

Congress of the United States

Washington, DC 20515

May 11, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531

RE:
OMB Number 1121-0111 // 83 FR 15634
Document Number: 2018-07448

Dear Ms. Truman,

We write in opposition to the proposed removal of sexual orientation and gender identity (SOGI) measures for 16 and 17-year-old respondents from the National Crime Victimization Survey (NCVS). The loss of these questions will negatively impact the quality and utility of the information collected, and undermine efforts to expand policy-makers' understanding of and ability to counteract criminal victimization in the United States.

The Bureau of Justice Statistics (BJS) accurately describes the NCVS as, "the nation's primary source of information on criminal victimization." As such, it is vital that this survey seek to provide the best representation of criminal victimization as possible. The U.S. Census Bureau was accurate in its 2017 assessment, as part of the cognitive testing of these SOGI questions for the NCVS that, "[i]ncluding the respondents' sexual orientation and gender identity with other demographic characteristics provides more accurate and detailed data that can be used to inform public policy debates and funding decisions regarding this vulnerable population."¹ This finding is consistent with the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys' prior conclusion that "there remains a lack of data on the characteristics and well-being" of sexual and gender minorities (SGM) populations, and that "in order to understand the diverse need of SGM populations, more representative and better quality data need to be collected."²

What research does exist indicates that young SGM populations face higher rates of criminal victimization than their heterosexual and cisgender peers. In 2015, the Center for Disease Control's National Youth Risk Behavior Survey found that, 10% of Lesbian, Gay and Bisexual

¹ Martinez, Mandi et al. *Cognitive Pretesting Of The National Crime Victimization Survey Supplemental Victimization Survey*. Center For Survey Measurement, Research And Methodology Directorate, U.S. Census Bureau, Washington, DC, 2017.

² Federal Interagency Working Group on Improving Measurement Of Sexual Orientation and Gender Identity in Federal Surveys, *Toward a Research Agenda for Measuring Sexual Orientation and Gender Identity in Federal Surveys: Findings, Recommendations, and Next Steps* (2016).

(LGB) students, compared with 5% of heterosexual students, reported being threatened or injured with a weapon on school property, and 34% of LGB students, compared with 19% of heterosexual students, reported being bullied on school property.³ The National Center for Transgender Equality's 2015 survey of transgender and gender non-conforming individuals found that nearly a quarter (24%) of respondents reported being physically attacked when they were in primary or secondary school, and 13% reported being sexually assaulted because people thought they were transgender.

Given that information regarding the victimization of SGM youth is important to policy-makers, and that evidence shows this population is at especially high risk of victimization, it is deeply troubling that BJS has failed to provide a credible rationale for eliminating the collection of these data. The agency's base assertion that these questions are potentially too "sensitive" for youth does not withstand even the most basic of scrutiny.

First and foremost, the NCVS is designed to ask questions regarding sensitive topics – including questions about race, disability, sex, and whether individuals have been the victims of a host of crimes, including sexual assault, hate and bias crimes, and intimate partner violence, as well as regarding relationships between perpetrators and victims. BJS has provided no evidence that the sexual orientation and gender identity items are any more sensitive than the above topics or any others on the NCVS for 16- and 17-year-olds to answer. If anything, BJS has provided convincing evidence that the questions posed *no issues* for teen respondents. The results of the cognitive testing for SOGI questions for the NCVS, published last year, found that, "[t]he 16 and 17-year-old respondents were all able to understand and easily answer the sexual orientation questions. There were no significant differences between the responses to the questions and probes given by adults and teens, and no findings that the questions were too sensitive to obtain responses."⁴

Further, BJS's own National Survey of Youth in Custody (NSYC) includes a measure of sexual orientation for youth over the age of 14, and has contributed important findings to the discussion regarding the disproportionate incarceration and sexual victimization of sexual minority youth in custody.⁵ Other federal agencies and academic researchers have had similar success collecting SOGI data for teens, such as the Center for Disease Control's National Youth Risk Behavior Risk Survey, which includes respondents as young as 13 and has included sexual orientation measures since 2015.⁶

Given these facts, we are deeply concerned that the proposed elimination of important data collection about the victimization of LGBT teens is being driven by motives that are not based on any legitimate rationale. We urge the agency to abandon its efforts to curtail the collection of SOGI data, and oppose the proposed revision to the NCVS.

³ Laura Kann Et Al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12—United States And Selected Sites*, 2015, 65 *Morbidity & Mortality Weekly Report* 1, 11, 15 (Aug. 12, 2016).

⁴ *Ibid* Martinez, Mandi et al.

⁵ Bureau of Justice Statistics, *Data Collection: National Survey of Youth In Custody (NSYC)*, <https://www.bjs.gov> (Accessed May 7, 2018).

⁶ *Ibid* Kann et al.

Sincerely,

James M. ...

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MARK ...

Ted W. Lee

Frank ...

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Jamie ...

Julia ...

NOEL

Michelle ...

Daniel ...

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A. Donald ...

Charlie ...

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