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What We Know about Gender Identity and Expression and Youth in California Secure Facilities with Charges Linked to Prostitution: A Fact Sheet

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Fact Sheet 01: 6 November 2018

Background

In 2014, Dr. Angela Irvine and her staff conducted a statewide survey of detention halls, ranches, and camps in all but two counties. The purpose of the survey was to identify pathways into the justice system for lesbian, gay, bisexual, questioning, gender nonconforming, and transgender (LGBQ/GNCT) youth.

The 4033 responding youth reported the following gender identities and expression:

- 2933 (74.80%) youth were **gender conforming, cisgender boys**, defined as being assigned male at birth, having a current gender identity of boy and having a gender conforming gender expression.
- 308 (7.86%) youth were **gender nonconforming, cisgender boys**, defined as being assigned male at birth, having a current gender identity of boy and having a gender nonconforming gender expression.
- 7 (.18%) youth were **transgender boys**, defined as being assigned female at birth and having a current gender identity of boy.
- 11 (.28%) youth were **intersex**, defined as being assigned a birth sex that was neither girl or boy.
- 14 (.36%) youth have a current gender identity that is neither boy or girl. We refer to this group as **nonbinary**.
- 26 (.66%) youth were **transgender girls**, defined as being assigned male at birth and having a current gender identity of girl.
- 125 (3.19%) youth were **gender nonconforming, cisgender girls**, defined as being assigned female at birth, having a current gender identity of girl and having a gender nonconforming gender expression.
- 498 (12.70%) youth were **gender conforming, cisgender girls**, defined as being assigned female at birth, having a current gender identity of girl and having a gender conforming gender expression.
- Information about the gender of 111 youth is missing.

Prostitution-Related Charges

On the California survey, youth were asked the reason that they were being held in a secure facility. One of the options was "prostitution." Notably, this survey was being administered at a time that prostitution-related charges were being decriminalized in different counties across the state. As researchers, we decided to take young people's self-report as accurate. That is, we believe that they were arrested and detained or incarcerated for prostitution-related charges even if the formal charge was something different. Additionally, we do not necessarily see this data as reflective of the population engaged in sex work. We do see it as a measure of who is being criminalized for prostitution-related charges.

Within the sample of respondents, the following numbers of youth holding each combination of gender identity and gender expression reported being held in secure facilities for prostitution-related charges. Of the 91 youth reporting, there were:

- 28 gender conforming and cisgender boys
- 13 gender nonconforming and cisgender boys
- 0 transgender boys
- 5 intersex youth
- 8 nonbinary youth
- 5 transgender girls
- 15 gender nonconforming and cisgender girls
- 18 gender conforming and cisgender girls

Chart 1 reports the percent of the sample of 91 youth that falls into each gender identity and expression category:

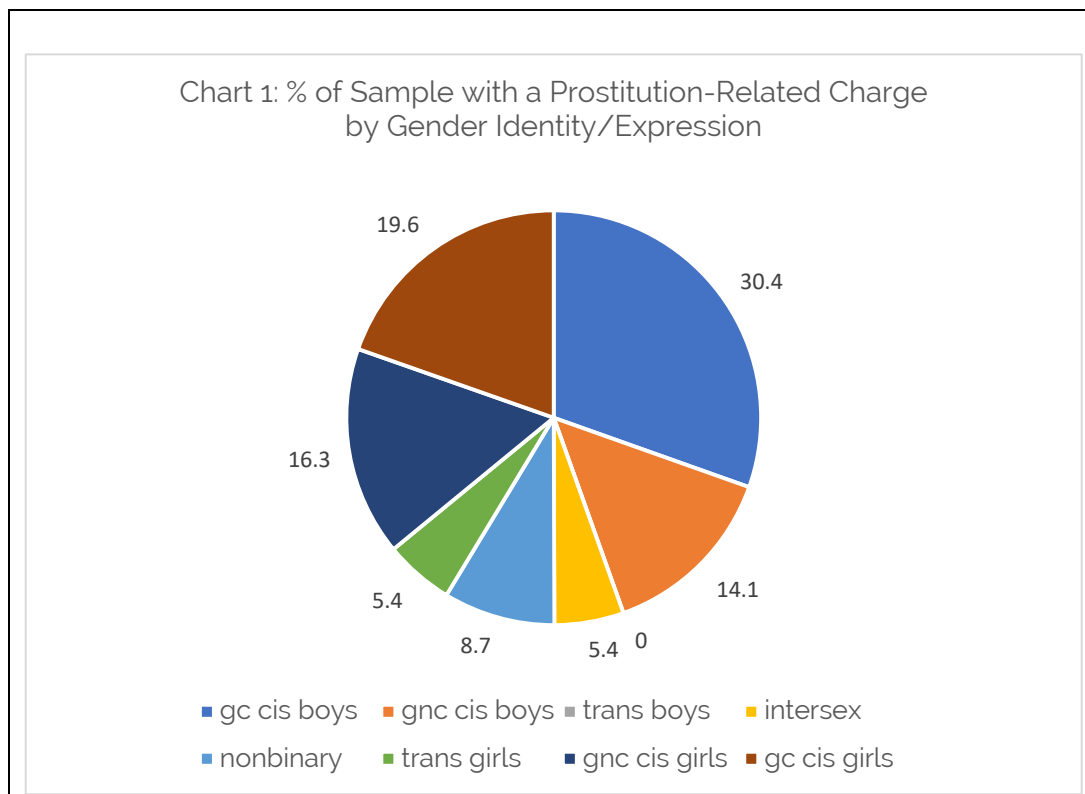
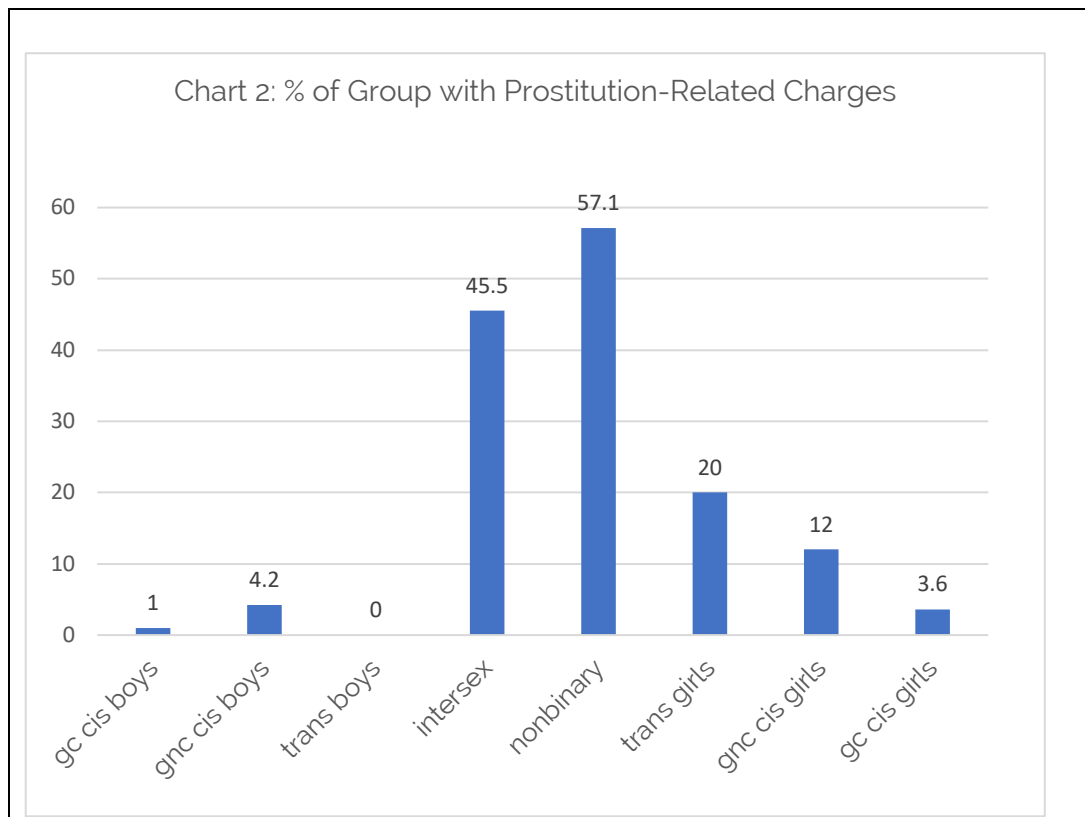


Chart 2 reports on the % of each gender identity and expression that was being held in a secure facility for a prostitution-related charge:



Conclusion

Together, we see that the largest groups of youth being criminalized for prostitution-related charges are (in order), gender conforming and cisgender boys (30.4%), gender conforming and cisgender girls (19.6%), gender nonconforming and cisgender girls (16.3%), and gender nonconforming and cisgender boys (14.1%).

At the same time, the groups at highest risk of being criminalized for prostitution-related charges are nonbinary youth (58.1%), intersex youth (45.5%), transgender girls (20%), and gender nonconforming and cisgender girls (12%).

These findings highlight the importance of collecting data on gender identity and expression within case management systems so that these trends can be tracked over larger groups of youth and longer lengths of time. They also suggest that services—particularly those focused on supports for youth engaged in sex work—need to be skilled at serving youth across the entire gender spectrum. Advocates should focus decarceration efforts on the full gender spectrum as well.