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RESEARCH THAT MATTERS

SYSTEM INVOLVEMENT AMONG LBQ GIRLS AND WOMEN

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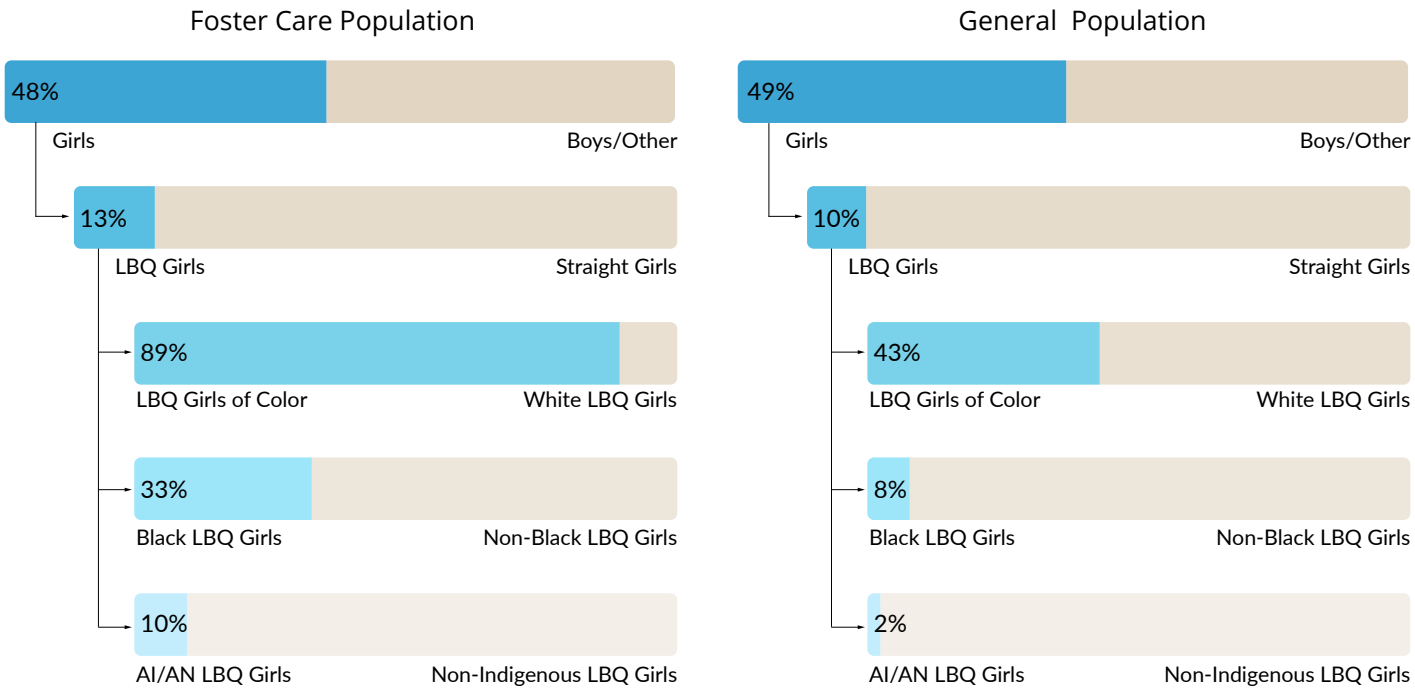
EXECUTIVE SUMMARY

Histories of foster care and incarceration are deeply intertwined in the U.S., and these are both systems in which research has shown an overrepresentation of LGBTQ youth, especially those that are girls and/or youth of color. This factsheet provides an overview of data across multiple studies demonstrating the disproportional impact these two systems have on girls and women who are also sexual minorities (lesbian, bisexual, queer, or LBQ).

Research shows that LBQ girls are overrepresented in foster care, particularly American Indian and Black LBQ girls.

- More than four times as many LBQ girls (cisgender and transgender) in foster care are American Indian or Black than in the general population of sexual minority girls.

Disproportional involvement in foster care among LBQ girls



In criminalization systems, cisgender LBQ girls and women are highly overrepresented.

- Among those who are incarcerated, the percentage of girls and women who are LBQ is 3 and 10 times higher, respectively, than the proportion of queer girls and women in the general population.
- The majority of LBQ girls and women who are incarcerated are racialized minorities.
- There are no adequate population-level data from juvenile facilities, adult jails, and prisons that allow for adequate estimates of the transgender girl and women population in criminalization systems.

- Nonetheless, data from incarcerated settings indicate that transgender youth and adults, including transgender girls and women, experience higher rates of assault and solitary confinement than cisgender inmates.

Our research highlights the need for an intersectional approach to policymaking that considers the impact of systems on girls and women along dimensions of race and sexual orientation. Overall, data across multiple studies thus far indicate that while girls and women as a whole are not disproportionally in child welfare and criminalization systems, sexual and racial minority women among them are highly overrepresented.

SYSTEM INVOLVEMENT AMONG LBQ GIRLS AND WOMEN

History of foster care and incarceration are deeply intertwined in the U.S., and these are both systems in which research has shown an overrepresentation of LGBTQ youth, especially those that are girls and/or youth of color.[1] [2] [3] [4] [5] [6] Scholars and advocates have documented evidence of a foster care-to-prison pipeline.[7] Youth with histories of child welfare system involvement have significantly higher likelihood of future juvenile justice involvement and adult incarceration.[8] In less common circumstances, involvement in the juvenile justice system leads to involvement with child welfare departments, for example through information revealed by youth in custody.[9] The cyclical relationship between these two systems does not stop in adolescence. A significant number of people with histories of adult incarceration report previous experiences in the child welfare system as youth.[10] The term used to refer to people's interactions with the child welfare and/or criminalization systems is "system-involved." System involvement has long been identified as an area in which racial, gender, and socioeconomic disparities exist. Dually system-involved (also known as crossover) is a term used to refer to histories of experiences with both child welfare and criminalization among youth. This type of crossover is known to disproportionately impact girls of color, especially Black and American Indian girls.[11]

This factsheet provides an overview of data across multiple studies demonstrating the disproportional impact these two systems have on girls and women who are also lesbian, bisexual, queer or questioning (LBQ). For more detail on methods, analysis and data sources, see the Williams Institute's Health and Socioeconomic Well-Being of LBQ Women in the US report and the Methods Note of this brief.

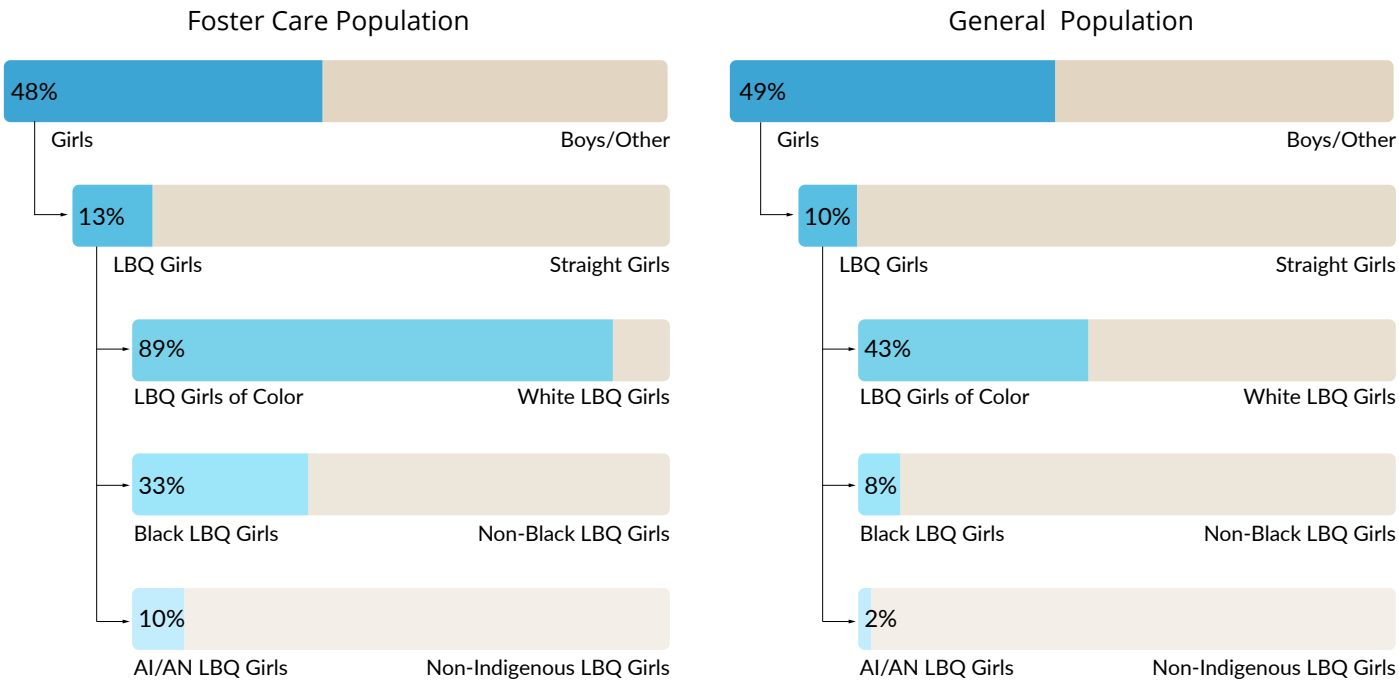
DISPROPORTIONALITY WITHIN SYSTEM-INVOLVED POPULATIONS

One of the ways researchers assess whether there is disproportionate system involvement is to document what proportion of a given group (e.g., Latinos, transgender people, etc.) are in the system population at a given point in time and compare that to their proportion in the general population. The ratio calculated for this comparison is called the *Disproportionality Index (DI)*, and a number above 1 indicates overrepresentation of the selected group in the system.[12] See the Appendix for the DI values that are computed for each comparison between system and general populations. To date, foster care and juvenile custody population-based studies measuring sexual orientation and/or gender identity have indicated that LGBTQ youth are overrepresented in the child welfare and criminalization systems.[13] In Figures 1-3, we present findings on the overrepresentation of sexual minority girls in foster care and juvenile incarceration and for women who are incarcerated based on studies reported in Health and Socioeconomic Well-Being of LBQ Women in the US.

It is challenging to obtain data on sexual orientation and gender identity (SOGI) within the child welfare system because there is no federal requirement to report SOGI and state data that assess SOGI are not publicly available. Despite this, surveys of the foster youth population have demonstrated evidence of overrepresentation of LGBTQ youth, starting with a 2014 study in Los Angeles (LAFYS)[14,] and subsequent studies replicating the LAFYS methodology in other states. [15] [16] [17] [18]

These general findings regarding LGBTQ youth in foster care are reflected in the data when examined by gender. For example, using the 2014 Los Angeles Foster Youth Survey data,[i] we found that LBQ girls (including transgender and cisgender girls) in foster care made up approximately 13% of girls in the foster care population. At the time of the study, LBQ girls made up approximately 10% of the general girls population in the same city.[19] Further, like all groups of youth in foster care, the majority of sexual minority girls are youth of color, reflecting the pervasive racial disproportionality in the system. Approximately 33% of the LBQ girls in foster care were Black in Los Angeles County, where Black girls comprise only 8% of the adolescent female population.[20]

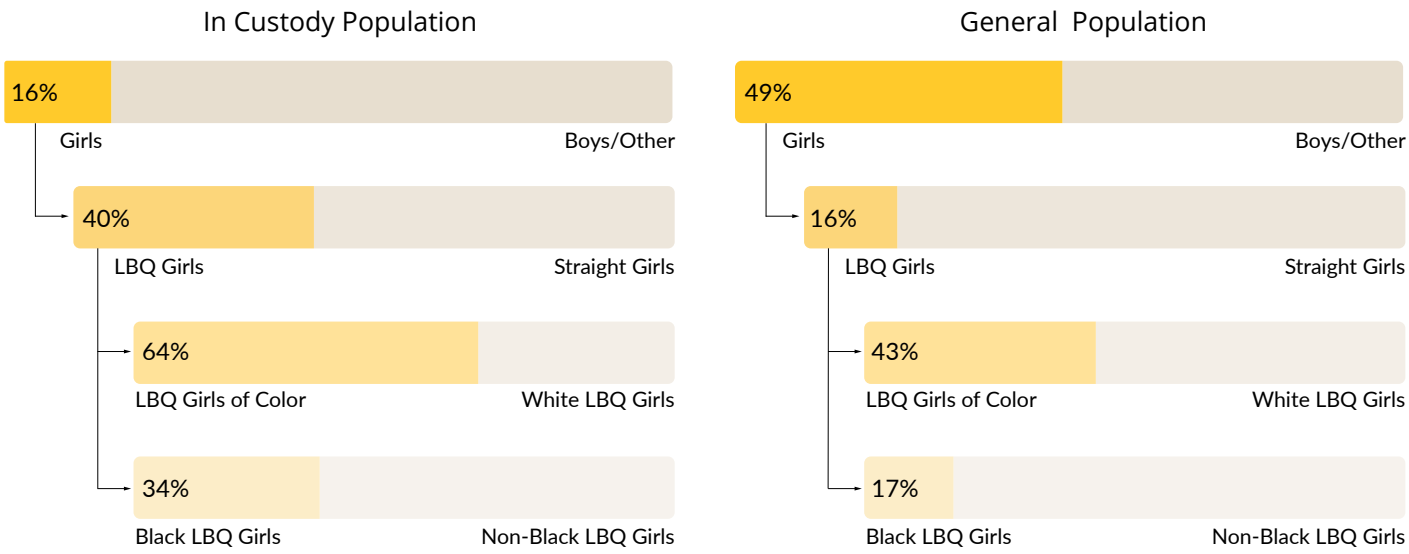
Figure 1. Disproportional involvement in foster care among LBQ girls



Involvement in foster care is a uniquely youth-specific system, but criminalization is not. National data from incarceration settings show that LBQ girls are overrepresented and experience longer sentences.[21] Like in the child welfare system, sexual minority girls in carceral systems, such as juvenile detention facilities, are disproportionally racialized minorities.

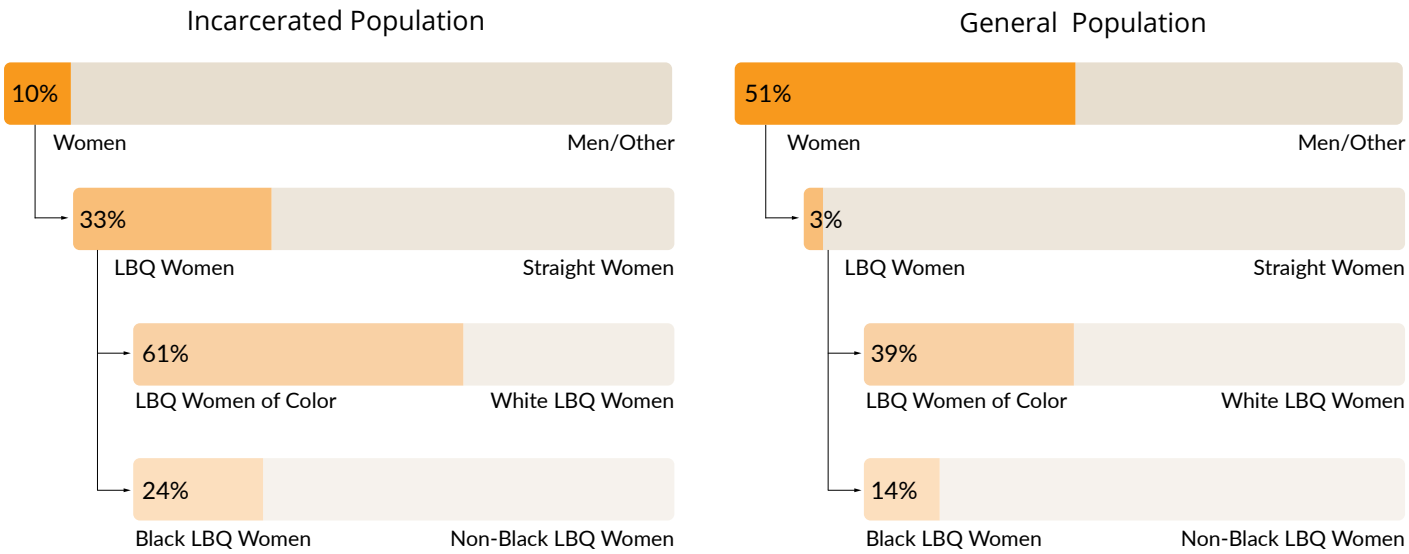
[i] Since conducting this study, other reports on sexual minority youth in foster care have been published. However, these other datasets either defined LGBTQ status differently than the current study or are not publicly available. As such, we relied on the data obtained from 2014 LAFYS study, which were collected by the first author of this report, for these estimates specific to cisgender and transgender girls in foster care.

Figure 2. Disproportional involvement in carceral systems among LBQ girls



Overrepresentation of sexual minority girls in the carceral system appears to foreshadow rates of incarceration among LBQ women. Among LBQ women, racial disproportionality is evident as well. Women of color overall, and Black women specifically, make up over 1.5 times the percentage of incarcerated LBQ women as their peers in the general population. .

Figure 3. Disproportional incarceration among LBQ women



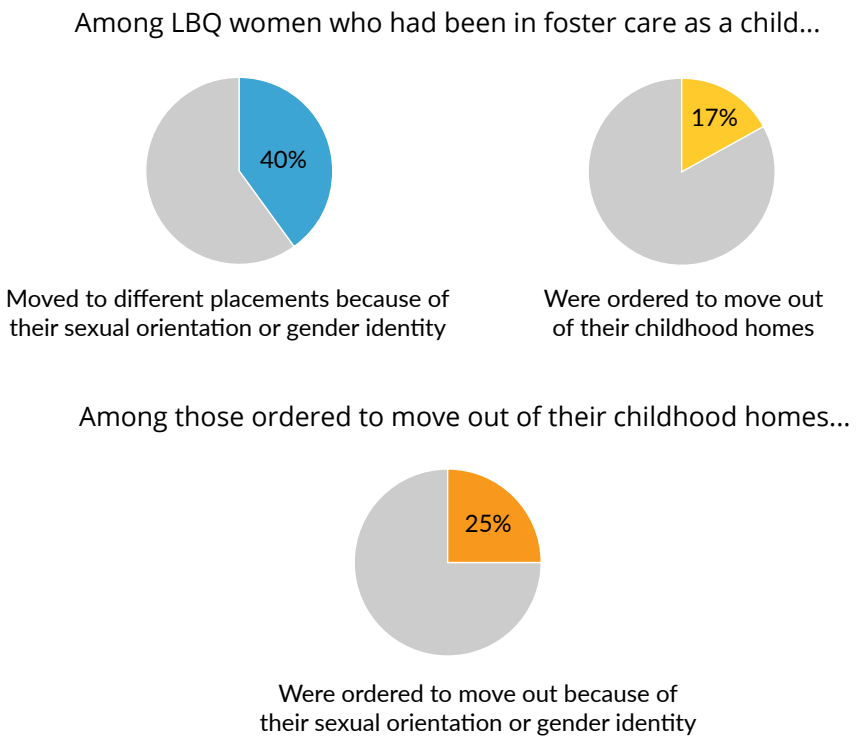
Source: Wilson, et al., 2014; Gates, 2014; Wilson, et al., 2015; Meyer, et al., 2017; Prison Policy Initiative, 2019; General population data used to calculate the Disproportionality Index were derived from the YRBS, 2013-2017; CHIS, 2013-2015, CJRP, 2017; Kidscount.org, 2017 (Youth); BRFSS, 2017–2019, and U.S. Census Bureau, 2021 (Adult).

To date, there are no population-based studies of juvenile custody facilities or adult jails or prisons that have adequately measured transgender status.[22] However, research by the CERES Institute has clearly demonstrated high numbers of transgender and gender nonconforming youth, particularly girls of color, in custody.[23]

SYSTEM INVOLVEMENT EXPERIENCES

Compared with what we know about LGBTQ youth in foster care, we have very little data on the lifetime experiences of LGBTQ adults within the child welfare system. In the Generations Study, which focused on cisgender and nonbinary sexual minority adults, respondents were asked whether they had been involved in the foster care system as a minor. Among the cisgender LBQ women in the Generations Study, 4.4%[ii] had child welfare experiences, and somewhat more lesbian identified women than bisexual and queer/pansexual identified women reported experiences with foster care (9.5% vs. 3.1%). As Figure 4 shows, a large proportion of cisgender LBQ women who had been in foster care as children dealt with multiple changes in placements and being kicked out of their homes in response to their sexual orientation.

Figure 4. Foster care experiences among LBQ women



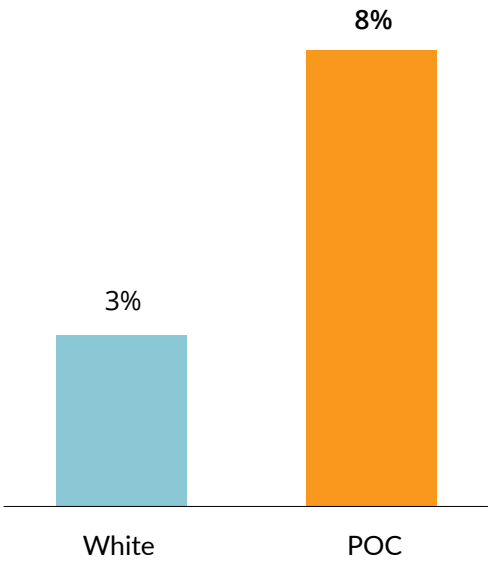
Source: Generations Study Data (includes cisgender women only due to study design)

A major weakness in the research literature on LGBTQ people and criminalization system is the lack of evidence regarding how and when disproportional representation in the system begins. The

[ii] On average, 2.6% of all adults and 3% of all women in the U.S. have ever been in foster care (Nugent, et al., 2020, using the National Survey of Family Growth (NSFG), 2011-2017).

youth detention data showing overrepresentation of LBQ girls, along with incarceration data showing persistent overrepresentation of LBQ women in prisons, seem to indicate that theories about the school-to-prison pipeline apply to LBQ girls as well.[24] However, there are likely multiple factors that impact the ultimate incarceration rates and length of sentences among LBQ women,[25] from community conditions to police surveillance to decisions about probation. In an effort to understand what role police interactions may play in adult incarceration among LBQ women, we examined data on experiences with police. Approximately 5%[iii] of LBQ women reported having "serious trouble with the police or the law" in the prior year, with 7% of lesbians and 5% of bisexual and queer/pansexual women reporting the same. When looking at race/ethnicity, LBQ women of color were significantly more likely to report problems with the police or the law (Figure 5).

Figure 5. Percentage of LBQ women who reported serious problems with police or the law in the previous year by race



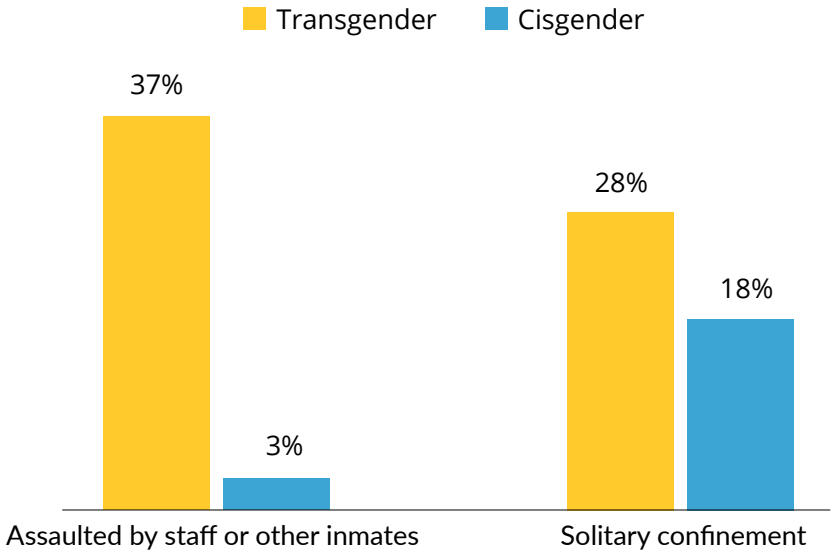
Source: Generations Study and TransPop Study data; Reprint from Wilson, et al., 2021 (LBQ Women's Report)
Note: Bold numbers indicate statistically significant differences between POC and White LBQ women.

As noted above, a major void in policy research focused on system-involved women is the lack of quality data indicating whether transgender women are disproportionately represented within incarcerated populations. While these data do not exist, data on the experiences of gender minority youth and transgender adults in criminalization systems indicate disparities in treatment. Evidence of mistreatment is particularly pronounced among transgender adults in regard to sexual assaults by other inmates, where transgender people are approximately 10 times more likely to be assaulted by staff or other inmates than their non-transgender peers (Figure 6).[26] Community-based research among transgender people in the U.S. confirms abusive experiences within the criminalization system

[iii] Based on the subjective nature of this survey question it is difficult to find a similar measure to provide context such as for all adults or all women nationally. For example, approximately 20% of adults had any interaction with the police in the past year, including traffic stops or self-reporting of a crime, however 1.1% of adults were arrested in the past year (Bureau of Justice Statistics. (2018, October). *Special Report: Contacts Between Police and the Public, 2015*. U.S. Department of Justice.

and further indicates that Black and American Indian transgender women are more likely to report a recent history of incarceration than other racialized groups.[27]

Figure 6. Disparities in treatment of incarcerated women by gender identity



Source: Data table included in Herman, et al., 2016 (APHA annual meeting presentation)

DISCUSSION AND IMPLICATIONS

Our research highlights the need for an intersectional approach to policymaking that considers the impact of systems on girls and women along race and sexual orientation. Overall, the data across multiple studies to date indicate that while girls and women are not overrepresented in child welfare and criminalization systems as a whole, sexual and racial minority women among them are highly overrepresented. The ways disproportionality intersects along the lines of sexual orientation and race look somewhat different for child welfare and criminalization systems. Within the foster care system, there is evidence that LBQ girls are disproportionately represented, but this is particularly the case for AIAN and Black sexual minority girls. On the other hand, for girls and women who are incarcerated, racial disproportionality is clearly evidenced, but sexual orientation percentages among girls and women is 3 and 10 times higher, respectively, than the proportion of queer girls and women in the general population. In other words, although there are disproportionate rates of sexual minority girls in the foster care system, race has a stronger association with high rates of involvement in that system. Conversely, although there are disproportionate rates of racialized minorities who are incarcerated, sexual identity has a stronger association with high rates of involvement in those systems.

It is important to note that we took a conservative approach for the disproportionality calculations by only including girls and women who identified with a sexual minority identity. In many of these studies of system involvement reported for the current brief, there were significant numbers of girls and women who report same sex attraction, but who do not identify as lesbian, bisexual, queer or questioning. As such, disproportionality indices that use a more expansive definition of sexual minority status may see greater evidence of overrepresentation.

The summary of known data on girls and women who are system involved presented in this brief is challenged by major limitations in available data. First, while the foster youth data described here are transgender girl-inclusive, the criminalization data are not. Though the federal data used for the criminalization analyses technically assess some form of non-cisgender status, there is evidence that the measurement does not assess transgender identity well enough to include in these calculations and compare with general population data.[28] Yet, research by the USTS indicate that racial disparities in experiences with incarceration, particularly for Black and AIAN transgender women, reflect the same racialized disparities seen among cisgender women. Second, research has shown that AIAN women and girls are overrepresented in jails and prisons, as well as in foster care.[29] However, the data available to the authors which was the basis of previously published articles on incarceration among sexual minorities did not have sample sizes large enough to report AIAN girls and women separately. However, given research showing overrepresentation of AIAN girls and women who are incarcerated, it is likely that indigenous disproportionality exists among sexual minority women as well. Yet, more research is clearly needed on this issue.

Looking across both of these systems, it is important to acknowledge a growing awareness that dually-involved youth (those with child welfare and juvenile criminalization system experiences) are a uniquely vulnerable subpopulation.[30] In addition to the need for services for dually-involved youth, increased infrastructure for data sharing across these systems in order to track characteristics and outcomes of this population is an important policy and administrative practice. A recent report by subcommittees of the Office of Justice Program's Dual Systems Youth Design Study, the Linked

Administrative Data Subcommittee and the Jurisdictional Case Studies Subcommittee, noted a number of challenges and promising cases for tracking information on youth who have interactions with both child welfare and juvenile criminalization systems.[31] However, very little attention was given to the challenges of collecting information on sexual orientation and gender identity among dual-system youth. Our findings here clearly indicate that LBQ girls of color are likely to be an overrepresented population among dually-involved youth, including the various forms of dual involvement (crossover youth, dual system, etc.), thus more research and policy attention should be focused on this population. Finally, the data on overrepresentation of LBQ women of color in prisons and jails further demonstrate the long-term consequences of youth dual-system involvement and likely support foster care-to-prison pipeline theorization.

METHODS NOTE

Multiple data sources are needed to assess the range of topics associated with system involvement among LBQ women and girls in the United States. Overall prevalence and experiences with child welfare and criminalization systems were examined using population data directly from those systems or surveys of the general population that included questions about life histories with system-involvement.

The summary of prevalence of girls and women within child welfare and criminalization systems was represented through a Disproportionality Index (DI). The DI is "calculated as the ratio of the proportion inside the system to the proportion outside of the system" (see, Shaw et al, 2008; Wilson & Kastanis, 2015). Therefore, proportions for girls in foster care and girls and women in custody are divided by estimates of girls and women in a wider population. For example, 90% of LBQ girls in foster care are girls of color and 43% of LBQ girls in the general population are girls of color. 90% is divided by 43% to get a disproportionality value of 2.1. A value of 1 means the proportions are equal and a value over 1 means the proportions are unequal. A value of 2.1 means the population of LBQ girls of color in foster care are more than twice that of LBQ girls of color in the general population. We included a set of comparisons for all girls in foster care, regardless of race or sexual identity, and all girls and women in custody, regardless of race or sexual identity, to provide context and to highlight how those rates conceal the rates of system-involvement along racial and sexual orientation dimensions among girls and women. That is, rates of system involvement among girls and women may seem proportionate or even low, especially when compared to men, but when those rates are stratified by race and sexual orientation the disparity is no longer suppressed.

To assess the ratio of system proportions to general population proportions, we attempted to match the geography and years of general population data to study data as much as possible. For example, the majority of the foster care estimates are from the Los Angeles Foster Youth Study and so to compare the proportion of LBQ girls in that setting to a wider population we calculated estimates using the California Health Interview Survey (CHIS) and restricted the analysis to Los Angeles County during a similar period of time. Unfortunately, the CHIS does not ask adolescents about sexual identity, however we decided that geography was the more accurate parameter to include and in fact may be underestimating disparity. Likewise, for AIAN LBQ girls we chose to use CHIS data restricted to LA County over national youth data (YRBS) restricted to LBQ girls. Women were included in the AIAN girls in LA analysis since their proportion alone was too small to report. The majority of data in this brief are carried over from previously published reports and studies with a few exceptions.

For example, the LBQ women's report uses YRBS, 2019 estimates while this brief uses YRBS, 2017 estimates for the disproportionality index in an effort to more closely match NSYC-2, 2012 study data.

Estimates from the California Health Interview Survey (AskCHIS)[32] and Census of Juveniles in Residential Placement (CJRP)[33] were obtained using online data analysis tools provided by relevant organizations. U.S. Census Bureau[34] and KidsCount.org[35] estimates were obtained from analyses provided by the Census Bureau and the Foster Care Analysis and Reporting System. Further detail about methods, data sources, and prevalence of LBQ women's and girl's system involvement can be found in the Williams Institute's LBQ Women's report[36], Sexual and Gender Minority Youth in Foster Care report[37], Sexual Minority Incarceration Rates and Traits report[38] and the Sexual Minority Youth in Custody report[39].

AUTHORS

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SUGGESTED CITATION

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APPENDIX

A.1. DISPROPORTIONALITY INDEX: LBQ GIRLS IN FOSTER CARE, BY RACE

	Foster Care				
	Girls	**LBQ Girls**	**LBQ Girls of Color**	**Black LBQ Girls**	**AI/AN LBQ Girls**
Disproportionality Index	**1**	**1.4**	**2.1**	**4.2**	**4.4**
System Population	48% of youth in foster care are girls [a]	13.4% of girls in foster care are LBQ [c]	89.4% of LBQ girls in foster care are POC [c]	32.7% of LBQ girls in foster care are black [c]	9.7% of LBQ girls in foster care are AIAN [c]
General Population	49% of all youth are girls [b]	9.8% of all girls are LBQ [d]	42.8% of all LBQ girls are POC [b]	7.8% of girls in LA are black [e]	2.4% of girls and women in LA are AIAN [e]
Frame	Gender ratio	Sexual Identity ratio among girls	Race ratio among sexual minority girls	Black ratio among sexual minority girls	AIAN ratio among sexual minority girls

Sources: [a.] Kidscount.org, 2017; [b.] YRBS, 2017; [c.] Wilson, et al., 2014 using the Los Angeles Foster Youth Survey (LAFYS), 2014; [d.] Los Angeles YRBS, 2013-2015; [e.] CHIS, 2013-2015

Note: AI/AN = American Indian and Alaska Native; LBQ = Lesbian, Bisexual, and Queer; Estimates for Girls of color include Black and AI/AN girls; All estimates from LAFYS include cisgender girls and transgender girls. Non-LBQ girls were included in the general population estimates of racial distributions for Black and AIAN because the sample sizes for LBQ girls and women alone in one city were too small for AskChis to report. Women were included in the AIAN girls in LA analysis because the sample size for AIAN girls alone was too small for *AskCHIS* to report.

A.2. DISPROPORTIONALITY INDEX: LBQ GIRLS IN CUSTODY AND LBQ INCARCERATED WOMEN, BY RACE

	In custody				Incarcerated			
	Girls	**LBQ Girls**	**LBQ Girls of Color**	**Black LBQ Girls**	**Women**	**LBQ Women**	**LBQ Women of Color**	**Black LBQ women**
Disproportionality Index	**0.3**	**2.6**	**1.5**	**2.1**	**0.2**	**10.3**	**1.6**	**1.7**
System Population	16% of youth in custody are girls [a]	40% of girls in custody are LBQ [c]	63.7% of LBQ girls in custody are POC [c]	34.4% of LBQ girls in custody are black [c]	10% of incarcerated adults are women [d]	33% of incarcerated women are LBQ [f]	61% of incarcerated LBQ women are POC [f]	24% of incarcerated LBQ women are Black [f]
General Population	49% of all youth are girls [b]	15.5% of all girls are LBQ [b]	42.8% of all LBQ girls are POC [b]	16.5% of all LBQ girls are Black [b]	51% of all adults are women [e]	3.2% of all women are LBQ [g]	38.8% of all LBQ women are POC [h]	14% of all LBQ women are Black [h]
Frame	Gender ratio	Sexual Identity ratio among girls	Race ratio among sexual minority girls	Black ratio among sexual minority girls	Gender ratio	Sexual Identity ratio among women	Race ratio among sexual minority women	Black ratio among sexual minority women

Sources: [a.] CJRP, 2017; [b.] YRBS, 2017; [c.] Wilson, et al., using National Survey of Youth in Custody (NSYC), 2012; [d.] Kajstrua, A. (2019). *Women and gender & Women's mass incarceration: The whole pie 2019*. Prison Policy Initiative. https://www.prisonpolicy.org/women.html; [e.] U.S. Census Bureau, 2021; [f.] Meyer, et al., 2017 using the National Inmate Survey, (NIS-3), 2011-12; [g.] General Social Survey (GSS), 2008-2012 from Gates, GJ. (2014). *LGB/T demographics: Comparisons among population-based surveys*. Williams Institute, UCLA School of Law.; [h.] BRFSS, 2017-19

Note: LBQ = Lesbian, Bisexual, and Queer; LBQ = Lesbian, Bisexual, Queer, and Questioning; Girls of color and women of color include black girls and black women; All estimates from NSYC and NIS include cisgender girls and cisgender women only

ENDNOTES

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[37] See, #3

[38] See, #25

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