



Understanding Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Data for Stanislaus County, CA

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Introduction

Since the early 2000s, policy makers, practitioners and advocates have worked to reduce the number of youth detained in the juvenile justice system. From 2001 to 2011, the rate of youth confinement dropped 41% (Davis, Irvine and Ziedenberg, 2014). States across the country achieved these drops through legislation that created fiscal incentives and limitations to the types of crimes that could be incarcerated. California was one of the most successful states, having reduced the number of youth housed in state facilities from 10,000 to 600 over the course of a decade (Ibid).

These changes are a benefit to all adolescents who are vulnerable to contact with the system, yet research also shows that some groups of youth have benefitted more than others. Youth of color continue to be overrepresented in many juvenile justice systems throughout the country. Black and Native American youth are still four times more likely, and Latino youth one and a half to two times more likely, to be committed to secure facilities or other out-of-home placements when compared with White youth who are charged with the same crimes (W. Haywood Burns, 2016). Moreover, as states have experienced an overall decline in the number of youth in custody, there has been an increase in racial and ethnic disparities (Davis, Irvine, and Ziedenberg, 2014).

A growing body of literature also documents the overrepresentation of lesbian, gay, bisexual, questioning, gender nonconforming, and transgender youth in the justice system. Himmelstein and Brückner (2009) found that LGBTQ youth, particularly girls, were more likely to be suspended, expelled, arrested, detained, and incarcerated for the same behaviors exhibited by their straight peers.¹ Other studies have found that approximately 20% of youth in national and California detention halls are LGBTQ/GNCT (Irvine and Canfield, 2017, page 30; Irvine et. al., 2017). Recent research also finds that LGBTQ/GNCT youth are overrepresented within secure post-adjudication facilities. Analysis of the National Survey of Youth in Custody by the Bureau of Justice Statistics found that approximately 12% of youth in out-of-home placement identify as lesbian, gay, bisexual or other sexual orientations (Wilson, 2017).

Notably, as with the general population, these LGBTQ/GNCT youth are also predominantly youth of color. For example, California survey research shows that 90% of the youth in detention halls, ranches, and camps are of color (Irvine et. al, 2017). Broken down, 18.6% of respondents are African American or Black, 1.8% of respondents are Asian, 50.4% of respondents are Latino, 1.5% of respondents were Native American, 9.8% of respondents are white, 17.1% of respondents had a mixed race or ethnic identity, and .7% of respondents had another race or ethnic identity (Ibid).

¹ There are various acronyms to describe lesbian, gay, bisexual, questioning/queer, transgender and gender nonconforming (LGBTQGNC). This paper employs these variances to reflect what the researchers used in their work. For a myriad of reasons, researchers may choose to focus on certain identities and not others for the research.

These findings highlight the need to continue reduce racial/ethnic disparities in the juvenile justice system, while also considering the way that race intersects with sexual orientation, gender identity, and gender expression (SOGIE) among system-involved youth. This report highlights the efforts of Stanislaus County, CA to achieve both goals.

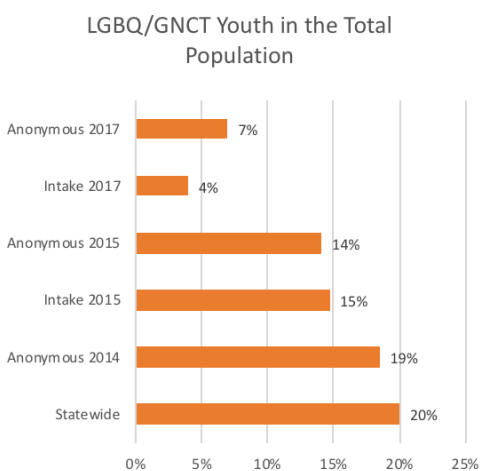
History of SOGIE Data Collection in Stanislaus County, CA

In an effort to document disparities for LGBTQ/GNCT youth in Stanislaus County, CA, the probation department has partnered with Dr. Angela Irvine over the past four years. Data collection happened at five different times.

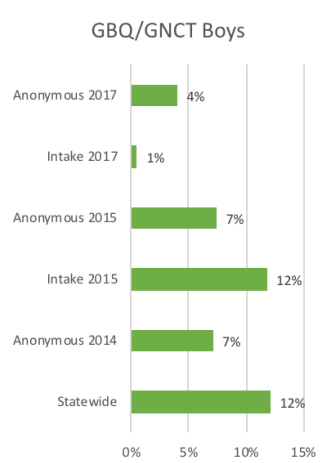
- (1) The county first participated in an anonymous survey in 2014 of youth housed in the county detention center. During 2014, all but two California county probation departments with secure facilities conducted a one-day census of all youth in custody. This survey asked youth a number of questions about experiences prior to custody as well as a series of questions gauging sexual orientation, gender identity, and gender expression. Stanislaus collected 54 surveys during this first effort. 45 (83%) youth identified at the time of the survey as male and 9 (17%) identified as female. The survey that was used is included in Appendix A.
- (2) In December 2014, the county was trained to collect SOGIE data at intake into detention. Dr. Irvine conducted analysis of the SOGIE data collected during the first 1492 intakes. This covers a period from January 2015 through October 2015. 1181 (79%) of the surveys were from youth who identified as male and 311 (21%) were youth who identified as female. This practice has been followed since that year. The specific questions that have been asked at intake are included in Appendix B.
- (3) In October 2015, the county conducted another anonymous survey during a second one-day census. They used the same instrument as the first census survey. The purpose of this second wave of anonymous surveys was to see if the county would document the same number and percentage of LGBTQ/GNCT youth in custody one year after experiencing dramatic drops in detention. Stanislaus collected 90 surveys the second time. 81 (90%) of these youth identified as male and 9 (10%) identified as female.
- (4) In 2017, Dr. Irvine conducted follow-up analysis of data from June 2016-July 2017. This was intake data on 506 youth. 427 (84%) identified as male and 79 (16%) of these youth identified as female.
- (5) In November 2017, the county collected anonymous survey data one more time to determine how many LGBTQ/GNCT youth were held in custody after experiencing even further drops in detention. Stanislaus collected 56 surveys the third time. 51 (89%) of these youth identified as male and 6 (11%) identified as female.

SOGIE Findings

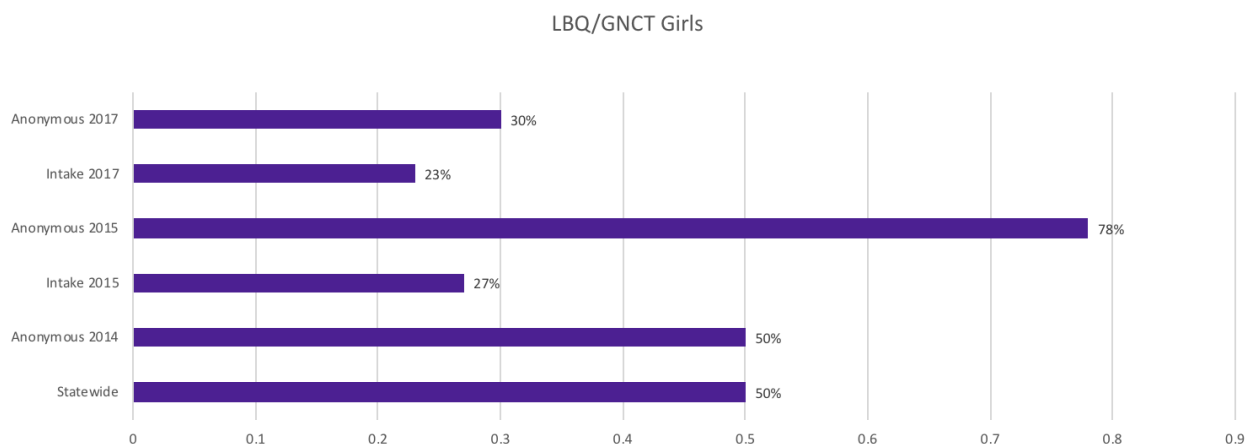
The results from each wave of data collection are summarized below. The first table summarizes the findings for youth in the total population. Moving from the bottom bar to the top bar, we see that the statewide survey found that 20% of the population of youth in custody in California in 2014 was lesbian, gay, bisexual, questioning, gender nonconforming, or transgender (LGBQ/GNCT). Comparatively, 18.5% of youth in Stanislaus during that same survey were LGBQ/GNCT. The intake data in 2015 found that 14.7% of youth were LGBQ/GNCT. The repeated anonymous survey in 2015 found 14.1% of Stanislaus youth in detention were LGBQ/GNCT. The intake data in 2017 found that 4% of youth were LGBQ/GNCT and the anonymous survey in 2018 found that 7% of youth in detention were LGBQ/GNCT.



The second table summarizes the findings for youth whose current gender identity was “boy” or “man.” Moving from the bottom bar to the top bar, we see that the statewide survey found that 12% of the total California population of youth in custody identifying as boy or man was gay, bisexual, questioning, gender nonconforming, or transgender (GBQ/GNCT). Comparatively, 7% of boys in Stanislaus during that same survey were GBQ/GNCT. The intake data in 2015 found that 11.8% of boys were LGBQ/GNCT. The repeated anonymous survey in 2015 found 7% of Stanislaus boys in detention were GBQ/GNCT. In 2017 1% of the boys in the intake population were GBQ/GNCT while 4% of boys in the anonymous detention survey were GBQ/GNCT.



The second table summarizes the findings for youth whose current gender identity was “girl” or “woman.”² Moving from the bottom bar to the top bar, we see that the statewide survey found that 50% of the total California population of youth in custody identifying as girl or woman was lesbian, bisexual, questioning, gender nonconforming, or transgender (LBQ/GNCT). Similarly, 50% of girls in Stanislaus during that same survey were LBQ/GNCT. The intake data in 2015 found that 27% of girls were LBQ/GNCT. The repeated anonymous survey in 2015 found 78% of Stanislaus girls in detention were LBQ/GNCT. In 2017, 23% of the girls in the intake population were LBQ/GNCT 30% of girls in the anonymous detention survey were LBQ/GNCT.



Given the variation across time in the percentage of youth who identify as LBQ/GNCT, Ceres completed analyses of variance and regression analyses to see if these fluctuations

² We chose to separate these graphs according to current gender identity. There were no youth in Stanislaus during any of these data collection efforts that had a current gender identity other than boy/man or girl/woman. Please contact Ceres Policy Research for a more detailed analysis of gender nonconforming and transgender youth.

are statistically significant. There were no statistically significant fluctuations for the whole population, for youth identifying as boys/men, or for youth identifying as girls/women. This means that while there appear to be differences across the years, these changes are due to random fluctuations rather than meaningful increases or decreases in the percentage of LBQ/GNCT youth in custody.

The random fluctuations were more extreme for girls than boys or the general population. This makes sense because there were so few girls in custody at any one time. When the county administered an anonymous survey, there were either nine or six girls in custody. Any small change in total number would lead to a very large change in percentage. For example, during this last survey, if three girls had identified as LBQ/GNCT instead of two, the total percentage would have been 50% instead of 30%.

Ceres also conducted analysis to determine if Stanislaus County is different than other counties in California. There were no differences between Stanislaus and the central region of California or the state as a whole. Given the fluctuations over the years and the lack of statistically significant differences between the county and the region or state, the safest average for the county to use for planning purposes is those found in the statewide research, which shows that 20% of youth in the justice system, 12% of boys in the justice system, and 50% of girls in the justice system are LBQ/GNCT.

Discussion and Recommendations

Ceres Policy Research recently had the opportunity to survey two high schools in Santa Clara county using the exact same instrument that we used in the Stanislaus detention facility. Interestingly, we found that 12% of boys in the general population identified as GBQ/GNCT. Since this is the same percentage of boys in secure facilities in California, this suggests that GBQ/GNCT boys are not overrepresented in county detention halls.

That same survey of high school seniors in Santa Clara found that 18% of girls in the general population identified as LBQ/GNCT. While this is slightly higher than boys, it is nowhere close to the percentage of girls in secure facilities within Stanislaus County or statewide.

Even with random fluctuations, Stanislaus County has consistently shown that LBQ/GNCT girls are overrepresented in custody.

Moving forward, we recommend that Stanislaus County probation:

- (1) analyze all of the SOGIE data they've collected at intake since 2014 and cross-reference the findings with race/ethnicity in order to understand the overlapping needs of youth across multiple identities;

- (2) continue to collect SOGIE data at intake and consider ways to create affirming spaces within their secure facility for LBQ/GNCT youth, particularly LBQ/GNCT girls;
- (3) consider collecting SOGIE data from youth who go straight to community supervision and avoid secure facilities. This will give a more accurate estimate of the number and percentage of LBQ/GNCT girls who need supportive services in the community. Additional analysis would allow the county to identify whether there is overrepresentation of LBQ/GNCT girls as well as the exact decision points where disparities are exacerbated; and
- (4) consider training their community partners about the pathways that LBQ/GNCT youth take into the justice system as well as how to create affirming programs for these young people.

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