



Original article

Interplay of Race and Criminal Justice Involvement on Sexual Behaviors of Young Men Who Have Sex With Men

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A B S T R A C T

Purpose: Criminal justice involvement is a significant problem in the United States, and poses substantial negative immediate and long-term effects, particularly among adolescents and young adults. Research has been mixed on the association between a history of arrest or incarceration and an increased risk of human immunodeficiency virus, but there are clear trends in the association between criminal justice involvement and sexual risk behaviors.

Methods: Drawing from a racially or ethnically diverse sample of young men who have sex with men, we conducted an investigation into whether there was a temporal relationship between history of criminal justice involvement and engagement in high-risk sexual behaviors. We also examined whether sexual behaviors among black men who have sex with men (MSM) were more substantially impacted by arrest or incarceration than those of non-black MSM. Data were collected within a longitudinal study of young MSM in Chicago.

Results: More than one-third of participants (37.8%) reported having ever been in trouble with the police in their lifetime, and 10% had been incarcerated. In multivariable analysis, black race, history of incarceration, and the interaction were all significantly positively associated with an increase in reported number of male anal sex partners.

Conclusions: We found that the intersection between race and criminal justice involvement plays a major role in sexual behaviors. More research is needed to understand why a history of arrest or incarceration has a much more profound effect on black MSM than on non-black MSM.

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IMPLICATIONS AND CONTRIBUTION

This study demonstrates that the intersection between race and arrest or incarceration plays a major role in sexual behaviors of young men who have sex with men (YMSM). More research is needed to understand why a history of criminal justice involvement has a more profound effect on the sexual behaviors of black MSM than on non-black MSM.

Criminal justice involvement (i.e., arrest and incarceration) is a significant problem in the United States, and poses substantial negative immediate and long-term effects, particularly among

adolescents and young adults, including increased likelihood of developing mental health problems such as depression and suicidal ideation [1–4], difficulty forming social relationships [2,5], failure to complete high school or pursue a college education [6], and struggles with achieving psychosocial maturity milestones [7].

According to a 2014 report, there were an estimated 1.6 million arrests made of individuals under the age of 18 years in 2010 [8]. This means that nearly 5% of the US adolescent population was arrested during this time period. However, not everyone who is

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arrested ends up being incarcerated in jail or a juvenile detention facility. According to the Census of Juveniles in Residential Placement, on 1 day in 2013, 16,789 US adolescents were arrested and detained in a juvenile facility [9]. These numbers illustrate the significant and striking proportion of youth at serious risk of potential negative impacts on social and developmental outcomes and health disparities.

In addition, criminal justice involvement among youth may be only part of a pattern of vulnerability, which also includes sexual risk. Hopelessness and fatalism in youth have consistently been linked to increased risk of both arrest and human immunodeficiency virus (HIV) diagnosis, according to a 2014 meta-analysis [10]. Additionally, impulsivity has been linked with both arrest [11,12] and sexual risk behavior [11]. Further research has demonstrated an association between these two constructs, and further reiterated their relationship to criminal justice involvement and sexual risk [13]. These findings overall indicate the importance of parsing the relationship of sexual and criminal justice risk in youth populations.

With regard to both arrest and incarceration, certain groups of youths are disproportionately impacted. Specifically, gender [14], sexuality [15], race or ethnicity [16], and socioeconomic status intersect to play a role in these disparities in the United States [17]. In a sample of juvenile court outcomes, men were incarcerated at more than twice the rate of women (10.5% vs. 4.2%, respectively) [18]. Racial or ethnic minority populations also have higher rates of incarceration than their white counterparts. This same study found that black youth were 1.84 times more likely than white youth to be ordered to correctional confinement [18]. Additionally, in 2010, black men were five times as likely as white men to be incarcerated (4,347 of 100,000 population vs. 678 of 100,000 population, respectively) [19]. This disparity in incarceration rates is even more apparent when looking at black gay men who have sex with men (MSM), as well as non-gay bisexual and other men who have sex with men (BMSM), where estimates of incarceration rates can range between 31% and 35% [20–22]. Lastly, in terms of socioeconomic status, males who did not finish high school consistently had higher incarceration rates than all men, even after controlling for race [23].

The intersectionality of these identities, and the resultant disproportionate criminal justice involvement, is very visible in racial or ethnic minority MSM populations. For instance, one study found that black and Latino young MSM (YMSM) were significantly more likely to have been arrested and incarcerated than their white and Asian/Pacific Islander counterparts (arrest: 18.2% vs. 9.1%; incarceration: 5.6% vs. 1.8%, respectively) [24]. There are also differences in rates of incarceration within black MSM (BMSM) populations. A multisite study of BMSM—HIV Prevention Trials Network 061—found that men who had reported lifetime incarceration were significantly more likely to identify as heterosexual or straight than as gay or homosexual [20]. These findings mirrored those of a study of MSM conducted by Lim and her colleagues, in which gay men were the least likely to report incarceration history, followed by bisexual and heterosexual men [22].

Research has been mixed on the association between a history of arrest or incarceration and an increased risk of HIV and other sexually transmitted infections (STIs). Young black men are the most likely to be diagnosed with HIV and to be arrested, but linkages between these two are mixed. Within the HIV Prevention Trials Network 061, there was not a significant association between HIV incidence and incarceration [21], similar to find-

ings from an earlier sample of BMSM in Los Angeles [25]. Conversely, multiple studies have found a positive association between criminal justice involvement and STI acquisition [26–29]. As with many other social-contextual factors, the complex relationship between incarceration and HIV or STIs remains to be fully understood [30].

Despite the unclear relationship between arrest or incarceration and HIV or STIs, there is a substantial body of evidence linking criminal justice involvement and engagement in high-risk sexual behaviors among MSM. These behaviors include engaging in condomless anal sex (CAS) [22,24], exchanging sex for money or drugs [24], and reporting a large number of sexual partners [22]. Further complicating the connection between risk behaviors and incarceration is the role that race plays. BMSM are arrested and imprisoned at substantially greater rates than other MSM [22,31], yet also engage in significantly fewer high-risk sexual acts than non-black MSM [32]. Within younger populations such as YMSM, long-term incarceration is a rare occurrence, but even the disruptive effect of being arrested can have major consequences on the life situation of disenfranchised individuals [33]. These relatively brief interruptions in an already unstable situation can quickly result in job loss, leading to engagement in survival sex and other behaviors that place one at risk of HIV.

A recent study investigated the interaction between race and a lifetime history of arrest among YMSM on sexual risk behaviors; researchers found evidence for significant effect modification, but their analyses had several limitations [24]. Black and Latino MSM were grouped together in a single category, the use of a cross-sectional sample limited the ability to assess temporality, and CAS was measured as a dichotomous variable. Within the current study of YMSM, we conducted a more in-depth analysis of interaction effects of race and criminal justice involvement to address gaps in prior research. Specifically, we wanted to investigate whether there was a temporal relationship between a history of criminal justice involvement and engagement in high-risk sexual behaviors, and if sexual behaviors among black MSM were more substantially impacted by arrest or incarceration than those of non-black MSM.

Methods

Procedures

Data were collected within a longitudinal study of racially or ethnically diverse YMSM in Chicago beginning in December 2009 (Crew 450). Eligible participants were assigned male sex at birth, between 16 and 20 years of age, English speakers, reported a sexual encounter with a male or a gay or bisexual identity, and available for 2 years of follow-up. A modified form of respondent-driven sampling was used to recruit 450 YMSM into this study [34]. Briefly, seeds were recruited through gay-straight alliances at Chicago area schools and other community venues, as well as through popular gay geosocial networking applications [35]. Sexual identity was ascertained by asking participants to self-identify on a scale from only straight or heterosexual to only gay or homosexual, including mostly straight or heterosexual, mostly gay or homosexual, bisexual, and other.

This article uses data collected at the baseline (T1) and 6-month follow-up visits (T2). Follow-up retention at T2 was high, with 86.7% of individuals completing a visit. Participants were administered a computer-assisted self-interview with audio instructions that took 60–90 minutes to complete. They were also

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