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# At the intersection of criminal justice involvement and sexual orientation: Dynamic networks and health among a population-based sample of young Black men who have sex with men

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## ABSTRACT

Mass incarceration of young Black men has a significant impact on their network composition and stability that, in turn, may have major implications for health and well-being. A sub-group of young Black men with criminal justice involvement (CJI) identify as gay, bisexual or are non-identified men who have sex with men (hereafter MSM). This paper focuses on the potential effects of CJI on the composition of Black MSM social and sexual networks, their stability over time, and concomitant health and social outcomes. We use data from the UConnect study, a population-based cohort of young Black MSM 16–29 years of age ( $n=618$ ) selected using respondent-driven sampling in Chicago from 2013 to 2016. Both confidant and sexual network name generators and interpreters were administered at 9-month intervals over three waves of data collection. Ego and dyadic-level data were collected on behaviors prevalent among MSM and including factors associated with network CJI, network stability, and health outcomes. Generalized Structural Equation Models (GSEM) were utilized to determine the relationship between CJI network composition, network stability and behaviors prevalent among young Black MSM and their networks. In the UConnect cohort, 46% had at least once been detained, arrested or spent time in jail or prison. In addition, 20% of participants reported incident CJI over the study period. Respondents with a history of CJI were significantly more likely to have CJI homophily in their confidant and sexual networks. Multivariate analyses demonstrate that the association between one's history of CJI, housing instability and drug use is partially explained by one's network CJI. In addition, a higher prevalence of network CJI is associated with increased turnover in the confidant network, and this network instability is also related to important health and social outcomes. This analysis describes the networks of criminal justice involved men among a representative sample of young Black MSM and demonstrates the relationship between CJI network homophily, network stability and their impact on several key health and social outcomes relevant to this population.

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## 1. Introduction

In the United States, an estimated 2.3 million people are held in prisons and jails on any given day (Glaze et al., 2015). In addition, approximately 11 million people cycle through local jails each year (Minton, 2015). Black men are disproportionately affected by criminal justice involvement (CJI), making up 13% of the U.S. male population, but accounting for 38% of the male prison population

(Carson, 2015). There is an even greater disparity seen among young men between 18 and 24 years of age. Black men in the 18–19 and 20–24 age groups have rates of incarceration 10.5 and 6.6 times the rate of white men in the same respective age groups despite constituting nearly 5 times fewer the population size of Whites (U.S. Census Bureau, 2016).

Mass incarceration of young Black men can have a significant impact on their network composition and stability that, in turn, can have major implications for health and well-being. A sub-group of young Black men with criminal justice involvement (CJI) identify as gay, bisexual or are non-identified men who have sex with men (hereafter YBMSM). Limited information exists on the composition and dynamics of the social and sexual networks among this

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sub-group, in particular, the extent to which these men are embedded within networks of CJI MSM, how stable these networks are over time and how these networks are associated with health conditions that disproportionately impact YBMSM such as substance use, housing instability and mental illness. This paper focuses on the potential effects of CJI on the composition of MSM social and sexual networks, their stability over time, and concomitant health and social conditions.

### 1.1. Intersectionality – sexual orientation and race – within criminal justice involved contexts

Criminal justice research often focuses on a single social group (i.e. African Americans, women) in attempts to focus on how one group may have different outcomes compared to a reference group or how public health intervention may be differentially applied or targeted (Binswanger et al., 2012). Such a focus ignores the complexity of intersectional identities and can result in limited attention to multiple social attributes that can drive the same outcomes of interest. ‘Intersectionality’ is the study of how multiple systems of social stratification (e.g., race, ethnicity, gender, sexual orientation) influence an individuals’ identity and lived experience, recognizing that every person holds a position (privilege or disadvantage) in different systems simultaneously, and that such positions can vary in magnitude and direction depending on time, place, and circumstance (Bowleg, 2008; Jones and McEwen, 2000; Purdie-Vaughns and Eibach, 2008). For example, in jail, it is likely that a Black same gender loving man, may be observed as Black, and may move his Black identity to the forefront given the disadvantage that a non-normative sexual orientation might experience. Certainly, this might quickly change if the same individual is detained in a special populations unit that privileges men who have sex with men. Intersectionality also explores how different levels of a social framework influence individuals experiences, including the intrapersonal level (e.g., internalized racism) (Mossakowski, 2003), the interpersonal level (e.g., bias, discrimination) (Kessler et al., 1999), the contextual level (e.g., societal victimization such as hate crimes) (Klest, 2012), and the macro-level, where structural inequalities (e.g., education, income distribution). The study of intersectionality within institutions has also been examined including health-care contexts and how patients and providers both view and are viewed within health care institutions (Peek et al., 2016).

One of the theoretical questions that arise from intersectionality of Black men who have sex with men in the criminal justice system is whether the intersectionality of race and sexual orientation represents an advantage or disadvantage with respect to ongoing criminal justice involvement, excessive policing or targeting for punishment. In other words, do Black men who have sex with other men experience more criminal justice involvement than Black men who have sex with women only. One could imagine that because of the number of syndemic factors that MSM experience including substance use and interpersonal violence that they would more likely be involved with criminal justice involvement (Wilson et al., 2014). In addition, following basic tenets of social network theory such as homophily, would suggest that MSM are more likely to be in social groups with other men (Schneider et al., 2017); which would put them at risk as compared to groups that are more heterogeneous by gender and thus in social proximity to groups that have lower incarceration rates. In recent work, Meyer finds that sexual minority men (including those who self-identify as gay or bisexual) are disproportionately incarcerated as compared to men who identify as straight and report having sex with women only (Meyer et al., 2017). In this analysis, however, special units are described, however, we do not know to what extent intersectionality plays a role in the lived experiences of sexual and racial minority men. The analyses described here begins that discussion

and in particular how these men are engaged with others in their social environment.

### 1.2. Criminal justice involvement among young black men who have sex with men

The important role of criminal justice involvement has intensified in the context of Black communities with rapidly increasing rates of incarceration over the past few decades that peaked in 2008 and continue to be higher than anywhere else in the world – with approximately 6.9 million individuals under some form of adult CJ supervision, including 1 in 108 adults incarcerated in jails or prisons and 1 in 35 under some form of correctional control (Epperson et al., 2008; Harrison and Beck, 2006; Pew, 2009; PewCenter, 2008). The vast majority of the criminal justice population spends short periods locked-up prior to being returned to community as opposed to longer-term prison settings. While most criminal justice data includes race, sexual orientation and behavior have not been typically collected in most jail settings, and when collected, response bias would likely be an important limitation to the data, given the risk that some sexual minorities can face while incarcerated (Beck et al., 2010; Dumond, 2000; Hensley et al., 2003; Saum et al., 1995). These risks have been much of the focus in prior scholarly work examining MSM in CJI contexts, particularly around HIV risk given concerns that sex, whether it be consensual or non-consensual, can increase chances of HIV acquisition within jails (Hammett et al., 2002; Robertson, 2003). More recent data has instead focused on reports of transmission outside of jail and a seminal meta-analysis of determinants of HIV infection has suggested that Black MSM in the US and elsewhere are more than twice as likely to have experienced incarceration as other MSM (Millett et al., 2012), and CJI is a known factor associated with HIV infection. Recent empirical data has documented high prevalence of CJI among Black men who have sex with men (31% Lim, 60% Brewer, 51% Bland) (Bland et al., 2012; Brewer et al., 2014b; Lim et al., 2011) and these rates are higher than that of Black men in general, suggesting that there may be other factors driving CJI among YBMSM. It may be that increased rates of substance use, mental health problems and housing instability, or so-called “syndemic factors” (Stall and Catania, 2008; Stall et al., 2003) drive CJI among YBMSM. Alternatively, it may be that network forces, such as homophily may be greater in this population given larger numbers and higher proportions of other Black men in these networks which could increase the numbers of individuals who are criminal justice involved, or who may be experiencing factors associated with CJI such as exposure to violence, substance use and connections to other Black men.

### 1.3. CJI network homophily

There are high levels of CJI among Black MSM and Black communities due to drug policy and the War on Drugs, racial bias in arrests and sentencing and other structural factors, which may account for the high prevalence of CJI among young Black men and their networks (Freudenberg, 2001). Because of the high numbers of incarcerated Black men it is not surprising that individuals who have previously experienced CJI are likely connected to others who have experienced CJI. Because of these biases, CJI has a level of randomness that might make network factors less relevant to predicting future CJI in a given individual. On the other hand, because of the density of CJI among young Black men, it may be that social influence resulting from embeddedness in criminal justice involved networks may continue to drive CJI. Much of the literature that has examined homophily in young Black men has examined gang networks and the processes that set-up homophily in experiences of community violence (Papachristos et al., 2015; Tracy et al., 2016). Group identity, reciprocity (Papachristos, 2009),

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