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Joshua D. Talicska

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Out of One Closet and Into Another: Why Abused Homosexual Males  
Refrain From Reporting Their Abuse and What to Do About It

# OUT OF ONE CLOSET AND INTO ANOTHER: WHY ABUSED HOMOSEXUAL MALES REFRAIN FROM REPORTING THEIR ABUSE AND WHAT TO DO ABOUT IT

By: Joshua D. Talicska<sup>1</sup>

*It is estimated that the prevalence of partner abuse experienced by homosexual men is comparable to the prevalence of partner abuse experienced by heterosexual women. Still, the prevalence of partner abuse experienced by homosexual men is thought to be greatly underestimated and marked by a greater failure to report than partner abuse experienced by heterosexual women. Although studies indicate that homosexual men remain in abusive relationships for many of the same reasons as heterosexual women, this article offers several “gay-specific” reasons why abused homosexual men refrain from reporting their partner’s abuse. These reasons include: state statutes explicitly prohibiting homosexual males from protection; the “ripple-effects” of same-sex marriage bans; the prevalence of HIV infection in the gay community; a lack of formal services available to abused homosexual males; and apathy within the criminal justice system. Fortunately, society can remedy such underreporting, but only if current practices and policies change. This article concludes by offering solutions for remedying the current underreporting of partner abuse within same-sex male relationships.*

## I. Introduction

The woman’s voice was desperate: “[T]here is this young man [on the street]. He’s buck-naked. He has been beaten up . . . He is really hurt . . . He needs some help.”<sup>2</sup> Officers from the Milwaukee Police Department soon responded, established that the young male was homosexual, and after questioning the young male’s apparent boyfriend at his nearby residence, dismissed the incident as “a domestic dispute between adult homosexuals.”<sup>3</sup> Amid laughter, one officer casually described the incident as follows: “Intoxicated Asian, naked male . . . returned to his sober boyfriend.”<sup>4</sup> Shortly thereafter, a neighbor

contacted the Milwaukee Police Department inquiring why the young male’s boyfriend had not been arrested.

*Woman: My daughter and niece witnessed what was going on. Do you need information or anything from them?*

*Officer: No, not at all.*

*Woman: You don’t?*

*Officer: Nope. It’s . . . an intoxicated boyfriend of another boyfriend.*

*Woman: Well, how old was [that] child?*

*Officer: It wasn’t a child. It was an adult.*

*Woman: Are you positive? [That] child doesn’t even speak English.*

. . . .

*Officer: Ma’am, I can’t make it any more clear. It’s all taken care of. He’s with his boyfriend at his boyfriend’s apartment, where he’s got his belongings.*

. . . .

*Officer: . . . I can’t do anything about somebody’s sexual preferences in life.*

*Woman: I’m not saying anything about that, but it appeared to have been a child.*

*Officer: No, he’s not. Ok?5*

Shortly after this conversation, that bruised and bleeding “adult homosexual” — in fact, a fourteen-year-old Laotian boy — became the thirteenth victim of Jeffrey Dahmer.<sup>6</sup> Although ultimately not the victim of domestic violence, the child’s “death and . . . laughing dismissal of his abuse remains as a chilling reminder of the social, political, judicial and personal nescience of gay male domestic violence.”<sup>7</sup>

“Despite decades of research on interpersonal violence within heterosexual relationships, very little is known about intimate partner violence among same-gendered partners.”<sup>8</sup> In fact, fewer than thirty publications have focused on the prevalence of domestic abuse within same-sex male couples.<sup>9</sup> It is thus “extremely difficult to accurately quantify the extent of domestic violence within the . . . gay [male] community.”<sup>10</sup> Even so, it is estimated that the prevalence of partner abuse among homosexual males is between 12 and 36 percent.<sup>11</sup> Although “roughly comparable” to cited measures of domestic violence among heterosexual women,<sup>12</sup> the prevalence of partner violence among homosexual males is thought to be greatly underestimated, as academics posit “homosexual abuse is marked by a greater failure to report than heterosexual abuse.”<sup>13</sup>

Thus, this article examines why domestic abuse in homosexual partnerships is marked by a greater failure to report than heterosexual abuse. Part II provides a general overview of domestic abuse in same-sex male partnerships, including both estimates of prevalence and an examination of the dynamics, frequency, and severity of such violence. Part III then provides a discussion of the various “gay-specific” reasons that contribute to a homosexual man’s decision not to report his partner’s abuse.<sup>14</sup> Lastly, Part IV provides a discussion of solutions for remedying the underreporting of domestic abuse in same-sex male partnerships.

## II. An Overview of Domestic Abuse in the Gay Male Community

The prevailing societal assumption is that domestic violence is an act men commit against women.<sup>15</sup> In fact, many scholars have limited “their definition of domestic violence to this subset of victims.”<sup>16</sup> However, such views ignore the broader class of individuals who also fall victim to domestic violence.<sup>17</sup> In brief, domestic violence is:

[A] pattern of interaction that includes the use of physical violence, coercion, intimidation, isolation, and/or emotional, economic, or sexual abuse by one intimate partner to maintain power and control over the other intimate partner. Victims . . . commonly have low self-esteem, blame themselves or circumstances for the violence, . . . and rationalize the batterer’s behavior.<sup>18</sup>

Sadly, such abuse is an all-too-common reality in many homosexual relationships. In fact, “[t]he irony is that gay men . . . are more at risk of violence at the hands of their partners than they are from so-called gay bashers.”<sup>19</sup>

Domestic violence within same-sex male partnerships is not a new problem, just a recently recognized problem. The early 1980s marked the first time that same-sex male domestic violence (hereinafter “SSMDV”) received public attention.<sup>20</sup> Some thirty years later and “intimate partner violence among [same-sex males] has been virtually ignored as a public health problem.”<sup>21</sup> Fewer than thirty publications have focused on the prevalence of SSMDV.<sup>22</sup> In fact, those few studies that have focused on the prevalence of SSMDV have been criticized as suffering from “serious methodological flaws” that inflate prevalence estimates (i.e., “non-random sampling procedures, small sample sizes, and poor research designs”).<sup>23</sup> For such reasons, the prevalence of SSMDV has been “extremely difficult to accurately quantify.”<sup>24</sup>

A recent study by Greenwood, Relf, and Huang et al. (hereinafter the “Greenwood study”) significantly expanded the “state of knowledge” regarding the prevalence of domestic violence in same-sex male relationships.<sup>25</sup> “[B]y using a large, probability-based sample of [homosexual men], standard definitions of abuse, and . . . rigorous data collection procedures,” the Greenwood study addressed many of the methodological flaws underlying the older studies.<sup>26</sup> The results of the Greenwood study, therefore, serve as the basis for the ensuing discussion regarding the prevalence of domestic violence within gay male partnerships

### 1. *The Prevalence of Domestic Violence among Homosexual Men*

Approximately two in five gay males reported experiencing some form of domestic abuse within the previous five years: 34% reported psychological abuse, 22% reported physical abuse, and 5.1% reported sexual abuse.<sup>27</sup> Neither race nor income played a role in the documented abuse.<sup>28</sup> Instead, age of the participant was the strongest correlate of abuse: eighteen to twenty-nine-year-old gay males were roughly 1.2 times more likely to have been abused than forty to forty-nine-year-old gay males, and were 2.9 times more likely to have been abused than gay males aged sixty years and older.<sup>29</sup> Moreover, 43.1% of HIV-positive homosexual males reported being abused within the previous five years.<sup>30</sup> These findings are substantially higher than the abuse rates reported by heterosexual men,<sup>31</sup> and are comparable to those reported by heterosexual women.<sup>32</sup> As the authors of the Greenwood study conclude, “intimate partner abuse among urban [homosexual males] is a very serious public health problem.”<sup>33</sup>

### 2. *Dynamics, Frequency, and Severity of Domestic Abuse among Homosexual Men*

The Greenwood study provides information “about the demographic distribution of [SSMDV],” and does not necessarily provide information about the “dynamics of [homosexual male] battering,” or the “severity or frequency of [such] partner violence.”<sup>34</sup> However, understanding the dynamics, frequency, and severity of domestic abuse in same-sex male partnerships is essential to an informed discussion of SSMDV. For such information and findings, we must consult another recent study — this one by Gregory S. Merrill and Valerie A. Wolfe.<sup>35</sup>

#### a. *Dynamics of Abuse in Gay Male Partnerships*

Merrill and Wolfe found that the dynamics of homosexual partner abuse are similar to the dynamics of heterosexual partner abuse. For example, Lenore E. Walker, author of *The Battered Woman*,<sup>36</sup> asserts that “the onset of abuse [in heterosexual relationships] is gradual . . . and that the first abusive incident does not typically occur until six months into the relationship.”<sup>37</sup> Similarly, Merrill and Wolfe

determined that the onset of domestic abuse in homosexual male partnerships is likewise gradual, with approximately 80% of respondents (i.e., gay males who had been in an abusive same-sex partnership) reporting no incidents of physical abuse within the first few months of their relationship.<sup>38</sup> Additionally, in accordance with Lenore E. Walker’s cycle theory of violence,<sup>39</sup> Merrill and Wolfe found that 73% of respondents indicated that they agreed with the following characterization: “After a violent incident, the relationship seemed to return to a ‘honeymoon period’ in which my partner was apologetic, caring, attentive, and romantic.”<sup>40</sup>

#### b. *Frequency of Abuse in Gay Male Partnerships*

Merrill and Wolfe found that “severe, recurrent physical abuse” was frequent in violent male partnerships, with roughly 90% of respondents indicating that they had experienced such physical abuse.<sup>41</sup> “In fact, 62% of respondents reported experiencing more than five incidents of physical abuse[,] with 37% reporting between 11 and 100 such incidents.”<sup>42</sup> Emotional abuse was the most prevalent form of abuse, and all respondents reported experiencing it.<sup>43</sup> Sexual abuse was reported by 73% of respondents who had been in an abusive relationship.<sup>44</sup> And 90% of respondents reported that their partners had exhibited “financially” abusive behaviors.<sup>45</sup>

#### c. *Severity of Physical Abuse in Gay Male Partnerships*

Merrill and Wolfe found that as a result of their partner’s physical violence, 79% of respondents “indicated that they had suffered at least one injury; most reported multiple.”<sup>46</sup> The forms of physical abuse most commonly reported by respondents included pushing (79%), restraining or blocking the respondent’s exit (77%), punching or striking with hands or fists (64%), kicking (46%), and throwing objects (42%).<sup>47</sup> The types of harms sustained by respondents included bruises on the body (60%), blackened eyes (35%), lacerations or stab wounds (19%), broken bones (12%), and severe burns (10%).<sup>48</sup> “[Thirteen percent] of respondents . . . reported that their partners sometimes or frequently ‘tried to infect . . .’ them with HIV.”<sup>49</sup> Sadly, nearly

half of these men reported becoming HIV-positive as a result of such HIV exposure.<sup>50</sup>

### 3. *Gay Males Failing to Report their Abuse or Abusers*

As recent studies illustrate, domestic abuse within same-sex male partnerships is a serious public health problem. Even so, it is believed, “the frequency of homosexual abuse is greatly underestimated [as] homosexual abuse is marked by a greater failure to report than heterosexual abuse.”<sup>51</sup> Assuming that SSMDV is marked by a greater failure to report than abuse in heterosexual partnerships, the inevitable question is, why?

## III. Gay-Specific Reasons Homosexual Males Fail to Report Their Abusers

Recent studies indicate that homosexual men remain in abusive relationships for many of the same reasons as heterosexual women,<sup>52</sup> and it seems intuitive that these *unisex* reasons for remaining in an abusive relationship — such as love for the partner — certainly contribute to an abused homosexual male’s decision not to report his partner’s abuse. Still, there are numerous *gay-specific* reasons why an abused homosexual male may refrain from reporting his partner’s abuse: (1) state statutes explicitly prohibiting homosexual males from protection; (2) same-sex marriage bans; (3) the prevalence of HIV infection in the gay community; (4) a lack of formal services/programs available to abused homosexual men; and (5) apathy of the criminal justice system towards abused homosexual males.

### 1. *Criminal Statutes Excluding Homosexual Males from Protection*<sup>53</sup>

“Historically, society tolerated men beating their wives,” and thus “[m]any obstacles had to be overcome for the law to recognize the problem of domestic violence.”<sup>54</sup> Even so, views on domestic violence have changed,<sup>55</sup> and every state now prohibits domestic violence through a combination of civil remedies (e.g., restraining orders) and criminal penalties (e.g., mandatory arrest, temporary incarceration).<sup>56</sup> However, states do not uniformly define who is protected. Thus,

who qualifies for protection under these statutes will vary from state to state.<sup>57</sup> Relationships by affinity (i.e., marriage, including in-laws) and consanguinity (i.e., blood) are generally included in state protection laws.<sup>58</sup> “However, many [of these] statutes do not cover unmarried persons in romantic or sexual relationships.”<sup>59</sup> As explained by Seelau and Seelau:

Although gender-neutral language in [thirty-seven] jurisdictions implies protection of gay and lesbian domestic abuse victims, only four states have made this coverage explicit, either by the language of the statute (Hawaii) or by case law (Illinois, Ohio, and Kentucky). Gays and lesbian are clearly excluded from protection under domestic violence laws in [six] states . . . .<sup>60</sup>

Those states that have chosen to explicitly provide legal recourse only to heterosexual couples are Delaware,<sup>61</sup> Louisiana,<sup>62</sup> Montana,<sup>63</sup> North Carolina,<sup>64</sup> South Carolina,<sup>65</sup> and Virginia.<sup>66</sup> In other instances, “[c]ourts have interpreted state statutes to include an opposite-sex requirement even when the statute does not contain such an explicit requirement.”<sup>67</sup> For instance, the California Court of Appeals in *People v. Holifield* interpreted the “cohabitating” requirement in a domestic violence statute<sup>68</sup> as requiring “an unrelated man and woman living together in a substantial relationship.”<sup>69</sup>

The implications seem almost too obvious to state. Why risk further inciting an already abusive partner (by reporting his physical, emotional, sexual, financial, or other abuse) if the law excludes the abused from protection? That is, in those states that exclude homosexual males from protection under domestic violence statutes, abused gay males likely refrain from reporting their partner’s abuse, in part, because they know that the law fails to provide them a remedy.

### 2. *The Effects and Implications of Same-Sex Marriage Bans*

“Some states do not limit coverage to opposite-sex couples but, instead, cover those in a ‘spouse-like’ relationship.”<sup>70</sup> For example, Ohio provides legal recourse to unmarried persons “living

[with their abusive partner] as a spouse.”<sup>71</sup> Other states have similar provisions.<sup>72</sup> However, “[w]ith states increasingly enacting same-sex marriage bans, it is unclear whether these ‘living as a spouse’ rules preclude coverage of same-sex couples.”<sup>73</sup> For example, consider the recent happenings in the State of Ohio. In November 2004, the people of Ohio amended the Ohio Constitution as follows:

Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.<sup>74</sup>

Soon thereafter, the Ohio judiciary was confronted with litigation contesting the constitutionality of the “living as a spouse” provision of the domestic violence statute.<sup>75</sup> As explained by the court in *State v. Ward*,<sup>76</sup> the issue confronting the Ohio judiciary was:

[W]hether the provision in the domestic-violence statute . . . extending the protection of that criminal statute to ‘a person living as a spouse’ offends the Defense of Marriage Amendment to the Ohio Constitution . . . because it recognizes ‘a legal status for relationships of unmarried individuals that intends to approximate the . . . effect of marriage.’<sup>77</sup>

A divide soon emerged among the Ohio Courts of Appeals. In *Ward*, the Sixth District Court of Appeals concluded that the provision violated the Defense of Marriage Amendment.<sup>78</sup> The ruling thus rendered the domestic violence statute inapplicable to unmarried couples, both heterosexual and homosexual. The Eighth District Court of Appeals in *State v. Burk*<sup>79</sup> reached the opposite result, concluding that the provision “coexists in harmony with [the Defense of Marriage Amendment]” and was thus constitutional.<sup>80</sup> This ruling rendered the domestic violence statute applicable to unmarried couples,

both heterosexual and homosexual, so long as they were living together as spouses. The confusion that likely resulted from these conflicting interpretations may have deterred some abused homosexual males from reporting their abuse. Consider the following scenarios:

Scenario 1: *After learning that his jurisdiction does not extend protection to unmarried couples, Person X (a gay male in an abusive relationship) is deterred from seeking a protective order against his abusive partner. Person X’s abuse thus remains unreported.*

Scenario 2: *After learning that an unmarried friend was unable to obtain a protective order against her abusive boyfriend in a nearby county, Person X (same male from scenario 1) is deterred from seeking a protective order against his abusive partner not realizing that he is in a jurisdiction that extends protection to unmarried couples. Person X’s abuse thus remains unreported.*

Scenario 3: *After learning of the conflicting interpretations among the Ohio Courts of Appeals, Person X (an abused gay male in an appellate district that has not yet decided whether unmarried couples qualify for protection) refrains from seeking a protective order against his abusive partner. He fears that a lengthy trial and appellate process will only further incite his abusive partner, especially if the court ultimately determines that unmarried couples do not qualify for protection. Person X’s abuse thus remains unreported.*

Although the Supreme Court of Ohio eventually ruled that the “living as a spouse” provision did not violate the Defense of Marriage Amendment and was thus applicable to unmarried couples,<sup>81</sup> whether an abused homosexual male was able to avail himself of the protections afforded by the “living as a spouse” provision of the domestic violence statute had, prior to this ruling, depended upon the district in which the abused male lived.<sup>82</sup> Accordingly, same-sex marriage bans that muddy the applicability of domestic violence statutes to unmarried couples also contribute to a homosexual male’s decision not to report his partner’s abuse.<sup>83</sup>

### 3. *The Prevalence of HIV in the Homosexual Community*

As of December 2008, roughly 600,000 individuals were estimated to be living with HIV in the United States.<sup>84</sup> Of those individuals, it was estimated that approximately half (some 269,000 persons) were homosexual males, substantially surpassing the estimated total of heterosexual females (some 116,000 persons) living with HIV.<sup>85</sup> Given the prevalence of HIV infection among the homosexual community, it seems likely that HIV-related factors may contribute to a homosexual male's decision not to report his abuse. As suggested by Letellier:

[I]f [the abused male] is HIV-positive, he may have significant . . . physical needs which influence his willingness and ability to leave a violent partner. If the victim's abusive partner is HIV-positive, he may be more likely to stay out of a sense of obligation or guilt. Even couples in which both partners are HIV-negative may remain coupled out of fear of dating in the context of the HIV epidemic.<sup>86</sup>

The study by Merrill and Wolfe affirms that HIV-status "significantly" influences an abused homosexual male's decision to remain with an abusive partner.<sup>87</sup>

Of the respondents (i.e., abused gay males) in the Merrill and Wolfe study who identified as HIV-positive, 60% indicated that "fear of becoming sick and dying had played a 'major part' in their decision to remain in an abusive relationship."<sup>88</sup> Of the respondents who indicated that their abusive partner was HIV-positive, 50% indicated that "not wanting to abandon an HIV-positive partner had played 'a major part' [in their decision to remain]."<sup>89</sup> Of HIV-negative respondents in a relationship with a HIV-negative person, 8% reported that "fear of dating in the context of the HIV epidemic . . . played 'a major part' [in their decision to remain in their abusive relationship]."<sup>90</sup> Other researchers report similar findings.<sup>91</sup> Moreover, as explained by Mark W. Lehman, "[a]n HIV-positive victim may perceive his batterer as a 'life-raft' — someone who is willing

. . . to assist throughout [the] traumas and illness the victim foresees facing."<sup>92</sup> The physical and emotional needs of an abused, HIV-positive, homosexual male may thus "override the battering experiences and pain."<sup>93</sup> Lehman further explains that:

Also intertwined with HIV [infection] are concerns for financial dependence, health insurance[,] and confusion over the origin of [abusive] behaviors. If the victim is not [open about his condition] at work . . . the victim's perceptions of the consequence[s] of reporting his [abusive partner's] violence may induce fears of job loss [and] termination of health insurance. [If] either partner [is] taking large amounts of medication, abusive or violent behavior can be attributed to . . . drugs or the emotional effects of dealing with HIV itself.<sup>94</sup>

These findings distinguish the experiences of battered homosexual men from their heterosexual female counterparts, as abused gay men often refrain from reporting their abuse because of their own or their partner's HIV-positive status.<sup>95</sup> In other words, the prevalence of HIV infection in the gay community is a "factor that dramatically complicates the lives of battered gay . . . men," and surely contributes to an abused homosexual male's decision not to report his partner's abuse.<sup>96</sup>

### 4. *Lack of Formal Services Available to Victimized Homosexual Men*

There are approximately 5,000 shelters for abused animals across the United States.<sup>97</sup> A nationwide system of approximately 1,640 shelters provides assistance to battered women.<sup>98</sup> Shelters for homosexual males, on the other hand, are almost nonexistent: Merrill and Wolfe contend that there are fewer than 12 shelters, nationwide, capable of "substantially address[ing] the needs of battered gay . . . men."<sup>99</sup> Consequently, abused homosexual males may refrain from reporting their partner's abuse, in part, due to the lack of "formal sources" (e.g., counselors, shelters) available to victimized men.

And although abused homosexual men have sought formal support through other agencies (e.g., HIV/AIDS clinics), Merrill and Wolfe explain that such “professionals [typically] have not been trained to assess and respond to battering in this population.”<sup>100</sup> Offered assistance is thus likely to be “prejudicial or apathetic.”<sup>101</sup>

Furthermore, victimized homosexual men typically are not able to “seek assistance from [those] formal sources traditionally utilized by battered heterosexual women,” as most women’s shelters report that “serving gay male domestic violence victims is not an organizational priority.”<sup>102</sup> In a recent study by the National Institute of Mental Health, a domestic violence agency in Massachusetts denied services to 75% of 132 men who approached the agency for assistance.<sup>103</sup> Consequently, as explained by Lehman:

Given the fact that most victim services are built on gender paradigms designed to serve [abused heterosexual] women [only,] and [given] that gay [male] domestic violence information and provider outreach is scarce (or completely absent)[,] we must conclude [that] gay . . . victims currently have more difficulty accessing assistance than battered heterosexual women.<sup>104</sup>

This difficulty in accessing assistance surely contributes to the underreporting of domestic abuse in homosexual male partnerships. To paraphrase an abused homosexual male who participated in the Lehman study: “I knew there were a lot of people out there in the same situation; I just didn’t know where to look for help.”<sup>105</sup>

#### 5. *The Criminal Justice System: An Apathy Toward Abused Homosexual Males*

Recent studies illustrate that the gender of the perpetrator, victim, and observer influences perceptions of domestic abuse in heterosexual and homosexual relationships.<sup>106</sup> Women are more likely than men to entertain broader and less discriminatory views of domestic abuse,<sup>107</sup> whereas men tend to view male-on-male abuse as less serious than male-on-female abuse.<sup>108</sup> As Paula B. Poorman, Eric P. Seelau,

and Sheila M. Seelau suggest, “[r]eplication of these results . . . [in] a predominantly male criminal justice [system] (e.g., police officers) and a predominately female mental health/social system (e.g., social workers) would predict gendered systemic responses to gay . . . domestic abuse.”<sup>109</sup> In fact, there is some evidence that sexual orientation influences the ways in which the criminal justice system responds to reports of domestic violence. For example, law enforcement personnel are less likely to arrest alleged abusers or to enforce protective orders in cases involving male-on-male violence.<sup>110</sup> In fact, when law enforcement officers make an arrest at a same-gender domestic violence crime scene, “they all too often arrest . . . both parties, or arrest the wrong person.”<sup>111</sup> As Poorman, et al. explains:

Coupled with anecdotal evidence of denial or minimization within the criminal justice system, and empirical evidence of judicial homophobia, the chance of receiving less assistance or the prospect of not having the [abuser] charged may prevent gay [male] . . . victims of domestic abuse from approaching the criminal justice system for redress.<sup>112</sup>

In effect, many gay males may perceive the criminal justice system as underestimating the severity of their abuse as compared to domestic violence perpetrated by heterosexual men against their wives or girlfriends. Consequently, homophobia within the criminal justice systems undoubtedly deters victimized homosexual males from reporting their abuse.

#### IV. Possible Solutions to Remedy the Underreporting of Abuse Within Same-Sex Couples

As recent studies illustrate, domestic abuse within same-sex male partnerships is a serious public health problem.<sup>113</sup> Still, the prevalence of SSMDV is greatly underestimated.<sup>114</sup> If society is to remedy this underreporting of abuse, current practices and policies must change. Below are possible solutions for

remediating the current underreporting of domestic abuse among gay male couples.

1. *Developing New Services and Increasing Awareness of Existing Services*

Unfortunately, there are few formal services that specialize in assisting abused homosexual males.<sup>115</sup> New programs must be developed. These programs should include: 24-hour telephone hotlines; individual and group counseling; and access to emergency food, transportation, shelter, clothing, and financial assistance, if needed.<sup>116</sup> However, until social attitudes significantly change, it may be difficult to find funding for programs that assist only abused homosexual males.<sup>117</sup> Where development of new programs is not feasible, such services could be offered through a variety of preexisting agencies. As explained by Merrill and Wolfe:

[I]n some communities, services could be coordinated through the local gay community center, counseling agency, HIV provider, or anti-violence project. In other communities, providers from the local battered women's shelter may be in the best position to offer services. Collaboration[] between traditional battered women's [services] and gay community agencies might be the most creative way to pool limited resources.<sup>118</sup>

In the short-term, existing programs should better advertise their services.<sup>119</sup> The importance of advertising cannot be overstated. Advertising formal services is an excellent means of both reaching victims and increasing community awareness of the problem.<sup>120</sup>

2. *Improving Law Enforcement's Response to SSMDV*

The relationship between law enforcement officers and the gay community is healthier today than in the past. Still, there is room for improving law enforcement response to SSMDV. Stephen S. Owen explains:

A[ny] strategy for improving police response to same-sex male domestic violence must occur along two fronts: First, as necessary, individual officers and departments must come to appreciate the importance of enforcing laws against abuse regardless of the victim's sexual orientation or gender identification; and second, appreciation must be conveyed to the members of the gay community, to build their confidence in a legal system that has traditionally victimized them.<sup>121</sup>

These objectives can be accomplished in the following ways:

1. Gay or LGBT-friendly<sup>122</sup> interest groups should promote domestic abuse as an important concern of the LGBT community, and should direct their activism toward prosecutorial elections and state legislatures.<sup>123</sup> “[F]ocus[ing] on state legislatures is particularly important, as [state legislatures] have the power to define what constitutes domestic violence, thus shaping the laws that police ultimately enforce.”<sup>124</sup>
2. In communities with progressive/non-homophobic law enforcement departments, local Gay or LGBT-friendly organizations should promote awareness of the department's progressive attitudes, and should stress the importance of reporting same-sex domestic abuse to law enforcement personnel. Such promotion may help “bridge the gap that may [still] exist between perceptions of the police and actual police attitudes and behaviors.”<sup>125</sup>
3. Law enforcement agencies should promote awareness of LGBT diversity.<sup>126</sup> This can be accomplished through sensitivity training and more openly gay officers/recruits within an agency. Such training and hiring practices should be encouraged, for “[b]oth sensitivity training and the presence of more openly gay officers within [a department] may help to erase the background of homophobia [common in police culture.]”<sup>127</sup>

4. Law enforcement agencies (especially those agencies in jurisdictions with a sizeable LGBT population) should also designate LGBT liaison officers: officers who aim to “foster positive relations between the gay community and the police, while also providing a nonjudgmental police resource to gay [individuals].”<sup>128</sup>
5. Law enforcement agencies must also develop appropriate response protocols for assessing and responding to same-gender battering. “Even if individual police officers are not homophobic, they often do not know how to determine who to arrest at a same-gender domestic violence crime scene [involving intimate males],” as officers “are used to simply arresting ‘the man’ . . . .”<sup>129</sup> Consequently, law enforcement officers responding to a same-gender domestic violence crime scene “all too [frequently] arrest no one, arrest both parties, or arrest the wrong party.”<sup>130</sup> Appropriate response protocols should thus be developed to help law enforcement officers properly “identify abusers without relying upon gender as the sole criteria.”<sup>131</sup>
6. Lastly, just as the initial efforts to combat heterosexual domestic violence depended largely on the support of law enforcement administrators, “so too will departmental efforts stressing tolerance and acceptance of gay citizens.”<sup>132</sup> Efforts to improve law enforcement’s response to same-sex domestic violence will thus “ultimately rest with the integrity of police leadership.”<sup>133</sup>

### 3. *Re-Training Current Service Providers*

As explained in Part IV(a), it may be difficult to fund services/programs that solely assist abused homosexual males.<sup>134</sup> Where development of new programs is not feasible, services could be made available through preexisting agencies. Although preexisting agencies (e.g., HIV clinics, battered women’s shelters) could offer short-term services to abused gay men, such a solution is not without its hazards; for these “professionals by and large have not been trained to assess and respond to battering in [the gay] population”<sup>135</sup> and may be “inadequately prepared to intervene in [such] a . . . situation.”<sup>136</sup>

Additionally, such providers may “subscribe to one of the many misconceptions about same-gender battering.”<sup>137</sup> These misconceptions include the following:

[A]ssuming [that] the violence is not as serious because . . . ‘men can protect themselves’, that the violence is more likely to be mutual, that the perpetrator must be ‘the man’ in the relationship while the victim is ‘the woman,’ or that it is somehow easier for a victim of same-gender battering to leave.<sup>138</sup>

To remedy such ignorance, certain service providers (e.g., counselors at battered women’s shelters, HIV clinics, LGBT community centers) should receive training on assessing and responding to SSMDV.<sup>139</sup> These service providers must be adequately trained (or re-trained) before abused gay males will be able to utilize such services for effective aid and counseling. Once the service providers have been trained, the number of formal services available to victimized gay males will increase.

## V. Conclusion

Domestic abuse within same-sex male partnerships is a serious public health problem.<sup>140</sup> Despite the gravity of the problem, intimate partner abuse among homosexual males is greatly underestimated due to a greater failure to report than heterosexual partner abuse.<sup>141</sup> Various “gay-specific” factors contribute to this underreporting: statutes prohibiting abused gay men from seeking legal recourse; same-sex marriage bans; the prevalence of HIV in the gay community; a lack of formal services; and apathy/homophobia within the criminal justice system. Society can remedy such underreporting, but only if current practices change. Let us hope that such practices do change, for we all have a right to be free from abuse — especially from the people we love.

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## (Endnotes)

<sup>1</sup> J.D. candidate at Boston University School of Law, Class of 2013. I would like to thank Alex Garens for his invaluable insights and faith in my abilities, David Talicska and Angela Talicska for their unwavering support, and Courtney Talicska for always being there whenever I need her. I also thank *The Modern American* editorial staff for their contributions and helpful suggestions. Remaining errors are mine.

<sup>2</sup> Annetta Miller et al., *Serial-Murder Aftershocks*, NEWSWEEK, Aug. 11 1991, at 28.

<sup>3</sup> See *id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See *id.*

<sup>7</sup> MARK LEHMAN, AT THE END OF THE RAINBOW 2 (1997) (internal quotation marks omitted).

<sup>8</sup> See Gregory L. Greenwood et al., *Battering Victimization Among a Probability-Based Sample of Men Who Have Sex with Men*, 92 AM. J. PUB. HEALTH 1964 (2002); Gregory S. Merrill & Valerie A. Wolfe, *Battered Gay Men: An Exploration of Abuse Help Seeking, and Why They Stay*, 39 J. HOMOSEXUALITY 1, 2 (2000) (arguing that “same-gender battering has not been adequately investigated, particularly in male couples”).

<sup>9</sup> See Sheila M. Seelau & Eric P. Seelau, *Gender-Role Stereotypes and Perceptions of Heterosexual, Gay and Lesbian Domestic Violence*, 20 J. FAM. VIOLENCE 363 (2005).

<sup>10</sup> DIANE KIESEL, DOMESTIC VIOLENCE: LAW, POLICY, AND PRACTICE 91 (2007).

<sup>11</sup> See Greenwood, *supra* note 8, at 1964 (citing P. Tjaden et al., *Comparing Violence Over the Life Span in Samples of Same-Sex and Opposite-Sex Cohabitants*, 14 VIOLENCE VICTIM 413, 413-25 (1999); L.K. Waldner-Haugrud et al., *Victimization and Preparation Rates of Violence in Gay and Lesbian Relationships: Gender Issues Explored*, 12 VICTIM VIOLENCE 173, 173-84 (1997); C.K. Waterman et al., *Sexual Coercion in Gay Males and Lesbian Relationships: Predictors and Implications for Support Services*, 26 J. SEX. RESEARCH 118, 118-24 (1989)).

<sup>12</sup> See Greenwood, *supra* note 8, at 1964 (citing M. Cohen et al., *Domestic Violence and Childhood Sexual Abuse in HIV-Infected Women and Women at*

*Risk for HIV*, 90 AM. J. PUBLIC HEALTH 560, 560-565 (2000); A.L. Coker et al., *Frequency and Correlates of Intimate Partner Violence by Type: Physical, Sexual and Psychological Battering*, 90 AM. J. PUB. HEALTH 553, 556-59 (2000); A.S. Jones et al., *Annual and Lifetime Prevalence of Partner Abuse in a sample of HMO Enrollees*, 9 WOMEN’S HEALTH ISSUES 295, 295-305 (1999)); see also Seelau & Seelau, *supra* note 9, at 363 (explaining that the prevalence of domestic violence among gay male couples, although difficult to assess, is estimated to be “comparable to heterosexual couples”).

<sup>13</sup> See Pamela M. Jablow, *Victims of Abuse and Discrimination: Protecting Battered Homosexuals Under Domestic Violence Legislation*, 28 HOFSTRA L. REV. 1095, 1105 (2000) (citing Carla M. da Luz, *A Legal and Social Comparison of Heterosexual and Same-Sex Domestic Violence: Similar Inadequacies in Legal Recognition and Response*, 4 S. CAL. REV. L. & WOMEN’S STUD. 251, 268 (1994)).

<sup>14</sup> By “gay-specific” reasons I mean those reasons that likely contribute to a homosexual man’s decision not to report his partner’s abuse, but which do not contribute (or negligibly) to a heterosexual woman’s decision not to report her partner’s abuse (e.g., homophobia in law enforcement officials).

<sup>15</sup> See Jablow, *supra* note 13, at 1095 (explaining that society assumes “domestic violence involves a man who beats his wife”); KIESEL, *supra* note 10, at 91 (explaining that “[a] pervasive myth is that domestic violence is something that men commit against women”).

<sup>16</sup> Jablow, *supra* note 13, at 1095.

<sup>17</sup> See DAVID ISLAND & PATRICK LETELLIER, MEN WHO BEAT THE MEN WHO LOVE THEM 1 (1991).

<sup>18</sup> Jo Ann Merica, *Domestic Violence Feature Section: The Lawyer’s Basic Guide to Domestic Violence*, 62 TEX. B. J. 915, 915 (1999) (citations omitted).

<sup>19</sup> Jablow, *supra* note 13, at 1095 (quoting Chuck Nowlen, *Secrecy Shrouds Torment of Gay Victims of Abuse*, CAPITAL TIMES, Oct. 5 1988, at 2A).

<sup>20</sup> See ISLAND & LETELLIER, *supra* note 17, at 35.

<sup>21</sup> Greenwood, *supra* note 8, at 1964. As suggested by Gregory S. Merrill and Valerie A. Wolfe, “[p]erhaps researchers have themselves fallen victim to the misconception that domestic violence is an exclusively heterosexual phenomenon,” or perhaps gay and lesbian scholars “shy away from documenting

intra-community problems which could fuel negative stereotypes.” Merrill & Wolfe, *supra* note 8, at 2.

<sup>22</sup> See Seelau & Seelau, *supra* note 9, at 363.

<sup>23</sup> See Greenwood, *supra* note 8, at 1964. For a detailed discussion of the methodological flaws that undermine many of these studies, see generally Joanna B. Rohrbaugh, Domestic Violence in Same Gender Relationships, 44 FAM. CT. REV. 287, 288-91 (2006).

<sup>24</sup> See KIESEL, *supra* note 10, at 91; see also Seelau, *supra* note 9, at 363.

<sup>25</sup> See Greenwood, *supra* note 8, at 1964-65. Roughly 2900 homosexual males (aged 18 years and older) living in San Francisco, Los Angeles, Chicago, and New York City participated in the Greenwood study from 1996-1998. Participants were asked to recall any “unwanted physical or emotional violence” from a boyfriend or same-gender partner within the previous five years. *Id.* at 1964-65. A five-year recall period was used so as to “capture a wider picture of battering experiences.” *Id.* at 1965.

<sup>26</sup> *Id.* at 1964. Although the Greenwood study included only homosexual males living in urban areas, and thus may not be representative of the prevalence of domestic violence in rural or suburbanite male partnerships, given that a majority of homosexual males live in urban areas, and that the study accounted for past methodological limitations, the Greenwood study is likely more representative of the actual prevalence of SSMDV than previous studies.

<sup>27</sup> See *id.* at 1965. Gay males 40 years or younger were substantially more likely than those 60 years or older to experience sexual battering — 7.9 percent to 1.4 percent, respectively. See *id.* at 1966.

<sup>28</sup> See *id.* at 1965.

<sup>29</sup> See *id.* (Table 1). Similarly, 30- to 39-year-old gay males reported higher rates of abuse than those males aged 40 years and older (but reported lower abuse rates than 18- to 29-year-old gay males).

<sup>30</sup> See *id.*

<sup>31</sup> In a nationally representative sample of heterosexual men, 7.7 percent reported *lifetime* physical or sexual partner violence, compared with 23 percent of respondents in the Greenwood study who reported physical or sexual partner battering during the *previous five years*. See *id.* at 1967. In a nationally representative sample of HIV-infected individuals, 7.5 percent of HIV-positive heterosexual men reported experienced some form of battering since HIV diagnoses, compared with 39 percent of

HIV-positive respondents in the Greenwood study. See *id.*

<sup>32</sup> The 5-year prevalence of physical battering among respondents in the Greenwood study was significantly higher than both the *annual prevalence of severe violence* (3.4 percent) and the *annual prevalence of total violence* (11.6 percent) among a representative sample of heterosexual women. See *id.* at 1967. However, lifetime rates of *total domestic violence* among women were higher than the 5-year recall rate among Greenwood study participants. See *id.*

<sup>33</sup> *Id.* at 1967.

<sup>34</sup> *Id.* at 1968.

<sup>35</sup> The study included 52 males from Boston, Dallas, Los Angeles, New York City, and San Francisco. Participants were recruited through gay male domestic violence programs. The vast majority of participants were between the ages of 25 and 50 years, were of African, European or Latino descent, and were gay-identified (though the study did include some males who identified as bisexual). See Merrill & Wolfe, *supra* note 8, at 9-10. Although the sample size is small, the results are at least illustrative of the dynamics, severity, and frequency of partner abuse experienced by gay males in violent relationships.

<sup>36</sup> See LENORE E. WALKER, THE BATTERED WOMAN 55-71 (1980).

<sup>37</sup> Merrill & Wolfe, *supra* note 8, at 4.

<sup>38</sup> See *id.* at 11.

<sup>39</sup> According to Walker, battering in heterosexual relationships occurs in a three-phase cycle. Phase 1 (the tension building phase) is characterized by increasing tension and conflict between the batterer and his/her partner. Phase 2 (the violent incident phase) is characterized by the abusive partner battering his/her partner. And Phase 3 (the honey money phase) is characterized by contrite behavior on the part of the batterer, promises of change, and renewed love for the abused partner. See WALKER, *supra* note 36, at 55-71.

<sup>40</sup> Merrill & Wolfe, *supra* note 8, at 11.

<sup>41</sup> See *id.*

<sup>42</sup> *Id.*

<sup>43</sup> See *id.* at 12. For example, 89 percent of respondents indicated that their partner “constantly criticiz[ed]” them, and 83 percent indicated that their partner had intentionally “creat[ed] scenes in public to embarrass respondent.” *Id.* at 13.

<sup>44</sup> See *id.* at 14. For example, 39 percent of respondents indicated that their partner had “[p]

hysically forced respondent to have sex against [his] will,” and 60 percent of indicated that their partner would “[b]ecom[e] angry if respondent did not . . . go along with [the sexual] activity [his] partner wanted.” *Id.* at 15.

<sup>45</sup> *See id.* at 12-13. Financially abusive behaviors include “establishing financial control [over respondent], causing loss of income, employment, or property [of respondent], and refusing to contribute to expenses.” *Id.* at 12.

<sup>46</sup> *Id.* at 11.

<sup>47</sup> *See id.* at 12.

<sup>48</sup> *See id.* at 11.

<sup>49</sup> *Id.*

<sup>50</sup> *See id.* at 11-12. Although I have chosen to focus solely on physical abuse, I do not mean to suggest that violence in homosexual male partnerships is limited to such abuse. For example, Merrill and Wolfe found that that 21 percent of respondents reportedly suffered property or financial losses of over \$5,000 as a result of their abusive partner’s behaviors; that 39 percent of respondents had been physically forced into having sex against their will; and that 85 percent of respondents felt that their partner’s behavior had “significantly” affected their family relationships. *See id.* at 12-15. For brevity’s sake, I have focused only on the severity of *physical abuse* in homosexual male partnerships as such violence is at least illustrative of the frequency and severity of abuse experienced by abused gay males.

<sup>51</sup> Jablow, *supra* note 13, at 1105 (citing Carla M. da Luz, *A Legal and Social Comparison of Heterosexual and Same-Sex Domestic Violence: Similar Inadequacies in Legal Recognition and Response*, 4 S. CAL. REV. L. & WOMEN’S STUD. 251, 268 (1994)).

<sup>52</sup> *See* Barnett and Lopez-Real found that the most common reasons for staying in an abusive relationship among heterosexual women were (in descending order): “hope for positive change; fear of retaliation; few financial resources and employment skills; and love for partner.” Merrill & Wolfe, *supra* note 8, at 7 (citing Ola W. Barnett & D.I. Lopez-Real, *Women’s Reactions to Battering and Why They Stay* (1985)). Other researchers have reported similar findings. *See e.g.*, RICHARD J. GELLES & MURRAY A. STRAUSS, *INTIMATE VIOLENCE* (1988). Although they failed to provide empirical support for their argument, Island and Letellier hypothesized that battered homosexual men stayed in abusive relationships for many of

the same reasons as heterosexual women. *See* Island & Letellier, *supra* note 17, at 93-98. Recent studies have confirmed what Island and Letellier assumed. For example, Merrill and Wolfe found that the most commonly reported reasons for staying in an abusive relationship among gay men were, *inter alia*, hope for positive change (75 percent); love for partner (67 percent); believing that the abuse was an isolated incident (56 percent); fear of retaliation (37 percent); and lack of available assistance (33 percent). Merrill & Wolfe, *supra* note 8, at 19. Other researchers report similar findings. *See e.g.*, J. Michael Cruz, *Gay Male Domestic Violence and Reasons Victims Stay*, 11 J. MEN’S STUDIES 309 (2003).

<sup>53</sup> For a general overview of domestic violence statutes by state and their applicability (or inapplicability) to same-sex couples, *see generally* KIESEL, *supra* note 10, at 118-24.

<sup>54</sup> R. Colker, *Marriage Mimicry: The Law of Domestic Violence*, 47 WM. & MARY L. REV. 1841, 1851 (2006).

<sup>55</sup> *See id.* at 1867.

<sup>56</sup> *See id.* at 1857 (explaining that “[s]tates enforce these rules through enhanced criminal law penalties as well as civil protection orders”); Seelau, *supra* note 9, at 363 (explaining that “[d]omestic violence legislation varies by state, providing victims with civil protections such as restraining orders and, less often, mandatory arrest and temporary incarceration of the perpetrator”).

<sup>57</sup> *See* Colker, *supra* note 54, at 1857 (explaining that this non-uniformity among the states is due to “the piecemeal way that [the states] have enacted domestic violence laws”).

<sup>58</sup> *See* Seelau, *supra* note 9, at 363

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 363. At the time this article was written, New York was included among those states that excluded gays and lesbians from protection under the state’s domestic violence statute. *See* KIESEL, *supra* note 10, at 121. However, New York recently passed a Marriage Equality Act allowing gays and lesbians to marry. *See* N.Y. DOM. REL. § 10-a (2011). Since New York’s domestic violence statute protects “persons legally married to one another,” it now presumptively applies to married gay and lesbian couples. *See* N.Y. FAM. CT. ACT § 812(b) (2006). I thus amended the language in the bloc-quotation from “. . . laws in seven states . . .” to “. . . laws is [six] states . . .”

<sup>61</sup> See DEL. CODE ANN. tit. 10, § 1041(2) (2008); DEL. CODE ANN. tit. 10, § 901(12) (2008).

<sup>62</sup> See LA. REV. STAT. ANN. § 46:2132 (2006); LA. REV. STAT. ANN. § 14:35.3(B)(2) (2006).

<sup>63</sup> See MONT. CODE ANN. § 45-5-206(2)(b) (2006)

<sup>64</sup> See N.C. GEN. STAT. § 50B-1(b) (2006).

<sup>65</sup> See S.C. CODE ANN. §§ 16-25-10, 20-4-20 (2005).

<sup>66</sup> See VA. CODE ANN. § 16.1-228 (2006) (protecting individuals who “cohabits” with the abuser). However, in the opinion of James S. Gilmore, the Attorney General of Virginia, the use of “cohabits . . . encompass[es] unrelated persons in the same household only if they are of opposite sexes and are living as husband and wife.” 1994 Va. AG LEXIS 21, \*4-5 (1994).

<sup>67</sup> Colker, *supra* note 54, at 1858.

<sup>68</sup> See CAL. PENAL CODE § 273.5 (2006) (making it a felony punishable by four years imprisonment for willfully inflicting corporal injury on a cohabitant).

<sup>69</sup> *People v. Holifield*, 252 Cal. Rptr. 733-34 (Cal. Ct. App. 1988). Moreover, “[t]his restriction to opposite-sex couples survived an equal protection challenge.” Colker, *supra* note 54, at 1858-59 (citing *People v. Silva*, 33 Cal. Rptr. 2d. 181, 187 (1994)).

<sup>70</sup> Colker, *supra* note 54, at 1859.

<sup>71</sup> OHIO REV. CODE ANN. § 2919.25(F)(a)(1)(i).

<sup>72</sup> See Colker, *supra* note 54, at 1859 (identifying Indiana, Pennsylvania, and West Virginia as having similar statutes covering persons in a spouse-like relationship).

<sup>73</sup> Colker, *supra* note 54, at 1859.

<sup>74</sup> OHIO CONST. art. XV, Sec. 11.

<sup>75</sup> See OHIO REV. CODE ANN. § 2919.25(F)(1)(a)(i).

<sup>76</sup> 849 N.E.2d 1076 (Ohio App. 2d. 2006).

<sup>77</sup> *Id.* at 1077.

<sup>78</sup> See *id.* at 1082. The same result was reached by the Third District Court of Appeals. See, e.g., *State v. Shaffer*, No. 14-05-55, 2006 WL 1459769, at \*3 (Ohio App. 3d. 2006).

<sup>79</sup> See 843 N.E.2d 1254 (Ohio App. 8th 2005).

<sup>80</sup> *Id.* at 1258. The same result was reached by the Sixth and Eleventh District Courts of Appeals. See, e.g., *State v. Rodriguez*, No. H-05-020, 2006 WL 1793688 (Ohio App. 6th 2006); *State v. Jenson*, No. 2005-L-193, 2006 WL 2796284 (Ohio App. 11th 2006).

<sup>81</sup> See *State v. Carswell*, 871 N.E.2d 547, 554 (Ohio 2007).

<sup>82</sup> If the abused gay male lived in either the Sixth, Eighth, or Eleventh District, the male qualified for protection. However, if the abused gay male lived in either the Second or Third District, the male did not qualify for protection. See *supra* notes 78-80 and accompanying text.

<sup>83</sup> In September 2011, the North Carolina Coalition Against Domestic Violence came out against the same-sex marriage ban being considered by the North Carolina Legislature, warning that a similar constitutional change in Ohio “wrecked havoc with its laws protecting people . . . in domestic violence cases.” Bob Geary, *About that Anti-Gay Marriage Amendment: Watch Out for Collateral Damage*, INDYWEEK (Sep. 8, 2011), <http://www.indyweek.com/citizen/archives/2011/09/08/about-that-anti-gay-marriage-amendment-watch-out-for-collateral-damage>.

<sup>84</sup> See CDC, HIV SURVEILLANCE REPORT: DIAGNOSES OF HIV INFECTION AND AIDS IN THE UNITED STATES AND DEPENDANT AREAS — 2008, at 79 (2009), available at <http://www.cdc.gov/hiv/surveillance/resources/reports/2008report/pdf/2008SurveillanceReport.pdf>.

<sup>85</sup> See *id.* at 79. These numbers represent only those individuals who acquired HIV through sexual intercourse and do not represent those individuals (homosexual or heterosexual) who acquired HIV through other means (e.g., injection drug use, blood transfusion).

<sup>86</sup> Merrill & Wolfe, *supra* note 8, at 8 (citing Patrick Letellier, *Twin Epidemics: Domestic Violence and HIV Infection Among Gay and Bisexual Men*, 4 J. LESBIAN/ GAY SOCIAL SERVICES 69, 69-81 (1996)).

<sup>87</sup> See *id.* at 2.

<sup>88</sup> *Id.* at 18.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> See e.g., LEHMAN, *supra* note 7, at 38 (reporting that 50 percent of respondents (i.e., abused gay males) indicated that “HIV [i]ssues” had played a major part in their decision to remain in an abusive relationship).

<sup>92</sup> *Id.* at 64-65.

<sup>93</sup> *Id.* at 65.

<sup>94</sup> *Id.*

<sup>95</sup> See Merrill & Wolfe, *supra* note 8, at 23.

<sup>96</sup> See LEHMAN, *supra* note 7, at 65.

<sup>97</sup> See *Pet Statistics*, ASPCA, <http://www.aspc.org/about-us/faq/pet-statistics.aspx> (last visited Nov. 15, 2011).

<sup>98</sup> See *Domestic Violence Shelters in the U.S., 2005*, NCDSV, <http://www.ncdsv.org/images/DVSheltersUS.pdf> (last visited Nov. 15, 2001).

<sup>99</sup> See Merrill & Wolfe, *supra* note 8, at 6-7; see also LEHMAN, *supra* note 6, at 66 (explaining that there are “approximately a dozen of these programs” in the United States).

<sup>100</sup> *Id.* at 7.

<sup>101</sup> See LEHMAN, *supra* note 7, at 62.

<sup>102</sup> Merrill & Wolfe, *supra* note 8, at 6.

<sup>103</sup> See JOSEPH CAPUTO, *Can We Degenderize Domestic Violence*, GOOD MEN PROJECT, <http://goodmenproject.com/featured-content/can-we-degenderize-domestic-violence/> (last visited Nov. 18, 2011).

<sup>104</sup> LEHMAN, *supra* note 7, at 66.

<sup>105</sup> *Id.*

<sup>106</sup> See, e.g., Seelau & Seelau, *supra* note 9, at 329-70; Paula B. Poorman et al., *Perceptions of Domestic Abuse in Same-Sex Relationships and Implications for Criminal Justice and Mental Health Responses*, 18 VIOLENCE & VICTIMS 659, 666 (2003).

<sup>107</sup> See, e.g., Poorman et al., *supra* note 106 at 667.

<sup>108</sup> See *id.* at 665; Seelau & Seelau, *supra* note 9, at 366.

<sup>109</sup> Poorman et al., *supra* note 106, at 667 (citation omitted).

<sup>110</sup> See Seelau & Seelau, *supra* note 9, at 364 (internal citations omitted). Consider also the dismissal of the Milwaukee Police Department in responding to reports of a bruised and bleeding “adult homosexual” male. *Supra* Part I (introduction).

<sup>111</sup> Merrill & Wolfe, *supra* note 8, at 25.

<sup>112</sup> Poorman et al., *supra* note 106, at 666.

<sup>113</sup> See, e.g., Greenwood, *supra* note 8, at 1964-68; Merrill & Wolfe, *supra* note 8, at 9-18.

<sup>114</sup> See Jablow, *supra* note 13, at 1105 (citing Carla M. da Luz, *A Legal and Social Comparison of Heterosexual and Same-Sex Domestic Violence: Similar Inadequacies in Legal Recognition and Response*, 4 S. CAL. REV. L. & WOMEN’S STUD. 251, 268 (1994)).

<sup>115</sup> See Merrill & Wolfe, *supra* note 8, at 6-7; see also LEHMAN, *supra* note 7, at 66 (explaining that there are “approximately a dozen of these programs” in the United States).

<sup>116</sup> See Merrill & Wolfe, *supra* note 8, at 27.

<sup>117</sup> See *id.*

<sup>118</sup> *Id.*

<sup>119</sup> See LEHMAN, *supra* note 7, at 67.

<sup>120</sup> For example, after an advertizing campaign in 1996, domestic violence programs in New York City assisted approximately 230 gay male domestic abuse victims. Programs in Toronto (a city with a similar population of gay men, but with no such advertizing campaign) assisted only 19 gay male domestic violence victims during 1996. LEHMAN, *supra* note 7, at 67.

<sup>121</sup> Stephen S. Owen, *Police Attitudes and Behaviors Toward Gay Domestic Violence*, in ENCYCLOPEDIA OF DOMESTIC VIOLENCE 343 (Nicky A. Jackson ed., 2007).

<sup>122</sup> LGBT is short for “Lesbian, Gay, Bisexual, and Transgendered.”

<sup>123</sup> See Owen, *supra* note 121, at 434

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> See *id.*

<sup>127</sup> *Id.*

<sup>128</sup> See *id.*

<sup>129</sup> Merrill & Wolfe, *supra* note 8, at 27.

<sup>130</sup> See *id.*

<sup>131</sup> See *id.*

<sup>132</sup> See Owen, *supra* note 121, at 434

<sup>133</sup> See *id.*

<sup>134</sup> See *id.*

<sup>135</sup> See Merrill & Wolfe, *supra* note 8, at 7.

<sup>136</sup> LEHMAN, *supra* note 7, at 62.

<sup>137</sup> Merrill & Wolfe, *supra* note 8, at 25.

<sup>138</sup> *Id.*

<sup>139</sup> See Merrill & Wolfe, *supra* note 8, at 24.

<sup>140</sup> See, e.g., Greenwood, *supra* note 8, at 1964-68; Merrill & Wolfe, *supra* note 8, at 9-18.

<sup>141</sup> See Jablow, *supra* note 13, at 1105 (internal citation omitted).