

**Institutional Betrayal in the Criminal and Civil Legal Systems: Exploratory Factor  
Analysis with a Sample of Black and Hispanic Survivors of Intimate Partner Violence**

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**Abstract**

Institutional betrayal (IB) is well-documented among survivors of gender-based violence seeking help and/or reporting incidents of violence in various settings, including college campuses and health care settings. Two of the most common institutions from which survivors seek help are the criminal and civil legal systems; however, less is known about the experiences of IB among survivors interfacing with those systems. Previous studies exploring IB have implemented the Institutional Betrayal Questionnaire (IBQ) and its various adaptations, but this scale has not yet been analyzed in the criminal or civil legal context, nor has it been analyzed among racially marginalized survivors. This paper explores the potential for utilizing the IBQ-Health among a sample of 199 Black and Hispanic survivors of intimate partner violence (IPV) who sought help from the criminal and/or civil legal system(s). An exploratory factor analysis was conducted to explore the fit of the measure to the data. Results suggest that the measure as it has previously been used does not demonstrate strong reliability or fit with this population or institution. Possible explanations and future directions are explored, including support for developing and piloting a new measure to assess IB among Black and Hispanic survivors of interpersonal violence who are seeking help from criminal and civil legal institutions.

*Keywords:* institutional betrayal, intimate partner violence, criminal legal system, civil legal system, racial marginalization

## Introduction

Intimate partner violence (IPV), which includes physical, sexual, emotional, financial, and coercive violence, is exceedingly common (Leemis et al., 2022), especially so for survivors of color (Cheng & Lo, 2016; Gillum, 2021; Leemis et al., 2022; West, 2021). Not only is it a public health crisis (Horney et al., 2023; World Health Organization, 2016) due to its frequency, but also due to its profound impact on survivors, including in the realms of mental and physical health (Dillon et al., 2013; Lagdon et al., 2014; Stubbs & Szoeki, 2022). There is evidence that the specific sequela of IPV may differ based on the race of survivors (Gillum, 2021; West, 2021). For example, when comparing negative mental health among IPV survivors across racial groups, previous studies suggest Hispanic women are at heightened risk for a variety of negative mental health outcomes (Gonzalez-Guarda et al., 2011; Reyes et al., 2023). Further, the empirical association between post-traumatic stress and IPV victimization was also found to be stronger among Black IPV survivors in comparison to their white counterparts, with authors highlighting the potential role of historical racial trauma (Kelly et al., 2022).

In the aftermath of IPV exposure, survivors may seek support from institutions; however, there is evidence that institutional help-seeking also differs by race (Ackerman & Love, 2014; Cheng & Lo, 2015; Messing, Becerra et al., 2015; Sabri et al., 2013). On the one hand, there is evidence that racially marginalized survivors are less likely to engage with mental health support than white survivors (Cheng & Lo, 2015; Satyen et al., 2019). On the other hand, some studies find that Black and Hispanic survivors of IPV may be more likely to report to the police than their white counterparts (Ackerman & Love, 2014; Holliday et al., 2020). These studies suggest, however, that this increase in reporting varies by socioeconomic status, thus suggesting that Black and Hispanic survivors may be more likely to report within the criminal legal system due

to lack of access to alternative channels for support (Ackerman & Love, 2014; Holliday et al., 2020). In addition to seeking help from the criminal legal system, many survivors use the civil legal system to seek orders of protection, child custody, and child support agreements.

Although racially marginalized survivors sometimes seek help from the criminal and civil legal systems, they may be exposed to mistreatment in the process (Decker et al., 2019; Fedina et al., 2019; Mowder et al., 2018; Richie & Eife, 2021; Waller et al., 2022). Indeed, previous literature shows that Black IPV survivors often endorse negative experiences when seeking help from the criminal legal system, including feeling dismissed, devalued, and disrespected (Decker et al., 2019). Survivors also reported that experiences of gender and racial discrimination negatively impacted their interactions with police, citing, for example, being treated in an overly harsh way because of their race (Decker et al., 2019; Richie & Eife, 2021). An evaluation of police case files using a LatCrit critical framework (Valdes, 2005) identified multiple instances of potential mistreatment among Hispanic IPV survivors seeking help from the criminal and civil legal systems. This includes criminal and civil legal actors subjecting Hispanic survivors to cultural coercive control, such as making threats of deportation and intimidating victims (Garza et al., 2022). Finally, there is evidence that this extends beyond negative experiences and into actual outcomes. For example, Black women interacting with the civil legal system are disproportionately likely to have their children removed from the home and placed into foster care (Roberts, 2022). Within the criminal legal system, Black women are significantly more likely to be criminalized, including being arrested after calling the police following an IPV incident (Goodmark, 2023; Roberts, 2022; West, 2007). This is especially relevant given that experiences of racism within the criminal and civil legal systems can significantly affect survivors' future reporting and help-seeking, making it less likely they obtain necessary victim

services and medical attention (Decker et al., 2019; Garza et al., 2022; Hulley et al., 2023). This evidence highlights the paradox facing racially marginalized survivors in their decisions to seek help from criminal and civil legal institutions in the aftermath of IPV. That is, they may be simultaneously likely to have fewer outlets for seeking help besides the criminal and civil legal institutions, but they may also experience harm when engaging with those institutions, thus potentially increasing their risk for institutional betrayal (IB). Our study seeks to explore experiences of IB among Black and Hispanic survivors of IPV interfacing with the criminal and civil legal systems by first testing the reliability and factor structure of existing measures.

### **Institutional Betrayal**

In recent years, there has been increasing recognition of the role that institutions play in the traumatization of survivors of IPV (Platt et al., 2009; Smith, 2017; Smith & Freyd, 2013, 2017). Namely, the concept of IB has emerged as one of the primary frameworks used to explain the ways in which institutions may exacerbate or compound the harm that victims of violence endure when they report or seek help (Platt et al., 2009; Smith & Freyd, 2013). In accordance with betrayal trauma theory, survivors of IPV may turn to institutions with the expectation that actions will be taken to protect them, and they may experience betrayal if this does not occur (Smith & Freyd, 2014). Even those who have low expectations for institutions, possibly due to past negative encounters, may still experience IB in that they may be forced to continue to rely on an institution despite the harm perpetrated by such institutions (Smith & Freyd, 2014). IB can represent such a threat to an individual's well-being as well as to the status quo within society that individuals may cope by remaining blind to such betrayal, especially so when options for confrontation may put an individual at risk of future harm (Freyd & Birrell, 2013).

Much of the previous research on IB has focused on institutions of higher education

(Rosenthal et al., 2016; Smith & Freyd, 2013, 2014, 2017) and health care settings (Smith, 2017; Smith & Freyd, 2017) among predominantly white samples (Pinciotti & Orcutt, 2021). There have been some notable exceptions, including a descriptive study establishing that among racially marginalized students who had experienced campus sexual violence, the vast majority also endorsed experiencing IB (Gómez, 2022). Also, more recent attention has turned to the civil legal system as a primary avenue through which survivors may seek institutional help and, therefore, may also experience IB (Gutowski & Goodman, 2020, 2023). Indeed, leading researchers on IB used case examples to exhibit how it can manifest within the legal processes, coining the term judicial betrayal. A qualitative study conducted with survivors involved in family court identified themes related to judicial betrayals, such as civil legal actors ignoring the abuse dynamics and trauma responses of survivors, as well as general poor treatment within family court (Gutowski & Goodman, 2020). Findings from a recent quantitative study suggest that judges failing to see the impact of abuse on the survivor's case (one factor of judicial betrayal) mediates the relationship between legal abuse and poor mental health outcomes for survivors (Gutowski & Goodman, 2023). This provides preliminary support for the notion that the actions of civil legal actors can compound the negative mental health impact on survivors (Gutowski & Goodman, 2023), thus suggesting further exploration of IB in this context may be important.

### **Measurement of IB**

The first step in continuing to advance this area of research is to establish the reliability of existing measures. Smith and Freyd (2013) piloted the first known measure of IB, the Institutional Betrayal Questionnaire (IBQ.1), which was initially tested with a sample of predominantly white female college students who experienced sexual violence. The IBQ.1

presented participants with seven core items that applied to their experiences interfacing with an institution following an instance of sexual violence and asked that they select all that applied, thus yielding dichotomized responses (yes/no). A principal component factor analysis yielded a one-factor solution with the single component estimated to explain approximately 28% of variance (Smith & Freyd, 2013). Subsequently, the IBQ.2 was created by adding five new items, and these items were determined to be valid among the sample of undergraduate students (Smith & Freyd, 2017). Since then, the measure has been adapted for use within specific contexts, such as health care settings and high schools (Lind et al., 2020; Smith, 2017).

The IBQ-Health (IBQ-H; Smith, 2017), which includes 12 dichotomized items, was created to assess specific IB experiences related to health care institutions. The study piloting this measure showed that two-thirds of the sample endorsed IB (Smith, 2017). The IBQ has been adapted several more times, including the piloting of the IB and Support Questionnaire among a sample of predominately white graduate students to assess their experiences of sexual and gender-based harassment on campus (IBSQ; Rosenthal et al., 2016). The IBSQ adaptation added new subscales assessing IB related to racism and sexual orientation. In a recent study of racially marginalized college students, the reliability of the IBSQ was found to be excellent ( $\alpha=.97$ ; Gómez, 2022). Because the specific items for the various versions of the IBQ and its adaptations are available to the public online (See references for link to website; Smith & Freyd, 2022), we do not list them individually here.

There are several reasons to suspect that measures of IB may function differently in the criminal and civil legal context and among racially marginalized survivors, therefore suggesting that adaptation and validation of this measure are important. These reasons include (1) experiences of racism, (2) differences between IPV and sexual violence, and (3) distinct

relationships and interactions between survivors and the criminal and civil legal systems. First, as reviewed above, most studies validating the use of IB measures, including the Judicial Betrayal Scale, have relied on predominantly white samples. This constitutes a gap in the literature as IB experiences of Black and Hispanic survivors may be shaped by their concurrent experiences of discrimination and racism when interacting with criminal and civil legal institutions (Gómez, 2015, 2022). Indeed, there is evidence that Black and Hispanic individuals are more likely to perceive system actors as corrupt and unjust, and they are more likely to report negative past experiences within these systems in comparison to their white counterparts (Weitzer & Tuch, 2004). Moreover, Black individuals have been shown to have increased worry about being victimized by police in comparison to white individuals (Graham et al., 2020). This influence of racial discrimination has the potential to impact the experiences of IB among our sample.

Second, past measurement of IB has focused on sexual violence rather than IPV (Gómez, 2022; Rosenthal et al., 2016; Smith & Freyd 2103, 2014, 2017). Though both forms of gender-based violence are rooted in patriarchy (De Coster & Heimer, 2021; Hattery, 2022; MacKinnon, 1991; Sweet, 2020), they are distinct. Specifically, among reported cases of IPV, the accused is always someone with whom the survivor has had a relationship, whereas cases of reported sexual violence more often involve strangers (Morgan & Truman, 2019). These differences in the relationship between the victim and the perpetrator impact criminal legal outcomes (Alderden & Ullman, 2012; Spohn & Holleran, 2001). For example, in a study comparing the likelihood of prosecutors seeking a felony conviction in sexual violence cases, authors found that when the victim and perpetrator were current/former intimate partners, the likelihood of prosecutors opting for felony charges decreased substantially in comparison to

cases in which they were strangers or acquaintances (Alderden & Ullman, 2012). This suggests that criminal legal system actors may have differing beliefs about IPV that have the potential to impact outcomes and by extension, IB experiences.

Finally, the relationship between survivors reporting IPV within criminal and civil legal institutions and survivors reporting within the university is distinct. That is, survivors who interface with the criminal and legal systems are not members of the institution, and thus, their experiences with IB may be predicated on their lack of access to other reporting channels rather than their sense of identification with said institution (Smith & Freyd, 2014). Though rates of reporting are low, many survivors of IPV are dependent upon the criminal and civil legal systems to interrupt the violence also to navigate separation, child custody and visitation, and child support (Carcirieri, 2020; Carcirieri et al., 2019; Fleury-Steiner et al., 2016; Hefner et al., 2021; Miller & Manzer, 2021; Miller & Smolter, 2011; Pearson, 1997; Sabina et al., 2012), thus potentially exposing them to IB.

### **Present Study**

The goal of the present study is to factor analyze an adapted version of the IBQ-H with items focusing on the criminal and civil legal systems among a sample of Black and/or Hispanic women, as well as transgender and nonbinary people (TGNB) (n=199) regarding their experiences with the criminal and civil legal systems when they sought help for IPV. The IBQ-H was specifically used as the basis for the adapted measure in the present study for several reasons. First, it was deemed to be concise and focused on subjective experiences of IB. Next, we sought to adapt the institutional traits that are related to the health care system explicitly mentioned in this version of the measure to make them relevant to the specific features of the civil and criminal legal systems. Finally, the IBQ-H was determined to be most relevant given



similarities between healthcare systems and legal systems in comparison to collegiate environments that are the focus of the IBQ.1, IBQ.2, and IBSQ. This is primarily related to the difference in membership. That is, similarly to patients interfacing with the healthcare system, survivors of IPV interfacing with the criminal and civil legal systems are not members of said institutions, which is distinctive from students who are members of their collegiate communities. In other words, survivors are similarly dependent upon both the health care and criminal and civil legal systems without being formal members of either. Lastly, the dichotomized question style used in the IBQ-H was preserved, despite the existence of Likert scale adaptations, because we sought to pilot this adapted version of the IB measure similar to the symptom checklist format originally proposed by Smith and Freyd (2013).

## **Method**

### ***Participants***

A total of 199 participants completed the study. Eligibility criteria required participants to be 18 years of age and older, identify as a woman and/or transgender and/or nonbinary (TGNB), have experienced IPV by a current or former partner, and identify as Black and/or Hispanic. Participants were recruited primarily from social service agencies that provide resources to people experiencing IPV in a state in the Mid-Atlantic region of the United States. Colleagues from domestic violence organizations across the state were contacted and asked to distribute a recruitment flyer (in both English and Spanish) through their networks. Recruitment flyers were also displayed in emergency medical and dental clinics, including Planned Parenthood and Urgent Care, and participants were also recruited in person at a local community organization that works primarily with Hispanic people in the area. Please see Table 1 for a summary of demographic information about the sample.

**Table 1. Participant Demographics.**

Age	18–29 years old	44.2%
	30–39 years old	41.7%
	40 years old or older	14.1%
Gender	Women	95.0%
	Other transgender, nonbinary	5.0%
Race	Black	65.8%
	Hispanic	34.2%
Sexuality	Heterosexual	77.4%
	Asexual, bisexual, gay, lesbian, or queer	19.6%
	Did not answer	3.0%
Physical intimate partner violence	Ever been hit in the head	65.3%
	Loss of consciousness after been hit head	16.6%
	Ever lack of oxygen	32.2%

### Study Procedures

Following recruitment, prospective participants were instructed to contact study authors via email or cell phone. Interested participants were emailed a link to the electronic screening tool, which asked prospective participants to report their age, gender, racial/ethnic identity, and prior and/or current experiences with IPV. If the prospective participant was eligible, the screening tool directed them to the survey. If recruited in person, the survey was completed in a private or quiet setting on a password-protected tablet provided by the research team. Prospective participants who were deemed ineligible were redirected to the end of the survey. Participation was voluntary and confidential, and no identifying information was recorded in the survey. The survey took approximately 15 to 30 minutes to complete. Upon completion of the survey, participants received a \$20 gift card.

### Measures

This data was collected as a part of a larger study aimed at understanding participants’

help-seeking behavior—specifically with the criminal and civil legal systems—in response to IPV. Because the focus of the study was respondents’ interactions with criminal and civil legal system actors as well as their own experiences with criminalization, we did not include survey questions that measured different types or severity of IPV. Rather, respondents simply reported that they had experienced any form of IPV and sought help from, or were forced to interact with, the criminal and/or civil legal system(s).

As a part of this larger study, participants were asked a variety of questions about their experiences within the criminal and civil legal systems. As mentioned previously, several versions of IB measures exist, as they have been adapted for multiple institutional settings. For the purposes of this study, the 12 primary items of the IBQ-Health measure were used and adapted for both the criminal and civil legal settings. We chose to use the IBQ-H scale because it represented the most recent revision to the IBQ, and the health care system, like the criminal and civil legal systems, is engaged by survivors as part of a help-seeking strategy. Previous research on Hispanic women revealed that the most common type of formal help-seeking among survivors of IPV was from a medical or health care provider (Sabina et al., 2012). Thus, the IBQ-H is most closely aligned with the goals of the project. Language was removed relating to the health care system and was replaced with context-appropriate language. For example, “health care provider” was replaced with “police officer,” “prosecutor,” or “judge.” Overall, minor language changes were made, but the majority of text remained the same to ensure that the scales accurately reflected previous IBQ measures. Participants were instructed to answer the 12 items two separate times- once pertaining to the criminal legal system and once pertaining to the civil legal system. At the beginning of each section, participants were provided a list of criminal legal (e.g., police officers, prosecutors, defense attorneys, etc.) and civil legal (court

mediators, case workers, family court advocates, etc.) system actors. In this way, we hoped to guard against the possible conflation of the two systems. Instructions stated: “We are interested in whether you have ever had any of the following experiences at any time after experiencing violence from your partner or ex-partner. Please check any of the statements below that apply to the institutions or people you engaged with.” The participants were then asked to review the 12 items and “check all that apply.” Thus, the items were binary (yes/no) and coded in the same direction, wherein higher scores indicated a greater number of IB experiences with the criminal and civil legal systems.

### **Data Analysis Plan**

The following procedures were conducted for both the 12 criminal legal items (IB-CRIM) and the 12 civil legal items (IB-CIV). Exploratory Factor Analysis (EFA) procedures were selected to explore how this measure was functioning in a novel context, that is, both the criminal legal and the civil legal systems, specifically with Black and Hispanic women and TGNB people. While previous studies have analyzed this measure and put forth both single and two-factor models (Reffi et al., 2021; Smith & Freyd, 2013), exploratory methods were appropriate in this study given the theoretical reasons that this measure may work differently with this population. An EFA with promax rotation was selected for analyzing both criminal legal and civil legal items given the assumption that underlying factors are likely to be correlated. As a first step in the EFA, we planned to calculate a tetrachoric correlation matrix to measure inter-item correlations. Tetrachoric correlations were necessary given that while the items in the scale were asked in a binary way, it is likely that they represent an underlying continuous variable, that is, IB. This is consistent with previous evidence suggesting that polychoric correlations are better suited for estimating an underlying factor structure than

Pearson’s correlations when binary items are used (Watkins, 2018).

**Table 2. Descriptive Statistics for Criminal and Civil Legal Items.**

Item No.	Criminal Legal Items (IB-CRIM)			Civil Legal Items (IB-CIV)		
	Mean	Frequency (%)	Variance	Mean	Frequency (%)	Variance
Item 1	0.2915	29.1	0.208	0.2211	22.1	0.173
Item 2	0.2714	27.1	0.199	0.1407	14.1	0.122
Item 3	0.2462	24.6	0.187	0.2563	25.6	0.192
Item 4	0.2915	29.1	0.208	0.1859	18.6	0.152
Item 5	0.3065	30.7	0.214	0.2563	25.6	0.192
Item 6	0.1256	12.6	0.110	0.1256	12.6	0.110
Item 7	0.0553	5.5	0.052	0.1005	10.1	0.091
Item 8	0.1809	18.1	0.149	0.1658	16.6	0.139
Item 9	0.0955	9.5	0.087	0.0603	6.0	0.057
Item 10	0.0653	6.5	0.061	0.0653	6.5	0.061
Item 11	0.2060	20.6	0.164	0.1558	15.6	0.132
Item 12	0.1608	16.1	0.136	0.1809	18.1	0.149

## Results

First, SPSS was used to calculate descriptive statistics. Only six participants consented to participate in the study but did not finish. Because these six individuals failed to finish entire sections of the survey, including IB measures, they could not be included in analysis. See Table 2 for a summary of descriptive and frequency statistics for the two sets of 12-item scales used in this analysis. The following procedures were conducted twice- one time for the 12 criminal legal items (IB-CRIM) and one time for the 12 civil legal items (IB-CIV). Kuder-Richardson 20 analysis was used given the dichotomous data, and reliability was estimated to be in poor range for CRIM items ( $\alpha=.57$ ) and in the questionable range for the CIV items ( $\alpha=.67$ ). Next, a tetrachoric correlation matrix was calculated using Rstudio (see Table 3). Next, factorability analyses, including calculating the determinant of the correlation matrix, as well as calculating

Bartlett's test of sphericity and the Kaiser-Meyer-Olkin measure of sampling adequacy (MSA), were conducted to determine the appropriateness of the data for factor analysis. For the CRIM items, Bartlett's test of sphericity was not statistically significant  $\chi^2$  (df=66, p=8.14), suggesting that data may not be suitable for factor analysis. For CRIM items, the overall MSA was estimated to fall just below the mediocre range (MSA=0.55) and just above the cutoff of 0.50 (Lorenzo-Seva & Ferrando, 2021). For the CIV items, Bartlett's test of sphericity was not statistically significant  $\chi^2$  (df=66, p=9.85), also suggesting that these items may not be suitable for factor analysis. For CIV items, the overall MSA was estimated to fall just below the middling range (MSA=0.68) and above the generally accepted cutoff of .50 (Lorenzo-Seva & Ferrando, 2021).

The inter-item correlation matrices, reliability analyses, and MSA statistics were used to identify items suggesting poor fit with other items on the scale, and these items were considered for exclusion. For both CRIM and CIV items, reliability analyses, specifically Scale if Item Deleted metrics, identified items 6, 7, and 10 as negatively impacting the overall reliability of the scale. Also, the MSA analysis identified these same three items, on both CRIM and CIV, as falling at or below the generally accepted cutoff of 0.50. Given these various indicators, those three items were eliminated from further analysis. When these items were eliminated, the reliability estimates improved to  $\alpha$ =.60 and .70 for the CRIM and CIV scales, respectively.

The next step was calculating the tetrachoric correlation matrices, which served as the basis for the EFA. Of note, the abovementioned statistics suggested that the data may not be appropriate for factor analysis. However, given that the MSA statistics suggested the overall measure of sampling adequacy was just above the cutoff for CRIM items and in the middling range for CIV items, and because the tendency of Bartlett's test of sphericity to be less powerful

with binary data, we proceeded with the EFA and analyzed model fit.

In conducting the EFA with the CRIM items, one initial analysis was conducted, and one follow-up model was tested. The original analysis included all nine retained items as factors to explore the landscape of the data. Results yielded a model with items loading on two out of nine factors with eigenvalues above 1.0. Factor 1 had an estimated eigenvalue of 1.60 and was estimated to account for 18% of the variance. Factor 2 had an estimated eigenvalue of 1.56 and was estimated to account for 17% of the variance. This preliminary evidence suggested that a two-factor model may fit the data; however, more precise analyses were warranted. The same procedures were conducted for the CIV items, with the original factor analysis including all nine retained items as factors to aid in the exploration process. This analysis estimated five factors with eigenvalues loading above 1.0. However, this methodology for determining the number of factors to be retained has been noted to have significant limitations (Watkins, 2018). Therefore, to determine the possible number of factors to retain, several analyses were conducted.

Parallel analyses were employed using an unreduced correlation matrix with polychoric correlations. The data were compared with estimated percentile eigenvalues. When using this method with the CRIM items, two factors emerged wherein the actual eigenvalues were estimated to be larger than the percentile eigenvalues, suggesting that two factors should be retained. Similarly, Velicer's MAP test was also conducted. Based on Velicer et al.'s (2000) updated standards, results also suggested that two factors be retained for CRIM items. The same analyses were run with CIV items, but results differed. Both the parallel analyses and MAP tests conducted suggested that one item be retained for the CIV items.

Despite evidence that a two-factor solution may fit the CRIM data, an EFA analysis was run specifying two factors (see Table 4) based on a tetrachoric correlation matrix, with oblique

promax rotation to allow for the most interpretable solution, and fit indices suggested that it was not a good fit for the data. Model fit was assessed using commonly reported indices, including the root-mean-square error of approximation (RMSEA), Tucker-Lewis Index (TLI), and the comparative fit index (CFI). The RMSEA was estimated to be 0.23, with RMSEA > .10 typically indicating poor model fit. The CFI was estimated to be .67, and the TLI was estimated to be .37, neither of which reached the typically acceptable level of .90 or above. The one-factor solution suggested for the CIV items was tested using the same EFA procedures mentioned above (see Table 5). Similarly, fit statistics suggested that the single-factor solution for the CIV items had poor fit with the data. For the CIV items, the RMSEA was estimated to be .24. The CFI was estimated to be .60, and the TLI was estimated to be .47.



**Table 3. Tetrachoric Correlation Matrix for Criminal Legal Items (IB-CRIM) and Civil Legal System Items (IB-CIVIL) in italics.**

Item No.	1	2	3	4	5	6	7	8	9	10	11	12
1												
2	0.23											
	<i>0.47</i>											
3	0.38	0.16										
	<i>0.45</i>	<i>0.53</i>										
4	0.63	0.4	0.06									
	<i>0.56</i>	<i>0.49</i>	<i>0.15</i>									
5	0.3	0.19	0.2	0.4								
	<i>0.37</i>	<i>0.23</i>	<i>0.4</i>	<i>0.52</i>								
6	0.18	0.28	-0.02	0.29	-0.04							
	<i>0.04</i>	<i>0.37</i>	<i>0.19</i>	<i>0.04</i>	<i>-0.03</i>							
7	-0.14	0.01	0.36	0.28	-0.17	-0.08						
	<i>0.15</i>	<i>0.12</i>	<i>0.17</i>	<i>0.13</i>	<i>-0.01</i>	<i>0.07</i>						
8	0.27	0.17	0.07	0.24	0.43	0.04	0.14					
	<i>0.53</i>	<i>0.28</i>	<i>0.4</i>	<i>0.42</i>	<i>0.54</i>	<i>-0.02</i>	<i>0.25</i>					
9	0.19	0.07	0.35	0.05	0.09	-0.06	0.2	0.06				
	<i>0.48</i>	<i>0.42</i>	<i>0.24</i>	<i>0.36</i>	<i>0.12</i>	<i>0.1</i>	<i>0.17</i>	<i>0.38</i>				
10	0.02	-0.06	0.2	-0.09	0.11	0.22	-0.1	-0.05	-0.06			
	<i>0.24</i>	<i>-0.28</i>	<i>0.16</i>	<i>0.19</i>	<i>0.07</i>	<i>0.2</i>	<i>0.39</i>	<i>-0.01</i>	<i>0.27</i>			
11	0.11	0.24	0.38	0.04	0.17	0.07	-0.04	-0.03	0.56	0.17		
	<i>0.32</i>	<i>0.49</i>	<i>0.44</i>	<i>0.34</i>	<i>0.45</i>	<i>0.1</i>	<i>0.36</i>	<i>0.22</i>	<i>0.4</i>	<i>0.01</i>		
12	0.04	0.19	0.35	0.1	0.43	0.09	0.19	0.35	0.46	-0.01	0.45	
	<i>0.39</i>	<i>0.16</i>	<i>0.44</i>	<i>0.08</i>	<i>0.31</i>	<i>0.12</i>	<i>0.3</i>	<i>0.59</i>	<i>0.35</i>	<i>0.1</i>	<i>0.11</i>	

**Table 4. Exploratory Factor Analysis with Criminal Legal Items (IB-CRIM)-Two Factors.**

Item No.	F1	F2	h2	u2	com
1	0.72	-0.05	0.49	0.51	1
2	0.38	0.09	0.18	0.82	1
3	0.1	0.5	0.31	0.69	1
4	1	-0.31	0.83	0.17	1
5	0.5	0.14	0.33	0.67	1
8	0.4	0.04	0.18	0.82	1
9	-0.09	0.72	0.47	0.53	1
11	-0.11	0.67	0.53	0.47	1
12	0.07	0.66	0.48	0.52	1
			F1		F2
SS loadings			1.98		1.8
Proportion variance			0.22		0.2
Cumulative variance			0.22		0.42
Proportion explained			0.52		0.48
<b>Fit statistics</b>					
RMSEA					0.24
CFI					0.6
TLI					0.47

**Table 5. Exploratory Factor Analysis with Civil Legal Items (IB-CIV)-One Factor.**

Item No.	FI	h2	u2	com
1	0.75	0.57	0.43	1
2	0.65	0.42	0.58	1
3	0.62	0.39	0.61	1
4	0.61	0.38	0.62	1
5	0.6	0.36	0.64	1
8	0.69	0.48	0.52	1
9	0.56	0.31	0.69	1
11	0.56	0.31	0.69	1
12	0.49	0.24	0.76	1
				FI
SS loadings				3.45
Proportion variance				0.38
Fit statistics				
RMSEA				0.24
TLI				0.47

## Discussion

The aim of this study was to validate and explore the IBQ-H scale adapted for use among a population of Black and Hispanic women and TGNB people who experienced IPV and subsequently interacted with the criminal and/or civil legal system(s). To our knowledge, this is the first study to assess this measure in this specific context and with this specific population. The results of exploratory factor analyses suggest that neither scale was very suitable for being factor analyzed. Further, despite testing the number of factors suggested by parallel analyses, poor model fits were found for both criminal and civil legal items. Overall, the results of this study indicate that the IBQ-H applied to this context cannot be determined to be reliable measures of IB in this context and with this population.

Statistical analyses reveal several possible reasons for these results, most prominently the lack of variability on several items. All items were administered in a dichotomous format, and the low variability was due to participants tending to answer “no” to many of the questions. This suggests that some of the items do not adequately capture common experiences of IB as experienced by Black and Hispanic women and TGNB people in the criminal and civil legal context. This does not necessarily mean that the individuals in our sample did not experience IB. Rather, we argue, based on past literature and theory, there are several possible reasons why the IBQ-H, as it stands, does not adequately measure IB experiences in the criminal/civil legal systems, including (1) the make-up of the sample, (2) the specific type of violence, and (3) membership in the institution. We explore each of these below. Finally, based on these results, future studies may consider conceptualizing IB as a continuous variable, using Likert scale items, to focus more on participants’ subjective experiences rather than discrete events.

### **Sample Characteristics**

Compared to other research that has utilized the IBQ-H, our sample emphasizes the experiences of survivors who are racially marginalized, with all participants self-identifying as Black and/or Hispanic. These racial differences likely impact the experiences of participants, especially in the criminal and civil legal systems, which in turn may alter their experiences or perceptions of IB. For instance, there is evidence that attitudes toward police and law enforcement differ by race, with pro-police attitudes tending to be much lower among Black individuals (Vitro et al., 2022). Previous literature also suggests that racially marginalized individuals in disadvantaged communities often face a “dual frustration” effect wherein they may be exposed to both community and IPV and a lack of protection and/or overt violence from law enforcement itself (Decker et al, 2019; Goodmark, 2023; Meares, 1997; Richie & Eife, 2021).

Indeed, results from a qualitative analysis examining the gendered and racialized experiences of racially marginalized survivors of IPV found that many participants were criminalized by police despite their attempts to report IPV (Powell & Phelps, 2021). Further, previous evidence suggests that factors such as stereotypes and fears related to immigration may impact Black and Hispanic survivor's help-seeking behaviors in the aftermath of IPV (Messing, Ward-Lasher et al., 2015; Monterrosa, 2021; Sabina et al., 2012). In fact, in a recent feminist critique of traditional trauma frameworks and the IB framework itself, Thompson (2021) argues that the notion that survivors ought to be able to trust in institutions assumes a level of privilege among survivors. In contrast, racially marginalized survivors may have negative experiences with institutions, even to the extent of being victimized and dehumanized by institutions themselves (Goodmark, 2023; Thompson, 2021). This lends support to the notion that racially marginalized survivors' way of relating to institutions, and by extension, IB, may be very distinctive to white survivors, which is of critical importance given that majority of past studies employing the IB measure have utilized predominantly white samples (Gutowski & Goodman, 2020; Rosenthal et al., 2016; Smith, 2017; Smith & Freyd, 2013). It stands to reason, therefore, that these participants may have substantial differences in the ways in which they experience IB in comparison to white individuals in other contexts. Items assessing IB, therefore, may need to be modified to capture baseline institutional mistrust that exists prior to people seeking help from the criminal and/or civil legal system(s).

Additionally, most previous research utilizing the IBQ has focused on survivors' experiences with IB following an experience with sexual violence. Important to this analysis is the fact that, according to the Rape, Abuse and Incest National Network (RAINN), the majority of cases of sexual violence that are reported to the criminal legal system involve strangers and acquaintances, but not partners (RAINN, n.d.). Alternatively, because IPV necessarily involves a

relationship between the survivor and the victim, it may be that the participants in the present sample had different needs, expectations, fears, and barriers when attempting to report IPV perpetrated by a current or former intimate partner, which would be likely to impact their experiences with IB. As a result of racial segregation and anti-miscegenation laws, the majority of relationships in the US remain intraracial (Hernandez & Hemez, 2023). Additionally, most communities remain racially segregated. As a result, most survivors of IPV share not only their race but also their “community” with each other. When perpetrators and victims come from the same community, and especially when said community is subject to external forces of oppression, previous literature suggests that victims may experience increased pressure to refrain from disclosing these experiences (Gómez & Gobin, 2022; Sabina et al., 2012; Zadnick et al., 2016). For those who have undocumented partners or are undocumented themselves, there may be increased fears around reporting IPV (Garza et al., 2022; Reina et al., 2014). Despite this, participants in our research did choose to report. However, because of their status as individuals with marginalized identities who were living in largely marginalized communities, they may have brought an ambivalence to these interactions with criminal and civil legal system actors that diluted their reported experiences of IB relative to the other forms of oppression they were experiencing (Gómez, 2022). In short, participants’ overall distrust in the criminal and civil legal systems coupled with a reluctance to report and thereby expose a partner or former partner to the surveillance of the state (Monterrosa, 2021; Monterrosa & Hattery, 2023) may have resulted in a diluting of perceptions of IB specifically related to the IPV. Developing a tool that distinguishes between IB related to IPV and IB related to racism may allow researchers to better understand the complex and intersecting IB experiences for this population in these institutions.

### **Institutional Characteristics**

Much of the previous research on IB, indeed the concept itself, is premised on the relationship between the survivor and the institution. It is argued that the impact of IB is profound because the survivor either trusts and/or depends on the institution (Smith & Freyd, 2014). Past research on IB has often focused on contexts high in trust, specifically institutions in which the survivor and the perpetrator are members of the institution, as is the person to whom they are making the report, thus creating an environment wherein there is thought to be shared values and common interest. In the case of the criminal and civil legal systems, neither the individuals in our sample nor the perpetrators whom they were accusing were members of the institutions, though the survivors in our study voluntarily sought out help and thereby became temporary members of these organizations.

Furthermore, as mentioned, individuals who are racially marginalized may have a preexisting level of mistrust in these institutions. Drawing on previous conceptualizations, it could be that the present sample's experience of IB may be much more strongly influenced by dependence than trust (Smith & Freyd, 2014). That is, while there is reason to believe that participants in the present sample may have already lacked trust in the criminal and civil legal systems (Graham et al., 2020; Weitzer & Tuch, 2004), they may have also felt highly dependent on such institutions when navigating the aftermath of IPV (Ackerman & Love, 2014; Holliday et al., 2020); however, without more specific questions gauging these experiences, we are unable to test these hypotheses, thus underscoring the need for a more precise measure of IB with this population and in these institutions. Based on these factors, it may be that IB items focused on unwanted dependency on institutions that sometimes cause harm may more accurately capture the experience of IB for the individuals in the present sample, but follow-up studies would be needed to test this claim. Specifically, it is our view that future studies may build upon this

finding by conducting qualitative interviews with survivors in this population to better understand their conceptions of IB, specifically as it relates to both a loss of trust in an institution and feelings of dependency even in the absence of said trust. This type of data will likely help contextualize the findings of the present study and lead to key insights regarding new items to pilot that could be more consistent with the IB experiences of this population.

## **Conclusion**

This paper sought to test the suitability of the IBQ-H in three unique ways: (1) utilizing a sample of racially marginalized survivors, (2) with a specific focus on IPV, and (3) in a previously unexamined context. Participants were women, transgender, and nonbinary (TGNB) individuals who self-identified as Black or Hispanic, had experienced IPV, and had contact with the criminal and/or civil legal system(s). Despite the results that various exploratory factor analysis models were a poor fit for this data, previous qualitative research and theory suggest that IB is experienced by individuals with marginalized identities, who are experiencing IPV, and who interact with the criminal and/or civil legal system(s). We consider several possible explanations, including the preexisting levels of institutional mistrust, ambivalence about reporting a partner, confounding experiences of racism and marginalization, and lack of formal membership within the criminal/civil legal institutions. We suggest that future studies begin by conducting qualitative interviews with this target population to better understand their definitions and experiences of IB. This would allow a more nuanced measure to be created and piloted within this important context.

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