by Braun et al. (2017) include:

- Anonymity, meaning they work well in projects that aim to collect data on sensitive topics (p. 252);
- When disseminated electronically, qualitative surveys enable greater geographical reach (p. 252);
- Survey samples have the potential to be far larger than in-person qualitative data collection. The potential to collect larger qualitative samples is noted to ‘open up new possibilities for qualitative research’ enabling a broader perspective on a topic (p. 253).

## Recruitment

The survey, which sought a targeted sample of people with lived experience of coercive control, was widely advertised on social media and within Australian DFV organisations. Potential participants were given a link to the anonymous online Qualtrics survey, which they could take up to a week to complete.

## Analytical Plan

This article draws on the qualitative survey data collected in response to questions about legal help-seeking. This serves as a useful example of the value of using a largely qualitative survey instrument – the quantitative survey data revealed differences in legal help-seeking and the qualitative element assisted us in understanding why these differences might exist. Two questions were selected for data analysis: (1) What were your reasons for not telling the police? and

(2) What was the impact of police reporting? Responses to question (1) were drawn from a sample of 94 participants who did not report to the police, and responses to question (2) were drawn from the 43 participants who did report their experiences of coercive control to the police.

Our analysis was conducted using NVivo qualitative data analysis software. The two questions selected for analysis formed initial codes, and subsequent codes, based on participant responses, were developed during analysis. These codes were developed separately by two of the authors. The authors then checked and discussed each other’s results and consolidated dominant themes. The two questions that were selected for analysis align with the key research questions.

In analyzing the qualitative data, we used an inductive thematic approach alongside interpretivist methodologies. Inductive analysis moves from the specific to the general which is to say it begins with ‘immersion’ in the data flowing through to ‘contemplation’ and ‘intuitive insight’ to achieve an understanding of the subject of study (Janesick, 2003, p. 65; cf.: Moustakis 1990). The discovery of patterns within the dataset has enabled us to draw some general conclusions, namely, one of the key insights in this article, that many of the concerns held by those who did not report coercive control to police were actualized in the experiences of those who did. The aim of interpretivism is to try and understand why people do the things they do, and it examines the individual interpretations of subjects about their own social behaviours (O’Reilly & Bone, 2008, p. 103). Interpretivist methods are routinely employed in sociological studies to gain insight into the unique experiences of (often hard-to-reach) individuals and groups. Here, as the remainder of the article will elucidate, a key hypothesis reached through inductive and interpretivist methods is that LGBTQA+ persons may draw on ‘common-sense’ cultural knowledges about the benefits and drawbacks of police engagement with non-heterosexual and non-cisgender communities when considering their own legal help-seeking behaviours.

## Language and Terminology

Each demographic represented within the ‘LGBTQA+’ umbrella is connected through the commonality of a non-heteronormative sexual orientation and/or gender identity. While some versions of this acronym have been historically used to indicate a form of solidarity and ‘community’, these demographics are otherwise unique, and experiences of DFV can be divergent. With this in mind, and in accordance with what we believe is emerging best practice, we have provided information about participants’ gender and sexual identifications in order to mitigate against generalizing all non-heterosexual and/or non-cisgender persons’ experiences of intimate or familial abuse.

In line with the use of the term ‘heteronormative’ we use the term ‘cisgender’ to refer to persons whose gender identity and expression is aligned to their sex assigned at birth. This reflects the social constructionist approach to understanding society’s ‘arrangements’ for conceptualising of sex and gender (Rubin, 2006, p. 169). The terms ‘heteronormative’ and ‘cisgender’ are used here to refer to society’s belief that female sex leads to feminine gender (cisgender) and feminine gender leads to sexual desire of masculine gender (heteronormative).

## Findings

### Reasons for Not Reporting Experiences of Coercive Control to the Police

**Abuse not ‘serious’ enough** Survey respondents who indicated that they had never reported their experiences of coercive control to the police cited a number of reasons, a dominant theme being the belief that the abuse was not ‘serious’ or ‘bad’ enough to warrant police intervention. For some, this belief was spoken about in the past tense – indicating that at the time they believed that the abuse was not serious enough to warrant police intervention, but they may now see that it is a form of DFV. Others, however, spoke in the present tense about their perceptions of abuse, still believing that it was not substantial enough to render them likely to call the police for assistance:

I didn’t recognise it as what it was for a long time, and sometimes I don’t think it’s serious enough. Other people have it a lot worse than me. (*Female, 25–30, pansexual, experienced coercive control by a former partner*)

It wasn’t that bad? He never punched me. (*Female, 41–50, heterosexual/queer, experienced coercive control by a former partner*)

In the above quote, it is apparent that for this participant ‘seriousness’ is synonymous with physical violence. Such sentiments mirror the experiences of the general sample, and indeed a recent Australian study into experiences of coercive control among Australian women identified that DFV victim-survivors ‘were unlikely to seek help from formal or informal sources if they had not also experienced physical/sexual forms of abuse’ (Boxall & Morgan, 2021, p. 12). Here, it is important to reflect on the unique barriers faced by LGBTQA+ victim-survivors and the role that heteronormativity and cisgenderism plays in minimizing the perceived seriousness of abuse experienced in LGBTQA+ relationships – these experiences intersect and

compound well-established barriers to DFV help-seeking ((Donovan & Barnes, 2020b).

For several participants, their views of the abuse as not being serious enough were tied to their existing knowledge of the legal system and awareness that coercive control is not a criminal offence:

I didn’t consider the control illegal. It was dangerous, corrosive and cruel but not illegal. It was just my burden to bear. (*Non-binary, 51–60, gay/bisexual, experienced coercive control by a former partner, a parent and a sibling*)

**Belief that police would not take action** Participants also expressed the view that if they *had* reported the abuse, the police would not take action to protect them. A dominant theme was concern about a lack of tangible evidence of the abuse:

There was no evidence or proof to show. It was my word against his. (*Female, 41–50, bisexual, experienced coercive control by a former partner*)

I also don’t think I would have been believed in the first place — we didn’t identify as a couple, they are non-binary/we are both AFAB, they were extremely meticulous in how covert they were/what kind of paper trail they left. (*Female, 25–30, bisexual/queer, experienced coercive control by a former partner*)

For other participants, the concern that police would not take action was attributed to a lack of trust in the police – the reasons for which varied. For example, some had had prior negative experiences with the police that influenced their levels of trust:

The times I have needed any assistance from the police in the past ... they never helped, had literally laughed in my face and victim blamed me when I was once threatened by a gun on the street by a stranger - like they are actually useless. (*Female, 25–30, pansexual, experienced coercive control by a former partner and a grandparent*)

Several participants stated that they had actually reported physical violence from a partner to the police and they did not respond, so they subsequently had little faith in the police to respond to the non-physical forms of abuse that they were experiencing. Others specifically connected their distrust to the fraught relationship between the police and LGBTQA+ communities. For example, one participant stated:

Our LGBTQ community does not trust the police. [T]hey do not protect us. I have also had multiple poor or terrible experiences with police previously. (*Female, 25–30, lesbian, experienced coercive control by a former partner*)

Another participant commented that as a lesbian who had gone through the court system for DFV related matters, she experienced discriminatory attitudes from the judge who repeatedly asked her ‘who’s the husband?’ (*Female, 51–60, lesbian, experienced coercive control by a former partner*). Such experiences with the legal system made her sceptical about calling the police for assistance, for fear that violence in lesbian relationships would be dismissed and/or trivialized by responding officers (Guadalupe-Diaz & Yglesias, 2013).

**Belief that police intervention would not improve safety** Some participants doubted whether, even in event that they were taken seriously by the police, it would have improved their safety. For many this was due to fears of retribution from the perpetrator:

Because if they issued a piece of paper telling him to stay away he would take retribution and I believe he will kill me for this type of action. (*Female, 41–50, bisexual, experienced coercive control by a former partner*)

One participant who experienced coercive control from a parent stated:

It was too much. It was easier for me to leave home at 15 than face that level of confrontation. I feared serious escalation. (*Non-binary, 51–60, queer, experienced coercive control by a parent*)

Some participants harboured concerns that the sanctions placed on the perpetrator would be insufficient to stop the violence and may in fact result in escalation:

Fear of the abuse being worse if they were not jailed. (*Female, 31–40, bisexual, experienced coercive control by a former partner*)

I was informed that situations can escalate if [domestic violence orders] are put in place. (*Female, 31–40, bisexual, experienced coercive control by a former partner, a parent and a sibling*)

Indeed, some participants cited alternative avenues for safety, with one describing the ‘police not feeling like the right system to gain justice’ (*Female, 31–40, queer,*

*experienced coercive control by a former partner*). Some participants wanted to ‘move on’ after the relationship had ended and perceived police involvement to impede these goals, while others had a principled resistance to police involvement as captured in the participant quote below:

I am a prison abolitionist, I don’t think police intervention/criminal sanction would have been constructive, especially since my abuser was marginalised in a number of ways that put them at greater risk of harm from the state. (*Female, 25–30, bisexual/queer, experienced coercive control by a former partner*).

The above concerns speak broadly to low rates of DFV reporting, and to victim-survivors’ lack of faith in legal – particularly criminal justice – intervention. Research shows that victim-survivors often have minimal expectations of the legal systems’ ability to protect them from violence and, being already adept at managing risk of violence and abuse, will often engage in non-legal help-seeking behaviours (Fugate et al., 2005). Informal help-seeking behaviours are even more common amongst LGBTQA+ victim-survivors and are undertaken for a variety of reasons including, fear that engagement with formal systems will further ostracise LGBTQA+ communities, that allegations will be downplayed, or the violence will be framed as mutual due to the homophobic attitudes of responders and practitioners (Donovan & Barnes, 2020b; Guadalupe-Diaz & Jasinski, 2017). It is important to locate the above experiences within the context of historically poor, and frequently oppressive and violent, policing responses to LGBTQA+ populations (see, Meyer 2019), in conjunction with general trends of problematic and harmful policing responses to DFV (Douglas, 2019).

### The Impact of Reporting Experiences of Coercive Control to the Police

In many cases concerns held by those respondents in the sample who chose not to report to police were borne out in the experiences of those who did seek help through the criminal justice system. Fears about the abuse not being serious enough to warrant a response, beliefs that police would not take action once called, that a lack of evidence would exacerbate police inaction and an apprehension that calling on police would make the situation worse and potentially more dangerous, are all evident in the stories of those who sought police assistance. The following section examines these issues in survey respondents’ experiences of legal help seeking.

**Police were supportive** A small portion of the sample spoke about supportive actions by the police when they reported abuse, however, experiences of support were not common. For some, police support consisted of receiving assistance to put an intervention order in place. Other survey respondents reported more involved forms of engagement: one participant was advised to call the police when she sensed the situation may become ‘physically dangerous’ and received advice about what to do if the perpetrator tried to return to the house after he had been removed:

They...gave me a script to communicate that he would be trespassing after that and that this would be the strongest version of context where they could intervene. (*Non-binary, 31–40, bisexual, experienced coercive control from a parent, sibling and former partner*)

It is worth noting here that even in an instance where a respondent reported a positive outcome that the key concern of abuse not being ‘serious’ enough to warrant police action, is reinforced by the police response. In this example, physical violence sets the bar for the ‘strongest version’ of police intervention, a message that perpetuates the conception of non-physical forms of coercive control as not as serious. As the data above suggests, this belief acted as a barrier to reporting coercive control to the police for numerous LGBTQA+ survey respondents.

Another positive experience was reported by a survey participant who described receiving support from an officer to leave their home and move into a safe house (*female, 31–40, pansexual, experienced coercive control by former partner*). It should be noted here however, that the police officer worked in a domestic violence unit and was a family member. In this example the police performed a risk assessment and determined to make no formal intervention as they suspected it would make the perpetrator’s behaviour worse.

**Police were unsupportive** While the negative impacts experienced by the LGBTQA+ sample were common across the broader (non-LGBTQA+) survey sample, the qualitative data collected from non-heterosexual and non-cisgender survey participants indicate an additional layer of complexity. LGBTQA+ participants frequently identified the presence of discriminatory attitudes on behalf of the police. These attitudes were not always characterized by heterocentric forms of bias and/or gender policing attitudes (though these were certainly present in some instances) but were also often distinguished by additional biases such as racism or ableism. Though it is beyond the scope of the present paper, which deliberately takes a narrow focus on LGBTQA+ experiences, to do justice to all these forms of

discrimination, we acknowledge that these intersecting vectors of oppression cannot be isolated from one another.

An overarching theme recounted by participants of their experiences with police was that of police minimization of violence and abuse. This tendency to minimize was often accompanied by discriminatory attitudes as seen in the following participant experiences:

I got an intervention order, and got the police to get my stuff off him. The policeman made me feel like I was making a huge thing out of nothing, and that my ex wanted nothing to do with me... The policeman made me feel like I was a drama queen, despite the fact my ex had assaulted me and been stalking me. I’m glad that I got the intervention order, but I was advised not to report the assault because I wouldn’t do well at court because I was a poor Indigenous runaway, and he was a white middle-class man from a good family. (*Female, 31–40, queer, experienced coercive control by a parent and a former partner*).

They refused to take a report from me, laughed at me and said I was a big man and could look after my self [sic]. (*Male, 41–50, asexual, experienced coercive control from a former partner*)

In the above testimonies, racial and gendered biases intersect with a lack of understanding of coercive controlling behaviours in ways that minimize victim-survivors’ experiences and effectively short circuit their pathways to justice. It is worth noting here too that each of these minimizing responses from police disturbingly incorporate elements of degradation and humiliation, behaviours that are themselves part of the spectrum of coercive and controlling tactics deployed by perpetrators.

The minimization of coercive and controlling behaviours does, of course, go hand in hand with an unwillingness to see abuse as ‘serious enough’ to warrant action, as discussed in previous sections of this article. In the example below the victim-survivor’s claims of abuse were dismissed by being deliberately ignored:

We had an AVO [apprehended violence order] hearing 3 weeks later and the AVO was granted. I received more coercive control behaviours, despite the AVO and emailed the DVLO [domestic violence liaison officer] with a list of behaviours he was using and asked for it to be extended past the 12mth period. The DVLO didn’t name this as abuse. Didn’t validate my concerns at all and simply said: “During the time of the AVO being in place, have police had any need to arrest him for Contravening the AVO? In order to extend an AVO



beyond its expiry date, there needs some grounds on which to base a case for extending it.” I didn’t bother responding. (*Female, 31–40, bisexual, experienced coercive control from a parent, a former partner and an in-law*)

In the absence of physical evidence, as is frequently the case in non-physically abusive but coercively controlling relationships, victim-survivors are often compelled to carry the burden of proof (Douglas, 2012). Police inaction due to an absence of ‘evidence’ was another prominent theme across participant responses. The following quote, in which a victim-survivor reported an initial support response to a physical act of abuse only to be later denied support for coercively controlling behaviour perpetrated by the same abuser, is an exemplar of this issue:

The police applied for a [DVO] on my behalf the first time when there was evidence of an act of physical abuse (non-fatal strangulation). When I went to them years later for coercive control (surveillance using children’s phones) they declined to help. I had to seek a private application with no help from police. (*Female, 41–50, bisexual, experienced coercive control from a parent, a former partner*).

Another participant who was experiencing sexual assault and stalking behaviours at the time of their police reporting, noted that the police ‘did nothing because there was no witnesses’. This participant disclosed that they had reported to police twice with no result as they were not believed. The participant said that they had hoped their contact with the criminal justice system would result in protection:

[I] hoped that he would be not allowed near me again. [I] hoped that [I] was going to be safe. [B]ut it made things worse for me. (*Trans man, 31–40, asexual, experienced coercive control by a former partner*).

For this participant, not being believed by either formal (police) or informal (friends and family) supports meant they were living with the threat of risk (despite ending the relationship ‘years ago’) and had led them to collecting their own evidence. As they noted:

[I] do now have a voice recorder if he threatens me again (*Trans man, 31–40, asexual, experienced coercive control from a former partner*).

What all the above examples share and are in fact underlined by is the lack of police understanding of the nature

and impact of coercive control, the behaviours in which it is enacted and the risk it poses to victims.

Reporting DFV is always risky for the victim of abuse. If reports are not taken seriously and supports are not provided, victim-survivors can be left exposed after their attempts at help-seeking. There were numerous examples in the survey responses testifying to both the fear and impact of increased abuse following legal help-seeking and subsequent police inaction:

It was complicated, often it made things worse and caused greater anger and blame and threats from my partner. I was also treated badly by police for years due to my drug use, so [I] avoided their help. (*Female, 41–50, bisexual, experienced coercive control from a former partner*)

I was horrified when they gave me no warning they’d be releasing him after his interview and he was able to come home again. The abuse, once he got home, was even worse and I didn’t call the police back as I didn’t want to make things worse again. (*Female, 31–40, bisexual, experienced coercive control from a parent, a former partner and an in-law*).

## Discussion and Conclusion

This article has offered important insights into the legal help-seeking behaviours of LGBTQA+ Australians who have experienced coercive control in a DFV context. LGBTQA+ victim-survivors appear to experience similar coercive and controlling behaviours from abusive partners and/or family members when compared to cisgender and heterosexual women (Hill et al., 2020; McClennen, 2005). However, the findings of this study also mirror previous research (see, Guadalupe-Diaz & Yglesias 2013) in supporting the contention that LGBTQA+ victim-survivors seek help for DFV in differing ways – specifically, the participants in our study were less likely to report their experiences of coercive control to the police. This article examined the reasons that LGBTQA+ participants gave for not seeking help from the police and where participants did seek police intervention, what outcomes they sought from police intervention and what that outcome was. A key finding of the study is that the concerns of participants who did not seek police intervention were likely grounded, as many of these concerns were actualized in the experiences of participants who did seek assistance from the police.

Consistent with prior research on women’s experiences of coercive control, some participants did not report abuse to the police due to a belief that the violence was not

‘serious enough’ to warrant police action because it did not involve physical violence (Boxall & Morgan, 2021; Douglas, 2012). This finding is nevertheless interesting, as even though Tasmania is the only Australian jurisdiction to have *criminalised* non-physical forms of DFV (see, Family Violence Act 2004 (Tas)), all states and territories have civil intervention order legislation that identify non-physical forms of violence as grounds to obtain an order (some more limited than others). This suggests that despite legal reform, victim-survivors, and society more broadly, may continue to equate DFV with physical forms of abuse. However, some participants did seem aware that the abuse they were experiencing was indeed grounds for police intervention, but ultimately were concerned that the police would still fail to take action or that police intervention would cause an escalation in abuse. In this way, the data speaks to what is already known about DFV victim-survivors and their help-seeking behaviours, demonstrating a continued reluctance to engage with the legal system to enhance safety (Goodmark, 2018). However, in examining the experiences of LGBTQA+ victim-survivors, this article also diverges from the dominant body of literature on heterosexual and cisgender women’s experiences of DFV and help-seeking.

While some victim-survivors explicitly identified barriers unique to LGBTQA+ communities, such as historical tensions between LGBTQA+ people and the police, concerns about reinforcing negative stereotypes about LGBTQA+ relationships, and legal system dismissal of the legitimacy of DFV in same-sex relationships (Donovan & Barnes, 2020b), most concerns about legal help-seeking did indeed mirror the sentiments of women victim-survivors in opposite-sex relationships (Fugate et al., 2005). Perhaps what is striking about the data presented in this study is that the vast majority of participants are bisexual women who had experienced abuse from a male perpetrator. Assuming, however, that these women’s experiences are therefore the same as heterosexual women’s, presents a missed opportunity to consider broader social and cultural contexts and histories in which bisexual women are located, and the fact that heteronormativity may indeed shape bisexual women’s experiences of DFV and challenge and undermine their access to safety (Bermea et al., 2019). It is not, however, within the scope of this article to interrogate these experiences. We note the need for research that exclusively considers bisexual women’s experiences of coercive control and legal help-seeking.

As this data has shown, the heterogeneity of the LGBTQA+ community presents a combination of inequalities when accessing justice across the vectors of biological or sex-assigned at birth status, age and ethnicity. As a result, the demonstrated reluctance to engage in formal help-seeking by these populations means that LGBTQA+ individuals

may remain exposed to coercively controlling behaviours and relationships. While a minority of LGBTQA+ victim-survivors reported a positive outcome after legal help seeking for coercive control, the majority did not. Overwhelmingly responses conveyed a sense of frustration and disappointment following efforts to secure police support. Though negative experiences and key concerns related to legal help seeking found in this sample overlap with those of heterosexual and cisgender survey participants, it was found that some LGBTQA+ experiences were additionally inflected with discriminatory attitudes related to gender, sexuality and ethnicity. In some cases, this resulted in degrading and humiliating treatment by police. Survey participants reported a minimization of abuse by police, a reluctance to take their reports seriously and a burden to provide evidence of abusive behaviours. Several participants indicated that legal help seeking led to heightened risk and in some cases, increased and intensified abuse. Another prominent theme among those frustrated by unsupportive police was a reluctance to engage with police and seek legal support in the future. This final finding may prove significant in future research. Given the reservations dissuading LGBTQA+ participants from engaging in legal help seeking were in fact evidenced in the experiences of those who did, it follows that this hesitancy may persist among queer communities.

This article presents key emerging findings on the legal help-seeking decision-making and experiences of LGBTQA+ DFV victim-survivors. It provides valuable insight into the ways in which experiences of coercive control impact how LGBTQA+ victim-survivors seek help and experience help seeking, and serves as an important prompt for further, more targeted research.

## Limitations

The findings of this study are not representative of, nor generalizable to, the broader population, due to the purposive sampling methods employed. Further, a key limitation of this study is that the survey instrument used did not seek to specifically examine LGBTQA+ victim-survivors’ experiences, which may in part account for the similarities in experiences between the LGBTQA+ sub-sample and the general survey sample in their accounts of legal help-seeking. Participants were not directly called on to reflect on the ways in which their gender identity and/or sexual orientation influenced and shaped help-seeking experiences, nor were they asked about coercively controlling behaviours that are specific to LGBTQA+ victim-survivors. While the survey was not intended to specifically target this group, we are acutely aware of the fact that this data was collected by means of a survey that was largely informed by heteronormative

understandings of DFV. The survey was open to all Australian victim-survivors over the age of 18, however, it was designed based on the researchers' understandings of DFV, which have been informed by their years of research predominantly on men's violence against women in intimate relationships.

We acknowledge and recognize the sore need for LGBTQA+-targeted research, in order to gain more in-depth insights into LGBTQA+ experiences of DFV and to shift away from locating these experiences within the context of dominant violence against women narratives and discourses. It is in this sense that we note the need for future methodological and theoretical developments in this field. As indicated above, future surveys could ask respondents to reflect on their perceptions of the impact of gender and/or sexual identity on help-seeking decisions and experiences. Moreover, a survey design that incorporated a queer theoretical framework could mitigate the uncertainty around some data (as indicated above) by accounting for gender and sexual fluidity over survey respondents' life course. This could enable more accurate data collection by clarifying the status of the relationships in question, that is, were they queer or heterosexual relationships?

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