

Public comments received on the substantive revision to the NCVS notice in the Federal Register, Vol. 83, No. 70 on April 11, 2018

	Date received	Contact Name	Title	Affiliation
1	4/11/2018	Karla Holt	n/a	n/a
2	4/12/2018	Jonathon Booth	n/a	n/a
3	4/13/2018	Mike Vaught	n/a	n/a
4	4/13/2018	Maryanne Embry	n/a	n/a
5	4/14/2018	Daniel Dromboski	n/a	n/a
6	4/15/2018	Ryan Sharpe	n/a	n/a
7	4/15/2018	Grace Alden	n/a	n/a
8	4/15/2018	Elizabeth Bevenour	n/a	n/a
9	4/17/2018	Andy Humm	n/a	n/a
10	4/17/2018	Juli Briskman	Chief Marketing Officer	UPIC Health, LLC
11	4/17/2018	Roxana Malene	Esq	Case Western Reserve University, School of Law
12	4/17/2018	Robyn Ochs	n/a	n/a
13	4/18/2018	Robert W.S. Coulter	Postdoctoral Scholar	University of Pittsburgh
14	4/18/2018	Lynnette McFadzen	President	BiNet USA
15	4/18/2018	Stephen Mershon	n/a	n/a
16	4/18/2018	Michael Prager	n/a	n/a
17	4/19/2018	Christopher Wheldon	n/a	n/a
18	4/23/2018	Shannon Wyss	n/a	n/a
19	4/24/2018	Rev. Dr. R. Jane Williams	Chairperson of MACC/Prof. of Clinical Counseling	Moravian Theological Seminary

	Date received	Contact Name	Title	Affiliation
20	4/25/2018	Sarah Miller	n/a	n/a
21	5/1/2018	Rachel Marshall Marcy Mistrett	Federal Policy Counsel Chief Executive Officer	Campaign for Youth Justice (CFYJ)
22	5/1/2018	Brent Walker	n/a	n/a
23	5/2/2018	Lee Lynch	n/a	n/a
24	5/2/2018	Shane Lowry	n/a	n/a
25	5/3/2018	Rev Elizabeth Jones	n/a	n/a
26	5/7/2018	David Heitstuman	Executive Director	Sacramento LGBT Community Center
27	5/7/2018	Marta Beresin	Director of Public Policy & Legal Services	Break the Cycle
28	5/7/2018	Christina Quaranta Abby Anderson	Director of Policy and Community Connections Executive Director	Connecticut Juvenile Justice Alliance
29	5/7/2018	Poshi Walker, MSW	LGBTQ Program Director	Mental Health America of Northern California
30	5/7/2018	Jennifer Collins	Marketing & Communication Coordinator	Resource Center
31	5/7/2018	Caroline B. Sanders, MPP	Director Policy Analysis	California Pan-Ethnic Health Network
32	5/7/2018	Brian Mustanski, PhD Kathryn Macapagal, PhD Ashley Kraus, PhD Maggie Matson, MPH	Director; Professor Research Assistant Professor Post-doctoral scholar Research Project Coordinator	Institute for Sexual and Gender Minority Health and Wellbeing; Northwestern University Feinberg School of Medicine
33	5/8/2017	Melvin H. Wilson, MBA, LCSW	Manager, Social Justice and Human Rights	National Association of Social Workers
34	5/8/2018	Mary Ann Scali Christina J. Gilbert, Esq.	Executive Director Senior Staff Attorney and Policy Counsel	National Juvenile Defender Center
35	5/8/2018	Mike Griffin	n/a	n/a
36	5/9/2018	John R. Blosnich, PhD, MPH	Assistant Professor of Medicine	University of Pittsburgh School of Medicine Division of General Internal Medicine

	Date received	Contact Name	Title	Affiliation
37	5/9/2018	Jeannette Pai-Espinosa	President	National Crittenton
38	5/9/2018	Kei Graves, MH	Board President	Lorain County LGBTQ+ & Allies Task Force
39	5/10/2018	Faith Williams Nancy K. Kaufman	Senior Legislative Associate CEO	National Council of Jewish Women, Inc.
40	5/10/2018	Naomi G. Goldberg, MPP Logan S. Casey, Ph.D.	Research and Policy Director Policy Researcher	The Movement Advancement Project
41	5/10/2018	Shaina Goodman, JD, MSW	Director of Policy	National Resource Center on Domestic Violence
42	5/10/2018	Rev. Lindasusan V. Ulrich	Assistant Minister	First Unitarian Universalist Congregation of Ann Arbor
43	5/10/2018	Kate Gerry	n/a	n/a
44	5/10/2018	Brett M. Merfish	Director of Youth Justice	Texas Appleseed
45	5/10/2018	Rabbi Jonah Dov Pesner Noah Fitzgerel	Director Legislative Assistant	Religious Action Center of Reform Judaism
46	5/10/2018	Valerie Ploumpis	National Policy Director	Equality California
47	5/10/2018	Megan Fenkell	Executive Director	Jamie and Denise Jacob Family Foundation
48	5/10/2018	Matt de Ferranti Dr. Jolene Bowman	Legislative Director President	National Indian Education Association (NIEA)
49	5/10/2018	Rachel Graber, MA, MSW Ruth Glenn	Director of Public Policy President and CEO	National Coalition Against Domestic Violence
50	5/10/2018	Robin Maril David Stacy	Associate Legal Director Government Affairs Director	Human Rights Campaign
51	5/10/2018	Melissa Goemann Sarah Bryer	Senior Policy Counsel Executive Director	National Juvenile Justice Network
52	5/10/2018	Amanda Wallner	Director	California LGBT Health & Human Services Network
53	5/10/2018	Emily Waters MSW/MPH Carrie Lippy, PhD Heron Greenesmith, Esq	Senior Manager of National Research and Policy Research and Evaluation Coordinator Public Policy Consultant	National LGBTQ Institute on Intimate Partner Violence
54	5/11/2018	Rosie Hidalgo, JD	Senior Director of Public Policy	Casa de Esperanza: National Latin@ Network

	Date received	Contact Name	Title	Affiliation
55	5/11/2018	Stephanie Kutler Susan Mandel, MD	DIRECTOR, ADVOCACY & POLICY President	Endocrine Society
56	5/11/2018	Hannah Critchfield Naomi Smoot	Policy and Field Relations Associate Executive Director	Coalition for Juvenile Justice
57	5/11/2018	Alexandra Citrin Megan Martin	Senior Policy Analyst Vice President, Director of Public Policy	Center for the Study of Social Policy
58	5/11/2018	Vanessa Samuelson Kate Levin Markel	President	The McGregor Fund
59	5/11/2018	Julie Kruse Denise Brogan-Kator	Federal Policy Advocate Chief Policy Officer	Family Equality Council
60	5/11/2018	Sheila Desai, PhD, NCSP Amy Cannava Kelly Vailancourt Strobach	Director, Educational Practice LGBTQI2-S Committee Chair Director of Policy and Advocacy	National Association of School Psychologists (NASP)
61	5/11/2018	Lauren Hernandez Lara Kaufmann Cristin Rollins, Ph.D.	Senior Public Policy Associate Director of Public Policy Director of Research & Evaluation	Girls Inc.
62	5/11/2018	Jason Szanyi	Deputy Director	Center for Children's Law and Policy
63	5/11/2018	Luc Athayde-Rizzaro	Policy Counsel	National Center for Transgender Equality
64	5/11/2018	M. Currey Cook Shannan Wilber, Esq.	Counsel and Youth in Out-of-Home Care Project Director Youth Policy Director	Lambda Legal National Center for Lesbian Rights <i>*co-signed by 16 groups</i>
65	5/11/2018	Cynthia Connors	n/a	n/a
66	5/11/2018	Sana Fadel	Acting Executive Director	Citizens for Juvenile Justice <i>*co-signed by 10 organizations</i>
67	5/11/2018	Alexis Cole, JD	Policy Director	URGE: Unite for Reproductive & Gender Equity

	Date received	Contact Name	Title	Affiliation
68	5/11/2018	Alex Sheldon Sarah Tofte	Research Associate Director, Research & Implementation	Everytown for Gun Safety
69	5/11/2018	Sarah Munshi	State and District Policy Manager	GLSEN
70	5/11/2018	Timothy Wang, MPH Kenneth Mayer, MD, FACP Jennifer Potter, MD Sean Cahill, PhD	LGBT Health Policy Analyst Co-chair and Medical Research Director Co-Chair and LGBT Population Health Program Director Director of Health Policy Research	The Fenway Institute
71	5/11/2018	Peter Gamache, Ph.D.	n/a	n/a
72	5/11/2018	Donna E Gardner	n/a	n/a
73	5/11/2018	Kamilah Tisdale Diana Thu-Thao Rhodes	Domestic Policy Analyst Director of Public Policy	Advocates for Youth
74	5/11/2018	Adam P. Romero	Director of Legal Scholarship and Federal Policy, and Arnold D. Kasoy Scholar of Law	The Williams Institute UCLA School of Law <i>*co-signed by 47 researchers</i>
75	5/11/2018	David Murphey, Ph.D.	Research Fellow & Director of the Child Trends DataBank	Child Trends DataBank
76	5/11/2018	Ames Simmons, JD	Director of Transgender Policy	Equality North Carolina <i>*co-signed by 15 organizations</i>
77	5/11/2018	Frank J. Bewkes, Esq., LL.M.	Policy Analyst, LGBT Research and Communications Project	Center for American Progress <i>*co-signed by 22 organizations</i>
78	5/11/2018	John Ziraldo	Vice President, Program & Strategy	The Skillman Foundation
79	5/11/2018	Amy Haywood	n/a	n/a
80	5/11/2018	Gabrielle Gray	National Coordinator, Stop Hate Project & Voting Rights Project	Lawyers' Committee for Civil Rights Under Law

	Date received	Contact Name	Title	Affiliation
81	5/11/2018	James Zahradka	Deputy Attorney General	<p>Bureau of Children's Justice Civil Rights Enforcement Section California Department of Justice</p> <p><i>*signed by 10 state Attorneys General:</i> XAVIER BECERRA California Attorney General LISA MADIGAN Illinois Attorney General TOM MILLER Iowa Attorney General BRIAN FROSH Maryland Attorney General MAURA HEALEY Massachusetts Attorney General GURBIR S. GREWAL New Jersey Attorney General HECTOR BALDERAS New Mexico Attorney General ELLEN F. ROSENBLUM Oregon Attorney General MARK HERRING Virginia Attorney General BOB FERGUSON Washington State Attorney General</p>
82	5/11/2018	Kathie Moehlig	Executive Director	TransFamily Support Services
		Max Disposti	Executive Director	North County LGBTQ Resource Center
83	5/11/2018	Beth Ann Hamilton	ISGMH Outreach and Operations Coordinator	Institute for Sexual and Gender Minority Health and Wellbeing (ISGMH)
		Zaina Awad	ISGMH Communications Coordinator	<p>*signed petition https://petitions.moveon.org/sign/stop-the-doj-from-erasing?source=c.em.cp&r_by=20101707</p>
84	5/11/2018	Lee Moore	n/a	n/a

	Date received	Contact Name	Title	Affiliation
85	5/11/2018	Elizabeth H. McElvein	Professional Staff	Committee on the Judiciary House of Representatives <i>*letter submitted by Congressman Jerrold Nadler (NY-10), Ranking Member on the House Judiciary Committee, and was joined by 55 members:</i> Reps. Pete Aguilar (D-CA), Nanette Barragan (D-CA), Ami Bera (D-CA), Lisa Blunt Rochester (D-DE), Julia Brownley (D-CA), Salud Carbajal (D-CA), André Carson (D-IN), Matthew Cartwright (D-PA), David Cicilline (D-RI), Katherine Clark (D-MA), Steve Cohen (D-TN), Charlie Crist (D-FL), Diana DeGette (D-CO), Mark DeSaulnier (D-CA), Ted Deutch (D-FL), Adriano Espaillat (D-NY), Bill Foster (D-IL), John Garamendi (D-CA), Raúl Grijalva (D-AZ), Luis Gutiérrez (D-IL), Colleen Hanabusa (D-HI), Eleanor Holmes Norton (D-DC), Sheila Jackson Lee (D-TX), Pramila Jayapal (D-WA), Henry C. "Hank" Johnson (D-GA), Joe Kennedy III (D-MA), Daniel Kildee (D-MI), Derek Kilmer (D-WA), Barbara Lee (D-CA), Ted Lieu (D-CA), Zoe Lofgren (D-CA), Alan Lowenthal (D-CA), Nita Lowey (D-NY), Michelle Lujan Grisham (D-NM), Sean Patrick Maloney (D-NY), A. Donald McEachin (D-VA), Jerry McNerney (D-CA), Seth Moulton (D-MA), Frank Pallone, Jr. (D-NJ), Jimmy Panetta (D-CA), Chellie Pingree (D-ME), Jared Polis (D-CO), Mike Quigley (D-IL), Jamie Raskin (D-MD), Jan Schakowsky (D-IL), Adam Schiff (D-CA), Carol Shea-Porter (D-NH), Jackie Speier (D-CA), Mark Takano (D-CA), Paul Tonko (D-NY), Niki Tsongas (D-MA), Debbie Wasserman Schultz (D-FL), Peter Welch (D-VT), and John Yarmuth (D-KY).
86	5/11/2018	Kyle Bullock	n/a	n/a
87	5/11/2018	Gregory M. Herek, Ph.D.	Professor Emeritus	Department of Psychology University of California, Davis

	Date received	Contact Name	Title	Affiliation
88	5/11/2018	Ellen Ann Andersen	Associate Professor of Political Science	Department of Political Science and Gender, Sexuality, and Women's Studies Program University of Vermont
89	5/11/2018	Lora Tucker	CEO	CenterLink: The Community of LGBT Centers

From: Kayleen Holt
To: [Truman, Jennifer \(OJP\)](#)
Subject: Comment for 83 FR 15634
Date: Wednesday, April 11, 2018 6:11:02 PM

Dear Ms. Truman,

I am writing to express my concern about the revision to the National Crime Victimization Survey information collection published on March 19, which raises the minimum age for asking about sexual orientation and gender identity from 16 to 18. I believe this unnecessary change will result in critical data points being lost in regard to violence against LGBTQ youth. The LGBTQ population is more likely to be the target of violent hate crimes than any other minority group, and these questions are vital to the DOJ's ability to understand the nature of crimes against this population—the first step toward preventing them.

As the mother of two LGBTQ young adults, I feel that 16 and 17 year olds are mature enough to answer a question about their sexual orientation and gender identity. If there is still a "sensitivity" concern by some, it can be addressed by the simple option of allowing a "prefer not to answer" response rather than discontinuing the questions altogether.

Thank you for your consideration,

Karla Holt

From: Jonathon Booth
To: [Truman, Jennifer \(OJP\)](#)
Subject: Comment: Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)
Date: Thursday, April 12, 2018 7:59:24 PM

When I was a teenager, I knew many other teens (under 18 years old) who identified as LGBT. They faced violence from their families, from their peers, and from intimate partners. Some of them ended up homeless because of that violence. It is insulting and worrying that the DOJ would cease to collect important statistics about crime victims due to the political correctness of the current administration which is too afraid of teenage sexuality to admit that there are thousands of LGBT teens living in our country. Under *State Farm*, agency rules should be based on objective evidence, not the fears and political calculations of the current administration. All the evidence shows that LGBT Youth are disproportionately homeless and face large amounts of violence. All raising the age would do is mask this major problem.

This comment is based on the following research, all of which must be addressed in the concise statement, 5 USC 553(c), see:

<https://link.springer.com/article/10.1007/s10964-009-9397-9>
<https://www.tandfonline.com/doi/abs/10.1080/19361650802379748>
[https://onlinelibrary.wiley.com/doi/abs/10.1002/1520-6629\(199501\)23:1%3C34::AID-JCOP2290230105%3E3.0.CO;2-N](https://onlinelibrary.wiley.com/doi/abs/10.1002/1520-6629(199501)23:1%3C34::AID-JCOP2290230105%3E3.0.CO;2-N)
<https://link.springer.com/article/10.1007/s10964-013-9975-8>
<http://heinonline.org/HOL/LandingPage?handle=hein.journals/jgrj1&div=24&id=&page=>
<https://www.tandfonline.com/doi/abs/10.1080/15388220.2012.732546>
<http://psycnet.apa.org/journals/vio/7/1/101.html?uid=2016-03889-001>
<http://journals.sagepub.com/doi/abs/10.1177/1541204016680408>
<https://eric.ed.gov/?id=ED574780>
<https://search.proquest.com/docview/1903082014?pq-origsite=gscholar>
<https://www.sciencedirect.com/science/article/pii/S1054139X17305037>
<https://www.sciencedirect.com/science/article/pii/S0190740915300761>

Thank you,
Jonathon Booth

From: Mike V
To: [Truman, Jennifer \(OJP\)](#)
Subject: RE: Removal of CVS Orientation and Identity questions for 16/17year olds
Date: Friday, April 13, 2018 1:30:39 AM

Hello Jennifer,

I'm emailing you regarding the removal of these questions regarding orientation and identity because I feel that it is both unnecessary,(at 14 as a freshman I had already been in the closet for approximately two years and answering this compared to what I was dealing with already would not have impacted me in the slightest.), and that the removal of these questions will taint results of kids being victimized by others in their social group(s). I was lucky enough to have accepting parents, but I lost a number of friends and spent years drinking away my life in depression before coming out at age 22 to a close friend (my roommate at the time) who informed me i would "burn in hell". Kids are dealing with these issues whether or not you bother to ask them, so what can it hurt to ask the question? They are not obligated to respond. Please help stop this quiet erasure of anything related to the LGBTQ community occuring in the government today. We are not going anywhere, and we will not be silent anymore.

I want to clarify one other thing, this is the first time I have ever voiced my opinion on LGBTQ rights in my over 38 years. Hopefully that should help you understand that what you are about to do is important to all of us, and I hope that you will work to prevent others from trying to sweep us under the rug in the areas in which you can. We need people in government on our side more than ever in these days where extreme conservatism is doing its best to erase us from any form of government protection they can.

My apologies for any rude messages you may receive due to the Advocate publishing this change, we, like all of society have our share of the obnoxious and inconsiderate. They do not represent the whole of us any more than extreme evangelists represent the whole of the church.

With regards,

-Mike Vaught

From: Daniel Dromboski
To: [Truman, Jennifer \(OJP\)](#)
Subject: Commenting against proposed changes to the National Crime Victimization Survey
Date: Saturday, April 14, 2018 11:39:09 AM

Ms. Truman,

I am reaching out to formally comment on the changes proposed to the National Crime Victimization Survey. I am *against* the proposed changes, namely toward not asking about sexual orientation, sex at birth, or gender identity until survey respondents are at least age 18, whereas currently the question is asked of survey respondents who are at least 16.

I believe if we are serious about protecting the youth of this country, and that includes young people of all sexual orientations or gender identities, and we are trying to track crime statistics as a way of knowing how safe or not safe our young people already are, we do not need to be watering down the data by removing data points. The main reason to make this change, from a data perspective, is to hide whether LGBT youth below the age of 18 are disproportionately criminally victimized versus their peers, or to make it more difficult to answer such a question (or even discuss it). I think it is against the public interest in formulating a sound strategy for keeping our young people safe.

I do not believe that the question is too sensitive for most at the ages of 16 to 17, and I believe that in the interest of knowing who is being victimized, and protecting all demographics, we need the stronger data that would be generated by the current version of the survey.

(As an aside: There is currently a "not sure" option on the question. I believe this allows respondents to avoid answering the question if it is, in fact, too sensitive. Perhaps there should also be a "decline to state" or "Prefer not to answer" option for the question, or make the question optional. I respect that statisticians are more likely to understand the impacts of these potential tweaks than I can, as a non-statistician. However, I prefer the data be collected in some appropriate manner, and not reduced in the way that is being proposed.)

These are my reasons for formally commenting *against* the proposed changes to the NCVS.

Sincerely,

Daniel Dromboski

From: R. Sharpe
To: [Truman, Jennifer \(OJP\)](#)
Subject: Re: Proposed National Crime Victimization Survey changes, OMB Number 1121-0111
Date: Sunday, April 15, 2018 2:33:22 AM

Ms. Truman-

I think it's absurd to remove questions relating to gender identity and sexual orientation from the NCVS when bullying is pandemic to the teenage experience these days. It's hard to feel there are genuine "concerns about the potential sensitivity of these questions for adolescents" when it's an optional question to begin with, and thus any actual sensitivity can be avoided by leaving the question blank.

These are *vital* questions to get to the root of scientific inquiry of violence perpetrated against LGBT communities, and removing them serves no purpose besides shrinking the pool of data that the government uses to save lives.

Please leave the questions in.

Regards,
--Ryan Sharpe

From: Grace Alden
To: [Truman, Jennifer \(OJP\)](#)
Subject: Comment on proposed revision to the NCVS
Date: Sunday, April 15, 2018 10:39:49 AM

Ms. Truman,

I am writing regarding this document:

<https://www.federalregister.gov/documents/2018/04/11/2018-07448/agency-information-collection-activities-proposed-ecollection-ecomments-requested-revision-of-a>

As I understand it, the Bureau of Justice Statistics proposes to stop asking 16- and 17-year-olds about their sexual orientation and gender identity.

In recent political conversation, many people who do not want to enact protections for LGBT people have cited that there are few reports, or even no reports, of LGBT people being subject to abuse, or crime, or discrimination. Of course, if you don't ASK, then you don't KNOW that a victim of abuse or crime or discrimination.

The question needs to be asked. Knowledge is foundational to developing good public policy. Please leave it in the survey.

Grace Alden

From: Elizabeth B
To: [Truman, Jennifer \(OJP\)](#)
Subject: Proposed changes to the National Crime Victimization Survey
Date: Sunday, April 15, 2018 2:19:32 PM

"Teens who are in the LGBTQ community are much more likely to experience prejudice, discrimination, and violence. Because of the perceived shame that many teens in the LGBTQ community feel after a crime is committed, they often stay silent and do not report it. They suffer in silence."

--Author Allen Watson

It is laughable that 16 & 17 year old teenagers are too sensitive to answer these type questions, the given justification for the proposed changes to this survey.

Do not erase LGBTQ youth by raising the age from 16 to 18 in the upcoming revision to the National Crime Victimization Survey. To do so silences these kids' voices, and they desperately need to be heard. Some won't make it to 18 to get their message across.

Elizabeth Bevenour

From: Andy Humm
To: [Truman, Jennifer \(OJP\)](#)
Subject: Comment on Document 2018-07448 re elimination of questions on sexual orientation and gender identity
Date: Tuesday, April 17, 2018 2:00:36 AM

Ms. Truman,

I am a former NYC Human Rights Commissioner and former director of education at the Hetrick-Martin Institute for LGBT youth in New York.

Your proposal to eliminate questions on youth surveys on sexual orientation and gender identity from surveys for 16- and 17-year olds will deeply harm LGBT youth--and all youth and adults who need an accurate picture of who they are trying to serve.

The Hetrick-Martin Institute was founded in 1979 as the Institute for the Protection of Lesbian and Gay Youth. Our FIRST order of business was assessing the needs and concerns of LGBT youth by conducting research. Our findings that these young people had higher rates of suicidality and substance abuse led to programming to meet their needs and programming to educate all youth about sexual orientation (and later gender identity) issues.

Your proposal to try to erase the existence and needs of LGBT young people is appalling in its cruelty.

We need you to restore the questions on sexual orientation and gender identity.

Sincerely,

Andy Humm, MPH

From: Juli Briskman
To: [Truman, Jennifer \(OJP\)](#)
Subject: Please keep age the same for statistics on gender ID and Sexual orientation
Date: Tuesday, April 17, 2018 10:45:12 AM

I was unable to click through to put comments on the page that the DOJ's OMB has put out. The link seems to be broken. Please check with your technical department and if it is broken, you need to extend the comment time on this important issue.

Since your email and phone number were listed, I ask that you pass along this comment.

We should not restrict the statistics gathered on these data points to 18 and older. I'm confident some very smart people who knew the issues and this industry set the age at 16 for very good reasons. We do not want to lose important statistics and comparison data!
Please do not change the age in the **National Crime Victimization Survey**.

Thank you,

Juli Briskman

Sent from [Mail](#) for Windows 10

From: Roxana Malene
To: [Truman, Jennifer \(OJP\)](#)
Subject: Fwd: COMMENT TEMPLATE for Trump administration proposal to raise minimum age on LGBTQ crime survivor data collection
Date: Tuesday, April 17, 2018 8:47:52 PM

Jennifer Truman

Bureau of Justice Statistics

810 Seventh Street NW

Washington, DC 20531

Jennifer.Truman@ojp.usdoj.gov

Dear Ms. Truman,

I am writing today in opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially concerning given that LGBTQ youth are particularly vulnerable to violence and other crimes.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—[might want to avoid](#) reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is very important.

When information *is* collected, it shows that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. This is supported by other research: A [survey of nearly 27,000 Minnesotan college students](#) found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality [surveyed over 27,000 transgender](#) people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An [analysis of the Youth Risk Behavior Survey](#), another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

Roxana Malene, Esq.

17 April 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

Dear Ms. Truman,

I am writing today in opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially concerning given that LGBTQ+ youth are particularly vulnerable to violence and other crimes.

There are myriad reasons LGBTQ+ young people—particularly those of color and those who are not out to their families—might be hesitant to report a crime to the police.

Because the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is extremely important.

What we know from prior research is that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. A survey of nearly 27,000 Minnesotan college students found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality surveyed over 27,000 transgender people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An analysis of the Youth Risk Behavior Survey, another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

I work with youth – including middle schoolers and high schoolers, and have heard numerous stories from them of their own experiences with violence.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

Robyn Ochs

From: Coulter, Robert W.S.
To: [Truman, Jennifer \(OJP\)](#)
Subject: opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18
Date: Wednesday, April 18, 2018 11:33:36 AM

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

Dear Ms. Truman,

I am writing today in opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially concerning given that LGBTQ youth are particularly vulnerable to violence and other crimes.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—[might want to avoid](#) reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is very important.

When information *is* collected, it shows that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. This is supported by other research: A [survey of nearly 27,000 Minnesotan college students](#) found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality [surveyed over 27,000 transgender](#) people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An [analysis of the Youth Risk Behavior Survey](#), another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

Robert W.S. Coulter

Postdoctoral Scholar

University of Pittsburgh

From: Lynnette McFadzen
To: [Truman, Jennifer \(OJP\)](#)
Subject: Trump administration proposal to raise minimum age on LGBTQ crime survivor data collection comment
Date: Wednesday, April 18, 2018 12:22:07 PM

Dear Ms. Truman,

I am writing today in opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially concerning given that LGBTQ youth are particularly vulnerable to violence and other crimes.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—[might want to avoid](#) reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is very important.

When information *is* collected, it shows that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. This is supported by other research: A [survey of nearly 27,000 Minnesotan college students](#) found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality [surveyed over 27,000 transgender](#) people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An [analysis of the Youth Risk Behavior Survey](#), another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

As the National Advocacy Organization for the bisexual+ community we are very aware of the violence inflicted on our youth.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

Onward and upward,

Lynnette McFadzen

President, BiNet USA

www.binetusa.org

Lynnette McFadzen
President, [BiNet USA](#)

From: Steve Mershon
To: [Truman, Jennifer \(OJP\)](#)
Subject: National Crime Victimization Survey - Sexual Orientation and Gender Identity
Date: Wednesday, April 18, 2018 7:18:42 PM

Jennifer Truman
Bureau of Justice Statistics
[810 Seventh Street NW](#)
[Washington, DC 20531](#)
Jennifer.Truman@ojp.usdoj.gov

Dear Ms. Truman:

I am writing today to oppose the troubling proposal to raise the minimum age for NCVS respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially inappropriate given well-documented evidence that LGBTQ youth are particularly vulnerable to violence and other crimes.

There are numerous reasons why LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—[might want to avoid](#) reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is essential.

When information *is* collected, it shows that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. This is supported by other research: A [survey of nearly 27,000 Minnesotan college students](#) found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality [surveyed over 27,000 transgender](#) people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An [analysis of the Youth Risk Behavior Survey](#), another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

If you are going to study crime victimization, you cannot do it well by omitting populations that are frequently the victims of crime.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

Stephen F Mershon

From: Michael Prager
To: [Truman, Jennifer \(OJP\)](#)
Cc: [Blumenauer, Earl](#); senator_wyden@wyden.senate.gov; [Senator Jeff Merkley](#)
Subject: National Crime Victimization Survey
Date: Wednesday, April 18, 2018 10:58:05 PM

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

Dear Ms. Truman,

I am writing to express my dismay at and opposition to the proposal (83 FR 15634) to change the National Crime Victimization Survey to stop asking crime victims about their sexual orientation and gender identity if they are ages 16 or 17.

This idea has been "justified" by arguing that such questions are too sensitive for those ages 16 and 17. The justification is ridiculous. Youth of that age are aware, in general if not specific ways, of sexuality and gender expression, and to be asked about their own is hardly exposing them to anything new. The proposal could be quite destructive, given that LGBTQ youth are more vulnerable to violence and other crimes than others. Why would we want to stop collecting data to examine these patterns?

Numerous studies have determined that LGBTQ youth, especially bisexual and transgender individuals, have high rates of crime victimization. The National Center for Transgender Equality found that nearly 25% of the trans people they surveyed reported being physically attacked in K-12. In Minnesota, a survey of college students determined that 47% of bisexual students had experienced some form of sexual assault in the past year. Numerous other studies have shown that lesbian, gay, and bisexual, and trans youth are at increased risk of violence. That is not in doubt to anyone reading the scientific literature.

I have done volunteer work with LGBTQ youth. Many were ejected from their homes by parents because of their orientation or gender identity, and are living on the streets or in shelters. They are more subject to violent crime than youth living at home. It is vital that we not overlook these vulnerable Americans.

I urge the Bureau **not** to raise the minimum age for questions about victims' sexual orientation and gender identity from 16 to 18. The change cannot be justified scientifically, and the change would damage our ability to understand patterns of violence and protect our citizens -- including youth -- by preventing future violence.

Truly yours,
Michael H. Prager

From: Chris W.
To: [Truman, Jennifer \(OJP\)](#)
Subject: Comment on document 83 FR 15634
Date: Thursday, April 19, 2018 11:41:10 AM

Dear Jennifer Truman,

I would like to express my disagreement with the proposed action to increase the minimum age at which respondents to the National Crime Victimization Survey are asked questions on their sexual orientation and gender identity. I would challenge the assumption that these items are particularly sensitive to respondents ages 16 and 17. I would point you to the literature in this area that suggests otherwise:

Austin et al. 2007 Making Sense of Sexual Orientation Measures: Findings from a Cognitive Processing Study with Adolescents on Health Survey Questions. Journal of LGBT Health Research.

Saewyc et al. 2004 Measuring sexual orientation in adolescent health surveys: Evaluation of eight school-based surveys. Journal of Adolescent Health.

Also, sexual and gender minority youth are disproportionately impacted by violent crimes. Removing these items is unethical as it prevents monitoring crime rates experienced by these vulnerable populations.

Sincerely,
Christopher Wheldon

From: Shannon Wyss
To: [Truman, Jennifer \(OJP\)](#)
Subject: Comment: National Crime Victimization Survey (NCVS)
Date: Monday, April 23, 2018 7:55:26 PM

Dear Ms. Truman:

I am writing to express my dismay at the concept of not asking 16- and 17-year-olds about their sexual orientation and gender identity in the National Crime Victimization Survey.

These questions are not, as the rule change implies, "sensitive." Positing them as such is openly stating that LGBTQ identities (including my own) are not acceptable for youth. Nothing could be further from the truth. Many, many teens identify as part of the LGBTQ community -- and many do so much younger than 16. There is nothing wrong with this.

It's also ludicrous to imply that asking about these identities is sensitive and youth must be protected from them but not from potentially retraumatizing questions about surviving crimes, including physical and sexual assault, both of which LGBTQ youth (and adults) are at much greater risk than straight and cisgender people of experiencing.

The data collected by the NCVS is vital for the federal government and community organizations. Just like removing us from the instruments used by the Census Bureau, this proposed change is one more attempt by the Trump Administration to pretend we do not exist.

Our youth deserve the respect of having their identities acknowledged and affirmed. Not asking mid-year teens about their sexual orientation or gender identity is based in homophobia and transphobia.

I urge you in the strongest possible terms to withdraw this proposed change.

Thank you for your time and consideration.

Sincerely,
Shannon Wyss

--

From: Williams, Jane
To: [Truman, Jennifer \(OJP\)](#)
Subject: National Crime Victimization Survey revision
Date: Tuesday, April 24, 2018 10:56:07 AM

Dear Ms. Truman,

As a psychologist and professor of clinical counseling, I ask you to reconsider the revision to the National Crime Victimization Survey that would no longer ask 16 and 17 year old adolescents to confidentially and voluntarily disclose their sexual identity on surveys of crime victimization. This data that is collected from 16 and 17 year olds is crucial to highlighting the high rates of crimes perpetrated against gay, transgender, and queer young people. I urge you not to put this revision into effect. Please continue to solicit and publish data on the number and types of crimes perpetrated against this young population of LGBTQ persons.

Thank you. Please notify me that you have received this email request.

Sincerely,

Rev. Dr. R. Jane Williams

--

R Jane Williams, M.Div., Ph.D.
Chairperson of MACC/Prof. of Clinical Counseling
Moravian Theological Seminary

*When I dare to be powerful -- to use my strength
in the service of my vision -- then it becomes less
and less important whether I am afraid.*
--Audre Lorde



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From: Sarah Miller
To: [Truman, Jennifer \(OJP\)](#)
Subject: Public Comment Submission: Changes to National Crime Victimization Survey (NCVS)
Date: Wednesday, April 25, 2018 3:23:20 PM

To Whom It May Concern:

I am responding to the proposed amendments to the National Crime Victimization Survey that would change the age that respondents would be asked questions about their sexual orientation and gender identity from 16 to 18. As a concerned citizen and nonprofit worker, I urge the Department of Justice not to go through with these changes. Without asking 16-17 year olds about their sexual orientation and gender identity on the National Crime Victimization Survey, it will be nearly impossible to determine if the act was a hate crime based on sexuality or gender politics. Additionally, safety net organizations that serve LGBTQ youth will have an increasingly difficult time using relevant and reliable data and statistics in funding proposals - eliminating a source of data only makes us more blind to how our youth are victimized.

Continued thanks,

Sarah Miller



May 1, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey

Dear Ms. Truman,

On behalf of the Campaign for Youth Justice (CFYJ), we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

CFYJ is a national organization whose mission is to end the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. The strategic goals of CFYJ are to reduce the total number of youth prosecuted in the adult criminal justice system and to decrease the harmful impact of trying youth in adult court. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

² Data Collection: National Crime Victimization Survey (NCVS), BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).



orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at <https://www.urban.org/sites/default/files/publication/94516/strategies->



policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data as part of the NCVS. Please feel free to contact us with any questions.

Sincerely,

A handwritten signature in black ink that reads "Rachel Marshall". The script is cursive and fluid.

Rachel Marshall
Federal Policy Counsel
rmarshall@cfyj.org

A handwritten signature in black ink that reads "Marcy Mistrett". The script is cursive and fluid.

Marcy Mistrett
Chief Executive Officer
mmistrett@cfyj.org

[for-reducing-criminal-and-juvenile-justice-involvement_2.pdf](#) ("Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).).

From: Brent Walker
To: [Truman, Jennifer \(OJP\)](#)
Subject: Proposed changes to National Crime Victimization Survey
Date: Tuesday, May 01, 2018 8:54:51 PM

Good evening,

I would like to submit my comment concerning the proposed changes to the National Crime Victimization Survey (per Document Number 2018-07748). I request that the age of for collecting data on sexual orientation and gender identity remain at its current parameter (to include persons aged 16 and 17).

LGBT+ youth are a particularly vulnerable group, as numerous reports and studies suggest, and it is vitally important that we have the ability to collect data in order to better protect them. If there are concerns about the sensitivity of such questions, the proper recourse is not to remove those questions, but to find a potentially better way to ask them. We must have accurate and representative data in order to properly allocate resources to assisting vulnerable groups like LGBT+ youth.

Please drop the proposed change to this age parameter, to ensure that LGBT+ youth are properly represented in this Survey. There is some preliminary data to suggest that crimes against LGBT+ people are on the rise. Please consider this and the need to have as much information as possible when conducting the NCVS.

Thank you for your time and attention,
Brent Walker

Sent from [Mail](#) for Windows 10

From: Lee Lynch
To: [Truman, Jennifer \(OJP\)](#)
Subject: Collecting information on violence
Date: Wednesday, May 02, 2018 4:42:04 AM

It is essential that sexual orientation and gender identity information be collected for all ages. Much of the violence done to these population groups happens to people below the age of 17. Removing information about them is akin to condoning attacks against very vulnerable American children.

Lee Lynch

LL

From: Elizabeth Jones
To: [Truman, Jennifer \(OJP\)](#)
Subject: National Crime Victimization Survey Comment
Date: Thursday, May 03, 2018 1:37:29 PM

Dear Ms Truman:

I write regarding the content of the proposed violence survey, National Crime Victimization Survey, specifically to have reinstated questions regarding gender identity and sexual orientation. This information is critical to knowing how gender identity and sexual orientation impact violence and its victims.

Thank you for your consideration.

Rev Elizabeth Jones, retired United Methodist Elder

We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.” Elie Wiesel

May 6, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman:

On behalf of the Sacramento LGBT Community Center, I write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

The Sacramento LGBT Community Center works to create a region where LGBTQ people are not only safe and welcome, but able to thrive. We support the health and wellness of the most marginalized, advocate for equality and justice, and work to build a culturally rich LGBTQ community. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault.

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjiie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

² Data Collection: National Crime Victimization Survey (NCVS), BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at <https://www.urban.org/sites/default/files/publication/94516/strategies->

crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, appearing to read "David Heitstuman". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Heitstuman
Executive Director

[for-reducing-criminal-and-juvenile-justice-involvement 2.pdf](#) (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).



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P.O. BOX 66165
WASHINGTON, DC 20035

www.breakthecycle.org

May 7, 2018

Via Electronic Mail: Jennifer.Truman@ojp.usdoj.gov

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

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of Break the Cycle, I write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

Break the Cycle is a national nonprofit organization whose mission is to inspire and support young people to build healthy relationships and create a culture without abuse. We believe that all young people deserve to live in a world where they can thrive, and our values and work are centered in young people and their lived realities, leadership, vision, and hopes for the future. From attorneys and judges to teachers and health professionals, Break the Cycle ensures professionals have the skills to support youth victims. Attorneys in Break the Cycle's Washington, DC office provide direct legal services to victims in protection order, criminal witness advocacy and other legal matters related to their victimization. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹ In a series of listening sessions conducted by our organization with young people that identified as LGBTQ, the majority identified as having been victimized because of their sexual orientation or gender expression.

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of a person’s contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and service providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

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¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, appearing to read "Marta Beresin". The signature is fluid and cursive, with the first name "Marta" and last name "Beresin" clearly distinguishable.

Marta Beresin
Director of Public Policy & Legal Services
Break the Cycle
202-849-6283



May 7, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the Connecticut Juvenile Justice Alliance we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

The Connecticut Juvenile Justice Alliance is a public policy and advocacy organization dedicated to ending the criminalization of children and youth. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence,

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

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³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

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We urge BJS to ensure that all references to gender identity are gender identity and not sexual identity. Removing the categories of sexual orientation and gender identity from this survey threatens to erase the reality of LGBTQ youth and suggests that LGBTQ youth have something to hide- they do not. Every young person has a sexual orientation, and every youth has a gender identity, and his or her healthy development is a key developmental task of adolescence.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in cursive script, reading "Abby Anderson". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle name.

Abby Anderson

Executive Director

Connecticut Juvenile Justice Alliance



Mental Health America of Northern California
720 Howe Avenue, Suite 102 • Sacramento, CA 95825
Phone 916-366-4600 • Fax 916-855-5448
www.norcalmha.org

President of the Board: Gaylon Palmer, LCSW • Executive Director: Susan Gallagher, MMPA • Associate Director: Dawniell A. Zavala, Esq.

May 7, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of NorCal Mental Health America, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

Founded in 1946, NorCal MHA is the oldest, continuously-operating consumer advocacy agency in California. Our primary imperative is to represent the self-identified needs and priorities of mental health clients through culturally-relevant and recovery-focused advocacy, outreach, and education. Our LGBTQ Program advocates for lesbian, gay, bisexual, transgender, and queer consumers and has been instrumental in effecting policy changes to ensure that LGBTQ Californians are included when demographic data is being collected.

In our work, we are acutely aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July

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² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also

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⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

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⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

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provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, appearing to read "Poshi Walker", with a large, stylized flourish at the end.

Poshi Walker, MSW
LGBTQ Program Director

From: Jennifer Collins
To: [Truman, Jennifer \(OJP\)](#)
Subject: NCVS age minimum
Date: Monday, May 07, 2018 5:48:34 PM

May 7, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of Resource Center, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

LGBT centers are often the first place of contact for youth who are needing assistance. We are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.

The NCVS "is the nation's primary source of information on criminal victimization." The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity. The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police. **By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.** It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.” However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential. Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16. Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities. Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

Jennifer Collins | Marketing & Communication Coordinator

Resource Center | www.myresourcecenter.org

5750 Cedar Springs Rd. | Dallas, TX 75235

Office 214-521-5124 | Direct 214-540-4411 | Fax 214-522-4604

Email jcollins@myresourcecenter.org



Visit the Center's Facebook page [HERE](#) and Twitter page [HERE](#).

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May 7, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the California Pan-Ethnic Health Network (CPEHN), we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

CPEHN's mission is to improve access to health care and eliminate health disparities by advocating for public policies and sufficient resources to address the health needs of communities of color. Mental health and wellness is a critical issue for diverse communities, particularly in the current social and political climate. However, access to appropriate and effective services is limited for communities of color, limited English proficient communities and the LGBTQ community. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBTQ YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBTQ youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

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There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

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Collecting data on the sexual orientation and gender identity, particularly from youth, will not only

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³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

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help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, appearing to read "Caroline B. Sanders". The signature is fluid and cursive, with the first name "Caroline" being more prominent than the last name "Sanders".

Caroline B. Sanders, MPP
Director Policy Analysis, CPEHN

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

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

July 17, 2017

RE: Agency Information Collection Activities: Proposed eCollection eComments Requested;
Revision of a Currently Approved Collection; Comments Requested: National Crime
Victimization Survey (NCVS)

This open letter is written in response to a request for comment by the Department of Justice on eliminating the collection of National Crime Victimization Survey information regarding sexual orientation and gender identity from victims under the age of 18. The authors of this letter are faculty and staff of the Northwestern University Institute for Sexual and Gender Minority Health and Wellbeing (ISGMH), directed by Dr. Brian Mustanski. Dr. Mustanski has nearly 200 peer reviewed publications from his research with sexual and gender minority (SGM) adolescents and young adults. Our team consists of internationally recognized experts on ethical issues in SGM adolescent health research, including adolescent perspectives on sexual health, HIV, sexual orientation and gender identity research. One of our ongoing projects is specifically examining ethical issues such as risks/benefits of including questions on so-called “sensitive” topics like sexual orientation and gender identity in adolescent health research. Collectively we have published 12 peer-reviewed articles just in the specific area being examined by DOJ.

The requested change in procedure would be extremely detrimental to the health and wellbeing of sexual and gender minority (SGM) youth, as this population is at a heightened risk to be victims of crime. The FBI reported 1,572 hate crime victims who were targeted based on a sexual orientation bias in 2011, making up 20.4% of the total hate crimes for that year¹. Victimhood related to sexual orientation and gender identity is not exclusive to SGM adults. Rather, these experiences begin in childhood and disproportionately affect adolescents under 18. SGM youth experience higher rates of victimization in comparison to their heterosexual and cisgender (i.e., a person whose gender identity corresponds with their birth sex) peers. According to findings of the Youth Risk Behavior Survey (YRBS), a nationwide CDC survey of the health of high school students, SGM youth were significantly more likely to have been victimized compared to their heterosexual peers². According to a nationwide survey of SGM youth, 63.5% of SGM identifying teens felt unsafe as a result of their sexual orientation³. Further, in the same report, 81.9% of SGM adolescents were verbally abused (called names or threatened), 38.3% were physically abused (pushed or shoved), and 55.2% of teens were electronically harassed (via text messages or social media postings) in the past year³.

Although the DOJ states that this procedural change should take place in order to protect youth from sensitive questions, there is no evidence to support the assumption that teens under 18 are uncomfortable answering survey questions about sexual orientation or gender identity⁴⁻⁶. In fact, our research with over 1,000 SGM adolescents 14-17 years old and that of others in this area points to the contrary. In one study, we asked participants “how comfortable did you feel answering questions about your sexual orientation,” and “how comfortable did you feel answering questions about your gender identity.” The majority of youth were “extremely

comfortable”, “comfortable” or “somewhat comfortable” answering questions about their sexual orientation (90%) and few (2%) were “extremely uncomfortable” or “uncomfortable” answering questions about this topic. Also, the majority of transgender and gender non-conforming youth (88%) were “extremely comfortable”, “comfortable”, or “somewhat comfortable” answering questions about their gender identity while only 2% were “extremely uncomfortable” or “uncomfortable” with answering these questions⁴. Relatedly, in a different sample of adolescents, we found that 86% of cisgender participants and 100% of transgender and gender non-conforming participants reported neutral to high levels of comfort with answering questions about their sexual orientation or gender identity⁴. Finally, findings from a survey we recently completed on 14-17 year olds suggests that answering such questions is on par with mundane events in their daily lives⁷. For example, SGM youth reported greater comfort with filling out survey questions about their sexual orientation or gender identity for a research study (87%) than everyday events such as posting a picture on social media (72%) or routine medical tests like having their vision checked at the doctor’s office (75%)⁷. These findings echo results of other studies⁸⁻¹⁰ that have assessed reactions to questions about sexuality, substance use, and mental health, suggesting that on average, SGM adolescents are comfortable answering survey questions on their sexual orientation and gender identity, especially if they trust the researchers administering the questions. Out of 193 SGM adolescents, we found that 93% had neutral to high levels of trust in researchers.

Despite mounting evidence that indicates SGM youth are at grave risk for violence and victimization in comparison to their heterosexual and cisgender counterparts, these youth are starkly underrepresented in research^{4-5, 11}. This void in research means that every opportunity to collect data is crucially needed in order to understand and ultimately correct discrepancies in health and wellbeing experienced by SGM youth. In eliminating questions that assess SGM status among adolescents under 18, the DOJ is rendering SGM adolescent victims of crime nearly invisible, which in turn diminishes our ability as researchers to identify and provide targeted resources for these youth.

Rather than to radically change this policy, a more balanced solution would be to simply give young victims the option to not answer these questions if they are uncomfortable. There is no justification for the removal of questions about sexual orientation or gender identity from the survey given the amount of data on youth showing there is little to no risk of discomfort associated with answering these types of questions on surveys. The benefits of including these items far outweigh any risks. Excluding questions about sexual orientation and gender identity would hinder the ability of researchers to identify health disparities and further obstruct the provision of resources to victims of crime who need them the most. That is an injustice.

Sincerely,

Brian Mustanski, PhD

Director, Institute for Sexual and Gender Minority Health and Wellbeing

Professor, Medical Social Sciences, Psychiatry and Behavioral Sciences, Psychology

Kathryn Macapagal, PhD

Research Assistant Professor, Medical Social Sciences

Ashley Kraus, PhD

Post-doctoral scholar

Maggie Matson, MPH
Research Project Coordinator

References

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May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the National Association of Social Workers (NASW), I write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

NASW is the nation's largest professional social work organization with over 120,000 members, and chapters in each state. Social workers make up a significant portion of the juvenile justice provider workforce. In addition, our national social justice priorities include policies and practice that impact juvenile justice involved youth- including those who identify as being LGBTQ.

Therefore, NASW is very aware that many youths who wind up in the justice system are often first victims of crime and exposed to trauma themselves. For these reasons, we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school

The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on

because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.”).

² Data Collection: National Crime Victimization Survey (NCVS), BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBTQ PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBTQ people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBTQ Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mel H. Wilson', with a stylized, flowing script.

Melvin H. Wilson, LCSW, MBA
Manager,
Department of Social Justice and Human Rights

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).



May 7, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the National Juvenile Defender Center (NJDC), we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

NJDC's mission is to promote justice for all children by ensuring excellence in juvenile defense. NJDC believes that all youth have the right to ardent, well-resourced representation. NJDC acknowledges the unique and special status of childhood and the impact that immaturity, disabilities, and trauma may have on that representation. NJDC works to improve access to and quality of counsel for all young people in delinquency court, provides technical assistance, training, and support to juvenile defenders across the country, and supports the reform of court systems and policies that negatively impact our nation's youth. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking people who identify as victims who are 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of the LGBTQ community’s contact with law enforcement, thus providing policymakers with the opportunity to find ways to increase access to appropriate services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

Collecting data on sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable young people have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aid policymakers and systems providers in designing evidence-based policies and interventions to protect LGBTQ youth and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink that reads "M. Scali". The signature is written in a cursive, slightly informal style.

Mary Ann Scali, Executive Director

¹⁰ See JESSE JANETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

From: Mike Griffin
To: [Truman, Jennifer \(OJP\)](#)
Subject: Don't make crime against gay students invisible
Date: Tuesday, May 08, 2018 6:01:35 PM

Ms. Jennifer,

We need to keep these safe guards in place, especially the gay or presumed gay youths

Best Regards,

Mike



University of Pittsburgh
Center for Research on Health Care
Division of General Internal Medicine

230 McKee Place, Suite 600, Pittsburgh, PA 15213

412-692-4853 • Fax: 412-586-4838 • www.crhc.pitt.edu

May 9, 2018

Jane M. Liebschutz, MD, MPH, FACP

Director

Professor of Medicine

Chief, Division of General Internal
Medicine

Walid F. Gellad, MD, MPH

Co-Director

Associate Professor of Medicine

Associate Division Chief of Research

Patrick M. Reitz, MA

Administrator

Jennifer Truman

Bureau of Justice Statistics

810 Seventh Street NW

Washington, DC 20531

Jennifer.Truman@ojp.usdoj.gov

Dear Ms. Truman,

I write to convey my strongest opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18 in the National Crime Victimization Survey (NCVS).

As a public health scientist who has focused specifically in violence-related research among sexual and gender minority populations, there are at least three main reasons that I urge the NCVS to continue collecting sexual orientation and gender identity among young individuals.

- 1) **Adolescents will answer these questions.** These questions have become standard demographics on other federal surveys of youth – namely the Centers for Disease Control and Prevention's Youth Risk Behavior Survey.
- 2) **Sexual and gender minority adolescents are extremely vulnerable to violence and harassment.** Without the ability to gather these data, NCVS will have incomplete information about the breadth and nature of crime in the US.
- 3) **Prevention and interventions to help sexual and gender minority adolescents cannot be developed without these data.** As citizens whose tax base funds federal surveys, such as the NCVS, sexual and gender minority individuals have a right to benefit from findings generated from federally-funded research and surveillance. By omitting these data, the Bureau renders invisible a minority population vulnerable to violence, which goes against the very mission of the Department of Justice.

I strongly urge the Bureau not raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

John R. Blosnich, PhD, MPH

Assistant Professor of Medicine

University of Pittsburgh

School of Medicine

Division of General Internal Medicine



SOCIAL & SYSTEMS CHANGE FOR GIRLS

921 SW Washington Street, Suite 312
Portland, OR 97205

phone (503) 297-2217
toll free (866) 449-2217

fax (503) 297-1277
www.NationalCrittenton.org

May 9, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of National Crittenton, I write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

National Crittenton catalyzes social and systems change for girls and young women impacted by chronic adversity, violence, and injustice. Our 135-year-old organization is the umbrella for the 26 members of the Crittenton family of agencies providing direct services in 31 states and the District of Columbia. Together we work to provide support, advocacy and opportunities for girls, young women, and their families at the national level and in local communities across the country.

Through our partnership with direct service agencies across the country and our collaboration with federal, state, and local partners, we are all too aware that many youth who wind up in the justice system are often themselves survivors of crime and trauma. This reality is particularly acute for girls, whose pathways to juvenile justice system involvement often begin with surviving sexual violence.¹ It is critical that we understand how girls are experiencing victimization, and, for LGBT-identifying girls, unreported crime data is a pivotal piece of that picture.

The NCVS is the nation's primary source of information on criminal victimization and is a vital source of data on unreported crime. Information on unreported crime provides a critical complement to official crime report data, providing a more accurate understanding of who is experiencing victimization and in what ways. There are myriad reasons LGBT people—particularly young people, those of color, gender non-conforming people, and individuals who

¹ Saar, Malika Saada et al. "The Sexual Abuse to Prison Pipeline: The Girls' Story." 2015.

are not safely out to their families—might want to avoid reporting a crime to the police.² Research produced by BJS shows that the majority of violent hate crime victimizations, including those based on sexual orientation, are not reported to the police.³

Through data on sexual orientation and sexual identity—identity points that have been recognized as factors affecting victimization risk—policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁴ It also provides the opportunity to examine the relationship between LGBT-identified youth and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBT youth will report crimes and have access to appropriate victim services.⁵

Advocates, stakeholders, and researchers in our field have been advocating for increased information about the sexual orientation identification of young people involved in the juvenile justice and child welfare systems to assist in accurately understanding the experiences and needs of system-involved young people, and to identify effective and appropriate solutions. This change would serve to do the opposite: removing an existing space in the federal data landscape that currently offers some insight about the experiences of LGBT youth.

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁶ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential. Similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁷

Further, research shows that the average age of first disclosure for LGBT-identifying individuals is 14 years old, and has become younger over the past few decades as societal acceptance has increased.⁸ This average age of disclosure is two years younger than the current age cutoff for

² Movement Advancement Project & Center For American Progress. “Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System.” 2017. Available at: <https://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf>

³ Bureau of Justice Statistics, U.S. Department of Justice. “Hate Crime Victimization, 2004-2012: Statistical Tables.” 2014. Available at: <https://www.bjs.gov/content/pub/pdf/hcv0412st.pdf>

⁴ Langton, Lynn, Michael Planty, & James P. Lynch. “Second Major Redesign Of The National Crime Victimization Survey.” *Criminology & Public Policy* 16.4 (2017): 1049-1074.

⁵ Ibid.

⁶ 83 Fr 15634 (Proposed Apr. 11, 2018).

⁷ Williams Institute. “Press Release: DOJ Proposes Roll Back Of Data Collection On Crime Victimization Of LGBT Youth.” Apr. 11, 2018. Available At: <https://Williamsinstitute.Law.Ucla.Edu/Press/Press-Releases/Doj-Proposes-Roll-Back-Of-Data-Collection-On-Crime-Victimization-Of-Lgbt-Youth/>

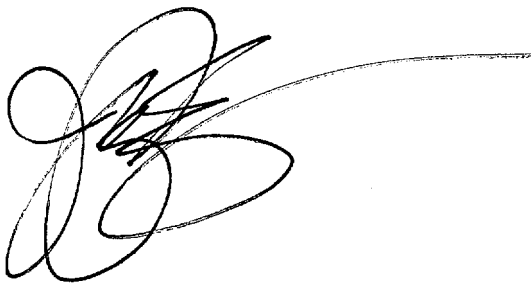
⁸ Russell, Stephen T and Jessica N. Fish. “Mental Health in Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth.” *Annual Review of Clinical Psychology* 12 (2016): 465-487.

NCVS data collection on respondent sexual orientation; this proposal would increase that gap to four years.

Collecting data on youth sexual orientation and gender identity will help ensure that the most vulnerable victims have access to the services and supports they need.⁹ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, featuring a large, stylized initial 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Jeannette Pai-Espinosa
President, National Crittenton
921 SW Washington Street, #312
Portland, Oregon 97205

⁹ See Jesse Jannetta & Cameron Okeke, Urban Inst., Strategies For Reducing Criminal And

Juvenile Justice Involvement (2017), *Available At*
https://www.urban.org/sites/default/files/publication/94516/Strategies-For-Reducing-Criminal-And-Juvenile-Justice-Involvement_2.Pdf

May 8th, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the Lorain County LGBTQ+ and Allies Task Force (Task Force), we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

The Task Force works to provide community-based advocacy, education, and to expand capacity for other LGBTQ+ nonprofits to do their work in Lorain County. Our mission is to make Lorain County a safe place where LGBTQ+ can work, play, and live. In this line of work, we are all too aware that many youths who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.

The NCVS "is the nation's primary source of information on criminal victimization."¹ The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.² The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.³ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁴ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus

¹ *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

² John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

³ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁴ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf

providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁵

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁶ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁷ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁸ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.⁹ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kei Graves', with a long horizontal flourish extending to the right.

Kei Graves, MH

Board President

Lorain County LGBTQ+ and Allies Task Force

⁵ *Id.* at 1058.

⁶ 83 FR 15634 (proposed Apr. 11, 2018).

⁷ Brammer, *supra* note 3.

⁸ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

⁹ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-jvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016)”).



National Council of Jewish Women

New York Office
475 Riverside Drive, Suite 1901
New York, NY 10115
Tel 212 645 4048
Fax 212 645 7466
Email action@ncjw.org

Washington Office
1707 L Street, NW Suite 950
Washington, DC 20036-4206
Tel 202 296 2588
Fax 202 331 7792
Email action@ncjwdc.org

Israel Office
NCJW Research Institute for
Innovation in Education, Room 267
Hebrew University, Mt. Scopus
Jerusalem, Israel 91905
Tel 972 2 5882 208
Fax 972 2 5813 264
Email ncjwisrael@gmail.com

Web www.ncjw.org

May 10, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the National Council of Jewish Women, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

As an organization dedicated to improving the quality of life for women, children, and families, endorse and resolve to work for laws, policies, and programs that protect every child from abuse, neglect, exploitation, bullying, discrimination, and violence. Further, we believe in *kavod ha'briot*, that all individuals are deserving of respect and dignity. It is crucial that the federal government help protect LGBTQ children, who are especially vulnerable to crime and trauma.

We are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

A FAITH IN THE FUTURE.

A BELIEF IN ACTION.®

The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of

² Data Collection: National Crime Victimization Survey (NCVS), BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

For any questions or for additional information, please contact Faith Williams, Senior Legislative Associate, at faith@ncjwdc.org or 202-375-5063.

Sincerely,

Submitted electronically by Nancy K. Kaufman, CEO, National Council of Jewish Women, Inc.

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), *available at* https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf ("Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).").

May 7, 2018

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

RE: National Crime Victimization Survey (83 Fed. Reg. 15624)

Dear Ms. Truman,

The Movement Advancement Project (MAP) is writing to express our concerns regarding the removal of sexual orientation and gender identity questions for 16- and 17-year old respondents to the National Crime Victimization Survey (NCVS).

MAP is an independent think tank that provides rigorous research, insight, and analysis to help speed equality for lesbian, gay, bisexual, and transgender (LGBT) people. MAP's policy research informs the public and policymakers about the legal and policy needs of LGBT people and their families, including drawing attention to the increased risk of violence that LGBT people, particularly transgender people, experience.

When information *is* collected, it shows that LGBT young people experience high rates of crime victimization. An analysis of the Youth Risk Behavior Survey, another federal survey of high-school age youth that asks questions about sexual orientation, found that lesbian, gay, and bisexual youth are at increased risk for violence.¹ In 2015, the National Center for Transgender Equality surveyed over 27,000 transgender people across the country: nearly a quarter reported being physically attacked when they were in primary or secondary school.²

The Bureau of Justice Statistics already includes measures of sexual orientation and gender identity, including past versions of the NCVS, the National Inmate Survey, and notably because it also focuses on youth, the National Survey of Youth in Custody. This data is voluntarily and collected in a confidential manner such that it does not put youth at risk.

Because of the unique role that the NCVS plays in terms of identifying crimes that may, or may not, be reported to police and the use of the NCVS in allocating federal and state funding, it is vital that it include questions of sexual orientation and gender identity so that LGBT youth's

¹ 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), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

² Sandy E. James et al., The Report of the 2016 U.S. Transgender Survey 132 (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

experiences can be better understood and documented, and so that policy and funding can best address the disparities in victimization that LGBT youth experience.

Sincerely,



Naomi Goldberg, MPP
Research and Policy Director
The Movement Advancement Project



Logan S. Casey, Ph.D.
Policy Researcher
The Movement Advancement Project



May 10, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a currently approved collection; comments requested: National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

Thank you for the opportunity to comment on the Department of Justice's Bureau of Justice Statistics' (BJS) proposed changes to collection of data in the National Crime Victimization Survey (NCVS). We write to oppose the proposal to raise the minimum age for respondents of the NCVS to be asked about their sexual orientation and gender identity from 16 to 18.

The National Resource Center on Domestic Violence (NRC DV) is a national non-profit organization based in Harrisburg, PA, with a mission to strengthen and transform efforts to end domestic violence. NRC DV is committed to ensuring that policy, practice and research is grounded in and guided by the diverse voices and experiences of domestic violence survivors and advocates. As advocates in the anti-domestic and sexual violence field, we work to ensure that data collection systems are safe, confidential, and sensitive to the experiences of survivors. We recognize that answering questions about traumatic events can be difficult for survivors, no matter their age. We also know that data collection systems that are inclusive of survivors' whole selves, including questions about sexual orientation and gender identity, both provide a more accurate understanding of the prevalence and impact of domestic and sexual violence and validate survivors' experiences.

The NCVS already adheres to national standards of sensitivity, and raising the minimum age for questions regarding sexual orientation and gender identity would do nothing to make the survey more sensitive to the needs of survivors. The questions regarding sexual orientation and gender identity are voluntary and the responses are confidential, ensuring survivors both choice and privacy. Similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.¹

Data collection that is inclusive of LGBTQ identities is paramount for our work in ending and responding to domestic and sexual violence. The inclusion of sexual orientation in the National

Intimate Partner and Sexual Violence Survey, administered by the Centers for Disease Control and Prevention, demonstrated that lesbian, gay, and bisexual survivors experience high rates of intimate partner and sexual violence.² According to the 2015 Youth Risk Behavior Survey, 18% of lesbian, gay, and bisexual students had experienced physical dating violence and 18% had been forced against their will to have sexual intercourse at some point in their lives.³ The results from these surveys and others are critical in providing safe, effective services and promoting best practices for serving LGBTQ adults and youth who experience violence. It will also provide a better understanding of crime victimization and help policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

National Resource Center on Domestic Violence

¹ Anjani Chandra et al., Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth, 36 NATIONAL HEALTH STATISTICS REPORTS 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>; Kann L, Olsen EO, McManus T, et al. Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12 – United States and Selected Sites, 2015. MMWR Surveill Summ 2016; 65(9): 1-202.

² Center for Disease Control and Prevention. National intimate partner and sexual violence survey: 2010 findings on victimization by sexual orientation. Retrieved from https://www.cdc.gov/ViolencePrevention/pdf/NISVS_FactSheet_LBG-a.pdf

³ Kann L, Olsen EO, McManus T, et al. Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12 – United States and Selected Sites, 2015. MMWR Surveill Summ 2016; 65(9): 1-202.

From: Lindasusan Ulrich
To: [Truman, Jennifer \(OJP\)](#)
Subject: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)
Date: Thursday, May 10, 2018 10:43:21 AM

May 10, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)

Dear Ms. Truman:

I am writing today in opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially concerning given that LGBTQ youth are particularly vulnerable to violence and other crimes.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is very important.

When information is collected, it shows that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. This is supported by other research: A survey of nearly 27,000 Minnesotan college students found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality surveyed over 27,000 transgender people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An analysis of the Youth Risk Behavior Survey, another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

From my own research for the San Francisco Human Rights Commission, I also know that LGBTQ youth are at increased risk for suicide because of the violence and discrimination they face.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Respectfully,
Rev. Lindasusan V. Ulrich

Rev. Lindasusan V. Ulrich, Assistant Minister
First Unitarian Universalist Congregation of Ann Arbor
734.665.6158
www.uuaa.org

Please note that I am generally in the office and answering emails on Tuesdays, Wednesdays, and Thursdays.

Pronouns: she/her/hers

From: Kate Gerry
To: [Truman, Jennifer \(OJP\)](#)
Subject: Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)
Date: Thursday, May 10, 2018 10:53:48 AM

Dear Ms. Truman,

I am writing today in opposition to the proposal to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

This announcement is especially concerning given that LGBTQ youth are particularly vulnerable to violence and other crimes.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is very important.

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As a bisexual woman myself, I feel a strong obligation to make my voice heard and to ensure that the youth in our community can seek both security and justice. I fear that these new regulations could be used to further marginalize queer and trans youth.

Again, I urge the Bureau not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

May 10, 2018

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



Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of Texas Appleseed, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

Texas Appleseed is a public interest justice center focused on changing unjust laws and policies that prevent Texans from realizing their full potential. Texas Appleseed's work includes advocacy on behalf of youth in the juvenile justice system as well as trying to prevent and reduce the number of youth experiencing homelessness. Through our work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. The frequency of trauma experienced by youth is one reason we are concerned by the BJS proposal to raise the age for respondents of the NCVS regarding questions about their sexual orientation and gender identity. Our work confirms what many studies show: LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), *available at* <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), *available at* https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), *available at* <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), *available at* https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

Sincerely,

Brett M. Merfish
Texas Appleseed
Director of Youth Justice
1609 Shoal Creek Blvd, Suite 201
Austin, Texas 78701
bmerfish@texasappleseed.net
(512) 473-2800, ext. 111

To:

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

From:

Rabbi Jonah Dov Pesner
Director, Religious Action Center of Reform Judaism
2027 Massachusetts Avenue NW
Washington, D.C. 20036

Re: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

DT: May 10, 2018

Dear Ms. Truman,

I write on behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis, whose membership includes more than 2,000 Reform rabbis, to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Survey (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

As Jews, we are taught that all people are created in the image of God, or *b'tzelem Elohim*. This teaching drives the Reform Movement's strong commitment to the protection of all people, regardless of their gender identity or sexual orientation. LGBTQ youth in this country are particularly vulnerable to violence and other crimes.¹ This is why we are concerned by the BJS

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System*, New

proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity.

The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

Report Says, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> (“For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.”).

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS should instead focus on ways to improve data collection and make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,



Rabbi Jonah Dov Pesner

Director, Religious Action Center of Reform Judaism

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

EQUALITY CALIFORNIA



May 10, 2018

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

Jennifer.Truman@ojp.usdoj.gov

REF: 83 FR 15634, DOJ-BJS-National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

Equality California and our 800,000 members appreciate the opportunity to express our opposition to the proposal by the Department of Justice's Bureau of Justice Statistics to raise the minimum age (from 16 to 18) of respondents to questions about their sexual orientation and gender identity in the National Crime Victimization Study (NCVS).

Equality California is the nation's largest statewide lesbian, gay, bisexual, transgender and queer (LGBTQ) civil rights organization and is dedicated to creating a fair and just society. We work within California, at the Federal level, and directly with other states to win and protect full equality for LGBTQ people through education, electoral, advocacy and mobilization programs to achieve our mission.

Anti-LGBTQ harassment, violence, and sexual assault often starts in elementary school and become more vicious as bullies get older, more aggressive and physically stronger. Among the most vulnerable are young people of color, those who do not conform to gender norms in dress and appearance, those in foster care or those experiencing homelessness. Many of these young people have compounded trauma from family rejection or mistreatment because of their sexual orientation, gender identity or gender expression.

Bullying and violence can lead to truancy which too often translates into eventual school drop-out, putting young people at much higher risk for poverty, homelessness, incarceration, and early parenthood. Anti-LGBTQ violence also leads to self-harm; lesbian, gay and bisexual youth are 3-4 times more likely

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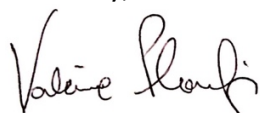
3701 Wilshire Blvd
Suite 725
Los Angeles, CA 90010

than their non-gay peers to attempt suicide, and a staggering 60% of transgender youth report having considered suicide.

Because the NCVS captures information about violence and hate crimes that are not reported to the police, it is essential that the Bureau of Justice Statistics' data collection include sexual orientation and gender identity of all respondents. Asking 16- and 17-year olds to voluntarily and confidentially disclose their sexual orientation and gender identity will improve the quality, utility, and clarity of the information collected on the NCVS, which can then better guide the allocation of federal and state funding for crime prevention and crime victim services.

For these reasons, Equality California respectfully asks that the Department of Justice leaves the demographic questions set forth in the National Crime Violence Survey unchanged.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie Ploumpis". The signature is fluid and cursive, with the first name "Valerie" being more prominent than the last name "Ploumpis".

Valerie Ploumpis
National Policy Director
Equality California

From: Megan Fenkell
To: [Truman, Jennifer \(OJP\)](#)
Subject: RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)
Date: Thursday, May 10, 2018 1:35:43 PM
Attachments: [image001.png](#)

Dear Ms. Truman,

On behalf of the Jamie and Denise Jacob Family Foundation, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

LGBT centers are often the first place of contact for youth who are needing assistance. We are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.

The NCVS "is the nation's primary source of information on criminal victimization." The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity. The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police. By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support. It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.

BJS asserts it is requesting this change due to "concerns about the potential sensitivity of these questions for adolescents." However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential. Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16. Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not

only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities. Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

Megan Fenkell



Megan Fenkell

Executive Director

1957 Crooks Rd.

Troy, MI 48084

(248) 514-8257

www.jdjfamilyfoundation.org



NATIONAL INDIAN EDUCATION ASSOCIATION
Advancing Excellence for All Native Students

May 10, 2018

Office of Management and Budget
ATTN: OMB Desk Officer for DOJ
725 17th Street, NW
Washington, DC 20503
Submitted via email

Re: Revisions to the National Crime Victimization Survey [OMB Number 1121-0111]

To Whom It Concerns:

On behalf of the National Indian Education Association (NIEA), I write to request that the Department of Justice continue to collect voluntarily disclosed data regarding 16 and 17 year olds who choose to disclose their sexual orientation or gender identity. We believe such voluntary disclosure is a helpful step in preventing discrimination and victimization.

As the national advocate for American Indian, Alaska Native, and Native Hawaiian students, NIEA and our more than 2,000 members, help to advance comprehensive academic and cultural education opportunities for Native children throughout the United States. As such, ensuring the success of excellent Native language instruction is one of NIEA's top priorities for Native children.

NIEA strongly opposes the Department of Justice (DOJ) proposal to cease asking 16- and 17-year-olds to voluntarily and confidentially disclose their sexual orientation and gender identity on the National Crime Victimization Survey (NCVS).

Since July 2016, the survey has asked all respondents aged 16 and older about their sexual orientation and gender identity. The DOJ seeks to raise that to 18 "due to concerns about the potential sensitivity of these questions for adolescents," according to the proposed rule from the DOJ.

While we appreciate the potential sensitivity of these questions for some people, no one is forced to answer them, and the identity of those who answer is protected.

The disclosure of this information on the survey generates important data on victimization of young people who are LGBT. We know, from other research, that LGBT young people are at greater risk of victimization than non-LGBT young people. The NCVS, as a large and important data collection, should continue to collect and report data on this population.

National Indian Education Association
1514 P Street, Suite B Washington, DC 20005
Ph. (202) 544-7290 Fax (202) 544-7293
Email: NIEA@niea.org
NIEA.org

For the above reasons we oppose discrimination to Two Spirited peoples, we oppose the DOJ proposed change, dropping these items from the National Crime Victimization Survey.

For more information or inquiries, please contact Ahniwake Rose, Executive Director of NIEA, at arose@niea.org.

Sincerely,

A handwritten signature in black ink that reads "Jolene Bowman". The signature is written in a cursive style with a large, stylized "J" and "B".

Dr. Jolene Bowman
President



May 9, 2018

National Coalition Against Domestic Violence
1 Broadway
B210
Denver, CO 80203

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

**Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection
eComments Requested; Revision of a currently approved collection; comments requested:
National Crime Victimization Survey (NCVS)**

Dear Ms. Truman,

On behalf of the National Coalition Against Domestic Violence (NCADV), we write in opposition to the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

NCADV is the oldest national grassroots domestic violence organization in the United States. We are the voice of victims and survivors and the catalyst for changing society to have zero tolerance for domestic violence. As advocates in the anti-domestic and sexual violence field, we advocate for data collection systems that are safe, confidential, and sensitive to the experiences of survivors. We recognize that answering questions about traumatic events can be difficult for survivors, no matter their age. We also know that data collection systems that are inclusive of a survivor's whole selves, including questions about sexual orientation and gender identity, both give us a more accurate understanding of the prevalence and impact of domestic and sexual violence and validates survivors' experiences.

The NCVS already adheres to national standards of sensitivity, and raising the minimum age for questions regarding sexual orientation and gender identity would do nothing to make the survey more sensitive to the needs of survivors. The questions regarding sexual orientation and gender identity are voluntary and the responses are confidential, ensuring survivors both choice and privacy. Similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.¹

Data collection that is inclusive of LGBTQ identities is paramount for our work in ending and responding to domestic and sexual violence. The inclusion of sexual orientation in the National Intimate Partner and Sexual Violence Survey demonstrated that lesbian, gay, and bisexual



survivors experience high rates of intimate partner and sexual violence.² The results from that survey and others were used to pass historic non-discrimination provisions for LGBTQ survivors in the 2013 reauthorization of the Violence Against Women Act.³ According to the 2015 Youth Risk Behavior Survey, 18% of lesbian, gay, and bisexual students had experienced physical dating violence and 18% had been forced against their will to have sexual intercourse at some point in their lives.⁴ Collecting data on sexual orientation and gender identity, particularly from youth, will ensure that the most vulnerable victims have access to the services and supports they need. It will also provide a better understanding of crime victimization and help policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

Ruth Glenn

President and CEO

National Coalition Against Domestic Violence

¹ Anjani Chandra et al., *Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth*, 36 NATIONAL HEALTH STATISTICS REPORTS 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>;

² Center For Disease Control and Prevention. *National intimate partner and sexual violence survey: 2010 findings on victimization by sexual orientation*. Retrieved from https://www.cdc.gov/violenceprevention/pdf/nisvs_factsheet_lgb-a.pdf

³ 18 U.S.C. § 249(2); 34 U.S.C. § 12291(b)(13)(A)).

⁴ Kann, L. Olsen, E. O., McManus, T., et al. *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 – United States and Selected Sites, 2015*. MMWR Surveill Summ 2016; 65(9): 1–202.



May 10, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: Human Rights Campaign Public Comment in Response to the Comment Request, Revisions to the National Crime Victimization Survey [OMB Number 1121-0111]

To Whom It May Concern:

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, I write in response to the request for public comment regarding proposed revisions to the National Crime Victimization Survey (NCVS) published April 11, 2018. As the nation's largest organization working on behalf of lesbian, gay, bisexual, transgender, and queer (LGBTQ) people, we urge the Office of Management and Budget to reject the Department of Justice's request to revise the NCVS and erase LGBTQ youth. DOJ has only one justification for changing a question in the NCVS on sexual orientation and gender identity that has been asked since 2016: "potential sensitivity." The NCVS contains a voluntary and confidential question about a participant's sexual orientation and gender identity (SOGI) status that is crucial to meeting the needs of LGBTQ adolescents who are more likely to experience violence.

There will be a negative impact on the functionality of the Department of Justice and the Bureau of Justice Statistics if this change is implemented.

The NCVS collects data on crime victims including information on attacks or threats made with a weapon, rape, sexual assault, robbery, or use of force.¹ LGBTQ individuals are disproportionately victims of violence. The Centers for Disease Control and Prevention (CDC) reported that "among rape victims, bisexual women experienced rape earlier in life compared to heterosexual women" and that they "experienced their first completed rape between the ages of 11 and 17 years."² Bisexual women experience stalking at more than double the rate of

¹ NCVS, *Questionnaires*, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245#Questionnaires>.

² CDC, *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*, (2010) https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf.

heterosexual women.³ Additionally, hate crimes against LGBTQ individuals increased in 2016 according to the FBI.⁴ It is essential that DOJ understand the demographics of violence against the LGBTQ community as a whole, especially when available statistics show that young members of the LGBTQ community are victims of violence. So-called “potential sensitivity” cannot outweigh the safety and well-being of LGBTQ youth.

Surveys have been voluntarily and confidentially asking adolescents about LGBTQ status for years.

Numerous surveys ask adolescents about their LGBTQ status, one such federal survey is the Youth Behavior Risk Survey (YRBS). The YRBS began asking 13- to 18-year-old high school students about sexual orientation and sexual behavior in 2015.⁵ The last iteration of the NCVS also asked 16- and 17-year-olds about their sexual orientation. These surveys are voluntary and confidential. Any individual who is not comfortable responding to a question about their sexual orientation has the option not to respond.

There is no burden in asking 16- and 17-year-olds about their SOGI status, and failing to do so will harm the quality, utility, and clarity of the information collected.

The agency’s estimate of the burden of the proposed collection of information is correct. There is “no impact” on the estimated survey burden or the annual number of respondents. However, the claim that the validity of the methodology and the assumptions used in making this revision will have no impact on the results is disingenuous, if not outright hostile to LGBTQ youth. DOJ offers no reasoning or justification for removing the question other than “potential sensitivity.” In removing the sexual orientation and gender identity questions for 16- and 17-year-olds DOJ harms the utility of available information and will not be able to reach young LGBTQ people in crime prevention or resolution. LGBTQ victims deserve to be counted.

Thank you for the opportunity to submit these comments.

Sincerely,

David Stacy

³ *Id.*

⁴ FBI, *2016 Hate Crime Statistics: Incidents and Offenses*, (2016) <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>.

⁵ CDC, *Adolescent and School Health: Questionnaire* (2015) <https://www.cdc.gov/healthyyouth/data/yrbs/questionnaires.htm>.

NATIONAL JUVENILE JUSTICE NETWORK

May 10, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the National Juvenile Justice Network (NJJN), we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16- to 18-years-old. The National Juvenile Justice Network is a membership organization currently comprising 53 organizational members in 44 states across the country and the District of Columbia as well as a growing cadre of graduates from our Youth Justice Leadership Institute. NJJN advocates for policies and practices that treat youth in trouble with the law with dignity and humanity and which strengthen them, their families, and their communities.

As youth justice advocates, we know that many youth who have committed offenses have also been victims of crime, often more than once.¹ We are deeply concerned about the BJS proposal to remove the sexual orientation and gender identity items for 16- and 17-year-old respondents to the NCVS as LGBTQ youth in particular are vulnerable to violence and other crimes.²

¹ National Juvenile Justice Network, "A House Divided No More: Common Cause for Juvenile Justice Advocates, Victim Advocates, and Communities" (April 2014): 3, http://www.njjn.org/uploads/digital-library/House-Divided_03.31.14_FINAL-NOEMBARGO.pdf.

² See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

The NCVS is one of the two main sources of data on crime in the United States and “is the nation’s primary source of information on criminal victimization.”³ The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.⁴ The survey is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁵ For this reason, the other main source of federal data collection on crime, the FBI’s Uniform Crime Reporting system, insufficiently captures crime against vulnerable populations such as LGBTQ people.⁶ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁷ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁸

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁹ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.¹⁰ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include

³ *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

⁴ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁵ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁶ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1050 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁷ *Id.* at 1057.

⁸ *Id.* at 1058.

⁹ 83 FR 15634 (proposed Apr. 11, 2018).

¹⁰ Brammer, *supra* note 3.

respondents younger than 16.¹¹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹² Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in black ink that reads "Sarah Bryer". The signature is written in a cursive, flowing style.

Sarah Bryer
Executive Director
National Juvenile Justice Network

¹¹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), *available at* <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹² See JESSE JANETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), *available at* https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

May 10, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the California LGBT Health and Human Services Network, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

The California LGBT Health and Human Services Network is a statewide coalition representing over 60 LGBT-serving non-profit providers, community centers, and researchers working collectively to advocate for state level policies and resources that will advance LGBT health. Many of our members serve LGBTQ youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjiie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

² Data Collection: National Crime Victimization Survey (NCVS), BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Additional studies have been done of youth in institutional settings, and *Surveying LGBTQ Youth in Foster Care: Lessons Learned from Los Angeles* describes how questions were tested with youth respondents and found that questions regarding sexual orientation and gender identity, “were understood by participants with no confusion.”¹⁰ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ Bianca D.M. Wilson, Khush Cooper, Angel Kastanis, & Soon Kyu Choic, *Surveying LGBTQ Youth in Foster Care: Lessons from Los Angeles*, The Williams Institute, November 2016, available at https://williamsinstitute.law.ucla.edu/wp-content/uploads/TWI_Methods-Report-2016.pdf

need, but it may also lead to reduced crime rates and create safer communities.¹¹ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,



Amanda Wallner

Director, California LGBT Health and Human Services Network

¹¹ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).



NATIONAL LGBTQ INSTITUTE ON IPV

May 10, 2018

National LGBTQ Institute on Intimate Partner Violence
PO Box 18436
Seattle, WA 98118

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a currently approved collection; comments requested: National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the [National LGBTQ Institute on Intimate Partner Violence](http://www.lgbtqipv.org), we write in opposition to the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

The National LGBTQ Institute on Intimate Partner Violence is a national training and technical assistance provider that works with diverse stakeholders to increase access to meaningful services for LGBTQ survivors of intimate partner violence. As a joint project of the Northwest Network of Bi, Trans, Lesbian and Gay Survivors of Abuse and the National Coalition of Anti-Violence Programs, the LGBTQ Institute is committed to increasing public awareness and enhancing local, state, and national efforts to prevent and address violence against LGBTQ people.

In the field of intimate partner violence, we value privacy, discretion, and consent, and have worked for decades to ensure privacy and sensitivity around data collection on violence. We believe that it's important to assess the sensitivity of questions on national surveys, and **the NCVS already adheres to national standards of privacy and sensitivity.**

Given that the NCVS asks participants to provide detailed accounts of their experiences of sexual, intimate partner, hate and other types of violence, which can be sensitive and challenging for survivors, considerable care has gone into the selection of survey questions and how the information is collected. The questions in NCVS have been informed by experts in the field and piloted extensively to ensure their sensitivity and appropriateness. Further, all questions are voluntary, so participants can skip any questions they do not want to answer. This is true for the questions about violence as well as those about demographics, including the questions on sexual orientation and gender identity.

LGBTQ people face significant levels of violence. A [survey](#) of over 26,000 Minnesotan college students found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality [surveyed](#) over 27,000 transgender people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An [analysis](#) of the Youth Risk Behavior Survey, another federal survey of high-school age youth that asks questions about sexual orientation, found that lesbian, gay, and bisexual youth are at increased risk for dating violence.

It is particularly important to collect information on younger LGBTQ survivors of violence as **younger people are especially vulnerable to violence and other crimes committed by someone in their family**. In 2017, an [annual survey](#) by the National Coalition of Anti-Violence Programs found that people under age 25 were almost five times more likely to report experiencing violence by a relative. And according to an [older analysis](#) of the factors leading to increased risk of homelessness for LGBTQ youth, a quarter of bisexual youth reported that they experienced homelessness because of physical abuse inflicted by their parents.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—[might want to avoid](#) reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is crucial.

By adding the questions regarding sexual orientation and sexual identity, policymakers can produce a [more accurate picture](#) of crime victims and properly allocate funds for crime prevention and victim support. It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.

Youth have been answering sexual orientation and gender identity questions in state and federal surveys for many years. According to the Williams Institute's [SMART report](#), "[s]exual orientation questions have been asked on large-scale school-based surveys of adolescents around the world since the mid-1980's." The SMART report details numerous surveys asking questions of youth's sexual orientation and gender identity. For example, BJS's own National Survey of Youth in Custody includes a measure of sexual orientation for youth over the age of 14, and it has provided a wealth of important information about disproportionate incarceration and sexual victimization of sexual minority youth in custody. The CDC's National Youth Risk Behavior Risk Survey includes respondents as young as 13 and has included sexual orientation measures since 2015. In 2015, more than 15,500 youth from across the country filled out the YRBS survey on their own, anonymously at school. The National Survey of Family Growth, which includes respondents as young as 15, has included a sexual orientation behavior measure for many years. The California Health Interview Survey has asked youth about their gender expression since 2015. There are many more examples of surveys and studies that have successfully collected sexual orientation and gender identity data from youth, including the L.A. Foster Youth Study (which included adolescents as young as 12). Each of the surveys and studies provides invaluable information about LGBTQ youth that have impacted policy making and programming in a variety of settings.

In conclusion, we encourage the Bureau not to raise the minimum age for the sexual orientation and gender identity questions. This data is important to collect, respondent sensitivity is already adequately considered, and LGBTQ youth in particular need somewhere to report these crimes.

Please don't hesitate to reach out with any questions or concerns.

Sincerely,

Emily Waters, MSW/MPH, Senior Manager of National Research and Policy
National Coalition of Anti-Violence Programs, New York City Anti-Violence Project

Carrie Lippy, PhD, Research and Evaluation Coordinator
The NW Network of Bi, Trans, Lesbian, and Gay Survivors of Abuse

Heron Greenesmith, Esq, Public Policy Consultant
National Coalition of Anti-Violence Programs, New York City Anti-Violence Project



National LGBTQ Institute on IPV

PO Box 18436 Seattle, WA 98118

P: (206) 568-7777 www.lgbtqipv.org

May 10, 2018

Casa de Esperanza
1821 University Ave. W, Suite S-155
St. Paul, MN 55104

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

**Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed
eCollection
eComments Requested; Revision of a currently approved collection; comments
requested:
National Crime Victimization Survey (NCVS)**

Dear Ms. Truman,

On behalf of Casa de Esperanza we write in opposition to the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

Casa de Esperanza was founded in 1982 in Minnesota to provide emergency shelter and support services for women and children experiencing domestic violence. In 2009 Casa de Esperanza launched the National Latin@ Network for Healthy Families and Communities, which is a national resource center that provides training & technical assistance, research, and policy advocacy focused on addressing and preventing domestic violence, primarily in Latino and immigrant communities. Casa de Esperanza also has a program that works directly with youth to engage youth in prevention efforts and train them as peer educators.

As advocates in the anti-domestic and sexual violence field, we advocate for data collection systems that are safe, confidential, and sensitive to the experiences of survivors. We recognize that answering questions about traumatic events can be difficult for survivors, no matter their age. We also know that data collection systems that are inclusive of a survivor's whole selves, including questions about sexual orientation and gender identity, both give us a more accurate understanding of the prevalence and impact of domestic and sexual violence and validates survivors' experiences.

The NCVS already adheres to national standards of sensitivity. Raising the minimum age for questions regarding sexual orientation and gender identity would do nothing to make the survey more sensitive to the needs of survivors. The questions regarding sexual orientation and gender identity are voluntary and the responses are confidential, ensuring survivors both choice and privacy. Similar questions are asked in other federally-administered surveys, including the Youth

Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.ⁱ

Data collection that is inclusive of LGBTQ identities is paramount for our work in ending and responding to domestic and sexual violence. The inclusion of sexual orientation in the National Intimate Partner and Sexual Violence Survey demonstrated that lesbian, gay, and bisexual survivors experience high rates of intimate partner and sexual violence.ⁱⁱ The results from that survey and others were used to pass historic non-discrimination provisions for LGBTQ survivors in the 2013 reauthorization of the Violence Against Women Act.ⁱⁱⁱ According to the 2015 Youth Risk Behavior Survey, 18% of lesbian, gay, and bisexual students had experienced physical dating violence and 18% had been forced against their will to have sexual intercourse at some point in their lives.^{iv} Collecting data on sexual orientation and gender identity, particularly from youth, will ensure that the most vulnerable victims have access to the services and supports they need. It will also provide a better understanding of crime victimization and help policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data and make this data available to help better inform research, policy, and the provision of services for all individuals, including LGBTQ youth survivors.

Sincerely,



Rosemarie Hidalgo, J.D.
Senior Director of Public Policy
Casa de Esperanza: National Latin@ Network

ⁱ Anjani Chandra et al., Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth, 36 NATIONAL HEALTH STATISTICS REPORTS 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>; Kann L, Olsen EO, McManus T, et al. Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 – United States and Selected Sites, 2015. MMWR Surveill Summ 2016; 65(9): 1-202.

ⁱⁱ Center For Disease Control and Prevention. National intimate partner and sexual violence survey: 2010 findings on victimization by sexual orientation. Retrieved from https://www.cdc.gov/ViolencePrevention/pdf/NISVS_FactSheet_LBG-a.pdf

ⁱⁱⁱ 18 U.S.C. § 249(2); 34 U.S.C. § 12291(b)(13)(A)).

^{iv} Kann L, Olsen EO, McManus T, et al. Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 – United States and Selected Sites, 2015. MMWR Surveill Summ 2016; 65(9): 1-202.

May 11, 2018

Department of Justice
Bureau of Justice Statistics
Washington, DC 20531

RE: 2018-07448 Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey [Docket Number 1121-0111]

To Whom it May Concern,

On behalf of the Endocrine Society, I write to share our concerns with the Notice to change information collection for the National Crime Victimization Survey. The Endocrine Society is the world's largest professional organization of endocrinologists, representing the interests of over 18,000 physicians and scientists engaged in the treatment and research of endocrine disorders, including diseases such as diabetes, thyroid disease, infertility, and obesity, and care of patients diagnosed with gender dysphoria/gender incongruence (transgender).

The Notice proposes to raise the minimum age at which National Crime Victimization Survey questions are administered on sexual orientation and gender identity from age 16 to 18. We are concerned that the proposed changes to information collection will result in the loss of data on an important subset of the transgender community and provide an incomplete picture of crimes committed against this population.

Studies show that children and adolescents can understand the consequences of transgender medical care. The Endocrine Society's Clinical Practice Guideline, "Endocrine Treatment of Gender-Dysphoric/Gender Incongruent Persons,"¹ suggests that an adolescent has sufficient mental capacity by age 16 to understand the consequences of transitioning and make an informed decision about their care.

Transgender youth face significant discrimination and harassment. The Federal Government will miss the opportunity to collect important crime data from individuals under the age of 18 who are victims of crime based on their gender identity or sexual orientation by removing the questions related to sexual orientation and gender identity. A recent survey of youth between 13 and 18 years of age living in the United States found that 54 percent (n=51,394) of respondents witnessed bullying, hate messages, or harassment that were motivated by gender expression, and 63 percent

¹ Hembree, W., et al. Endocrine Treatment of Gender-Dysphoric/Gender Incongruent Persons. *The Journal of Clinical Endocrinology & Metabolism*, Volume 102, Issue 11, 1 November 2017, Pages 3869–3903



witnessed events motivated by sexual orientation.² This increase in bullying and harassment has had a particularly significant impact on transgender youth. According to the survey, 36 percent of transgender youth had been personally bullied or harassed and 56 percent had changed their self-expression or future plans as a result.³

Transgender and gender non-conforming youth often have associated psychological problems. An accurate understanding of the challenges that these youth face outside of the health care system will help the medical community integrate appropriate mental health services into their treatment. Furthermore, statistics that identify trends in violence against transgender youth will offer the opportunity to implement violence prevention programs in the community.

Thank you for considering our comments. We urge the Administration to continue to collect information on gender identity and sexual orientation from individuals 16 years of age and older. If we can provide any additional information, please contact Mila Becker, JD, Chief Policy Officer at mbecker@endocrine.org.

Sincerely,

Susan Mandel, MD
President, Endocrine Society

² Human Rights Campaign. Post-Election Survey of Youth. Accessed at www.hrc.org.

³ *Ibid.*



May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the Coalition for Juvenile Justice (CJJ), we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

CJJ is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system. CJJ envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives. In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").



The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

Because LGBT people are subject to high rates of hate crimes, bullying, and other violence, LGBT youth are at greater risk for truancy, which can lead to involvement with the juvenile justice system. According to the 2015 GLSEN National Climate Survey, 31.8 percent of LGBT students in the United States missed at least one entire day of school in the past month because they felt unsafe or uncomfortable, and a tenth (10 percent) missed four or more days in the past month. LGBT youth are also disproportionately represented in the homeless youth population, often because they are fleeing victimization in the home or have been forcibly ejected from their home by caregivers. An estimated 20-40 percent of youth experiencing homelessness are LGBTQ or Gender Non-Conforming (GNC), as compared to 7-10 percent of the general youth population.

By preserving the questions regarding sexual orientation and sexual identity, statutes that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁴ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁵

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁶ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁷

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁵ *Id.* at 1058.

⁶ 83 FR 15634 (proposed Apr. 11, 2018).

⁷ Brammer, *supra* note 3.



Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁸ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.⁹ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data. Please feel free to contact us with any questions.

Sincerely,

Naomi Smoot
Executive Director
smoot@juvjustice.org

⁸ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), *available at* <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

⁹ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), *available at* https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

Re: Proposed Revision of the National Crime Victimization Survey (NCVS) (83 FR 15634)

The Center for the Study of Social Policy (CSSP) is a national nonprofit organization recognized for its leadership in reforming public systems. Specifically, CSSP works in public systems as the federal court appointed monitor in several state child welfare systems and through providing technical assistance across the nation on improving policy and practice strategies impacting families with young children, adolescents and transition age youth, expectant and parenting youth, youth facing homelessness, and youth who identify as lesbian, gay, bisexual, transgender or questioning (LGBTQ). All of our work is devoted to ensuring children have equitable opportunities to maximize their potential.

CSSP welcomes the opportunity to provide comment on the Notice of Public Rulemaking (NPRM) regarding the proposed changes to the National Crime Victimization Survey (NCVS) particularly given our unique perspective in working directly with public systems to identify strategies to better support youth who identify as lesbian, gay, bisexual, transgender or questioning (LGBTQ) and often experience disparate outcomes as a result of the sexual orientation and gender identity.

CSSP strongly opposes removing critical questions related to the sexual orientation and gender identity of youth ages 16 and 17 years old. States and public systems require nuanced data in order to identify unique barriers and develop corresponding strategies to promote the well-being and safety of all youth. As a result of removing these data elements from the NCVS, there will be a lack of nuanced data that is able to inform and guide how public systems operate, creating a barrier to strong federal and state policy and state-system performance. In order to fulfill its obligation to protect the safety, permanency and well-being of all members of this country, it is critical that the federal government, including through the Bureau of Justice Statistics, support the infrastructure and policy to collect and analyze client-specific sexual orientation and gender identity information.

Experiences of Youth who Identify as LGBTQ

Through our work with public systems and communities, CSSP is intimately aware that youth who identify as LGBTQ experience disparate outcomes and unique, systemic barriers to thriving simply as a result of their sexual orientation and gender identity. These youth are more likely than their cisgender, heterosexual peers to experience removal from their home and placement in foster care; homelessness at a disproportionate rate; and higher victimization rates in their schools and communities.^{i,ii} Research has shown that:

- Of those youth and young adults who are involved with the child welfare system, those who identify as LGBTQ are at greater risk of experiencing violence or being victimized, sometimes by their own family members or caregivers. Specifically, 30 percent of LGBTQ youth in the foster care system report physical violence by family members after disclosing their sexual orientation or gender identity.ⁱⁱⁱ
- Among the at least 1.6 million homeless youth in the United States, up to 40 percent identify as LGBTQ. These youth are more likely than their cisgender, heterosexual peers who are experiencing homelessness to face depression, substance abuse, high-risk sexual behavior, and suicide attempts.^{iv}
- The National Youth Risk Behavior Survey conducted by the Center for Disease Control and Prevention in 2015 showed that, among other findings, 10 percent of LGB students, compared with 5 percent of heterosexual students, reported being threatened or injured with a weapon on school property. Furthermore, 34 percent of LGB students, compared with 19 percent of heterosexual students, reported being bullied on school property.^{vi}
- According to the largest survey of transgender and gender non-conforming people to date, nearly a quarter (24%) of respondents reported being physically attacked when they were in primary or secondary school, and 13 percent reported being sexually assaulted because people thought they were transgender.^{vii}

The Role of the NCVS and Impact of Collecting Data on Sexual Orientation and Gender Identity

In order to use data to drive policy, program, and resource development, allocation, and implementation, the federal government and state governments need accurate, nuanced data. The NCVS is the nation's primary mechanism for collecting important data on criminal victimization that can inform policy development, identify gaps in services, and highlight populations that are experiencing disparate outcomes.^{viii} Through the NCVS, systems are able to collect information from victims of crimes including rape, aggravated assault, and sexual assault that is then used to guide decision-making and financial investments. Importantly, the NCVS began collecting information related to sexual orientation and gender identity in July 2016 for victims who were 16 and older in order to better inform policy development and funding in areas of both prevention and services for victims.^{ix}

The current data elements related to sexual orientation and gender identity that are included in the NCVS are important for policy and program development and can positively impact individual and community well-being outcomes including individual and public safety. Specifically, policymakers have had a more accurate picture of victims and have been able to identify unique trends affecting victimization risk that policymakers are able to use to drive responsible allocation of funding to prevent crime and improve victim support.^{x,xi} For example, these data are regularly used in partnership with schools and education partners at the state level to better understand and develop substantive and meaningful solutions related to school crime and safety. States, including Colorado, use reports based on NCVS data as key resources in their efforts to improve school safety.^{xii}

In addition to providing data to drive informed policy-decisions at the state level, the NCVS data elements related to sexual orientation and gender identity allow for other federal entities,

including The National Center for Education Statistics, to better fulfill their congressional mandate and support informed policy-making at the federal level.

Issues Pertaining to the Sensitive Nature of the NCVS Questions

The only justification that the Bureau of Justice Statistics has offered for the proposed action is “the potential sensitivity of these questions for adolescents.”^{xiii} Not only is there a lack of evidence related to the actual administration of the NCVS to support this rationale but rather the Bureau of Justice Statistics has reported that the sexual orientation and gender identity items were performing well with no concerns about validity or reliability. Furthermore, population-based surveys have shown that younger people are more likely to identify as LGBT than older people at every age group.^{xiv}

It is also important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.^{xv} Further results from other surveys, including those that are federally-administered, and those that are administered by non-profit and for-profit providers in the public health, ask similar questions of youth younger than 16 in order to drive improvements in practice and policy.

Instead of ceasing to collect critical information related to sexual orientation and gender identity of youth who are victims of crime, the Bureau of Justice Statistics should work to improve data collection including identifying mechanisms to support youth in answering these voluntary questions.

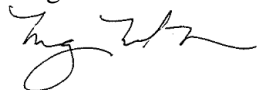
Conclusion

The Bureau of Justice Statistics has a congressional mandate to provide valid statistics on crime and justice systems. By eliminating key questions related to the sexual orientation and gender identity of 16 and 17 years old victims of crime, the agency is unable to fulfill its congressional mandate to the best of its ability.

Continuing to collect data on the sexual orientation and gender identity has meaningful benefits for both individuals and the broader community. Particularly for youth, the collection of these data will help systems ensure victims have access to the individualized and affirming services and supports they need. Further through having access to these data, policymakers and system administrators will be able to implement informed strategies that promote the design of effective interventions to prevent crime and lead to reduced crime rates and safer communities.^{xvi} At the state and local level, continuing to have access to these data allows state and local governments to craft localized solutions to problems in their communities.

Moving forward, we look forward to working with the Bureau of Justice Statistics to strategize on how to effectively collect and use data available in the NCVS. If you have any questions, please don’t hesitate to contact Megan Martin, (202) 371-1565; megan.martin@cssp.org.

Sincerely,
Megan Martin



Vice President, Director of Public Policy
Center for the Study of Social Policy

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- ⁱ Human Rights Watch (2016). “*Like Walking Through a Hailstorm*”: Discrimination Against LGBT Youth in U.S. Schools. Retrieved from <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools>
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- ^v Ryan, C., Huebner, D., Diaz, R., & Sanchez, J. (2009). Family rejection as a predictor of negative health outcomes in white and Latino LGB young adults. *American Academy of Pediatrics*, 123(1), 346-352.
- ^{vi} Kann, L. et al. (2016). Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12—United States and Selected Sites, 2015. *Morbidity & Mortality Weekly Report*, 65(9), 1, 11, 15. Retrieved from <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.
- ^{vii} The National Center for Transgender Equality. (2016). *The Report of the 2015 U.S. Transgender Survey*. Retrieved from <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.
- ^{viii} Bureau of Justice Statistics. (1973-2016). *Data Collection: National Crime Victimization Survey* (NCVS). Retrieved from US Office of Justice Programs website <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>
- ^{ix} Brammer, J. P. (2018). Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey, *NBC NEWS*. Retrieved from <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.
- ^x Langton, L., Planty, M. & Lynch, J.P. (2017) Second Major Redesign of the National Crime Victimization Survey, *Criminology & Public Policy*, 16(4) 1049-1074. Retrieved from https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.
- ^{xi} Ibid.
- ^{xii} Colorado School Safety Resource Center (n.d.). Statistics and Research. Retrieved from <https://www.colorado.gov/pacific/cssrc/statistics-research>
- ^{xiii} USA, Department of Justice, Bureau of Justice Statistics. (2018). *Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey* (NCVS)(70th ed., Vol. 83, pp. 15634-15635). Federal Register. Retrieved from <https://www.federalregister.gov/documents/2018/04/11/2018-07448/agency-information-collection-activities-proposed-ecollection-ecomments-requested-revision-of-a>
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- ^{xv} Brammer, J. P. (2018)
- ^{xvi} Jannetta, J. and Okeke, C. (2017). Strategies for Reducing Criminal and Juvenile Justice Involvement. *Urban Institute*. Retrieved from https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf.

May 10, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of The McGregor Fund, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18. The McGregor Fund is a private foundation based in Detroit that supports local nonprofits offering services to victims of violence and trauma. The organizations supported by the Fund care deeply about being able to provide the highest quality supports, and having LGBTQ-specific data is critical to serving some of the most victimized and vulnerable members of our community.

We are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹ The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

A handwritten signature in blue ink that reads "Kate L. Markel". The signature is fluid and cursive, with the first name "Kate" and last name "Markel" clearly legible, and a middle initial "L." in between.

Kate Levin Markel
President
The McGregor Fund



475 Park Avenue South, Suite 2100
New York, NY 10016
tel 646.880.3005
fax 202.697.5058
info@familyequality.org

May 11, 2018

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

Jennifer.Truman@ojp.usdoj.gov

REF: 83 FR 15634, DOJ-BJS-National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

Family Equality Council is writing to oppose the proposed removal of sexual orientation and gender identity questions for 16 and 17-year-old respondents from the National Crime Victimization Survey (NCVS). Removing these questions will negatively impact the quality and utility of the information collected. The removal will diminish the value of reports and responses to queries that the Bureau of Justice Statistics (BJS) provides to the U.S. Congress, the Executive Office of the President, state officials, international organizations, and others. The absence of the data will hamper the efforts of these policymakers to address and reduce criminal victimization of youth. The primary justification provided for removing these questions - the potential sensitivity of these questions for adolescents - is countermanded by the Census Bureau's cognitive testing of these questions, which found that "[t]here 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."¹

Family Equality Council connects, supports, and represents the three million parents who are lesbian, gay, bisexual, transgender and queer (LGBTQ) in this country and their six million children. We are a community of parents and children, grandparents and grandchildren that reaches across this country. For nearly 40 years we have raised our voices toward fairness for all families. Family Equality Council also supports LGBTQ youth seeking family formation including foster youth.

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)

We thank you for the opportunity to comment on the Notice of Revision of a Currently Approved Collection; National Crime Victimization Survey (NCVS); Document Reference 83 FR 15634.

Lesbian, gay, bisexual, transgender and queer youth suffer greater rates of criminal victimization than their heterosexual and cisgender peers.

Research reveals that LGBTQ youth are disproportionately vulnerable to crime, violence, and bullying. For example:

- the National Youth Risk Behavior Survey conducted by the CDC in 2015 showed that, among other findings, 10% of 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.²
- According to the largest survey of transgender and gender non-conforming people to date, 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.³

The proposed change undermines Congress' and states' and local governments' efforts to protect the safety and well-being of young people, including foster children.

Given that LGBTQ youth report higher rates of crime victimization than their heterosexual and cisgender counterparts, removing sexual orientation and gender identity measures from NCVS surveys of 16 and 17 year olds deprives federal, state and local government, local law enforcement, social services and child welfare organizations of needed data to develop policies and programs to effectively counter violence against and bullying of youth.

For example, federal, state and local governments are statutorily required to promote the safety and well-being of foster youth. Mistreatment of LGBTQ youth in foster care is well-documented and leads many youth to choose to leave foster care to live on the streets, where they are subject to much higher levels of violence and victimization.⁴

A survey of foster youth in Los Angeles funded by the U.S. Department of Health and Human Services found that 19% of these youth over the age of 12 identify as lesbian, gay, bisexual or transgender and were more than twice as likely to report being treated poorly by the foster care system than their

² 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), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

³ Sandy E. James et al., *The Report of the 2016 U.S. Transgender Survey 132* (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

⁴ See e.g. Shannan Wilber et. al., *CWLA Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care* (2006) http://www.f2f.ca.gov/res/2798_BP_LGBTQ.pdf.

heterosexual and cisgender counterparts.⁵ Additional studies show that foster youth may choose homelessness over foster homes and other placements and services⁶ and once homeless "...often calculated their decision to engage with an agency against the risks of staying on the streets"⁷ where they are subjected to high levels of violence and victimization. A study released last month showed that LGBTQ homeless youth were more than twice as likely to report "being forced to have sex" and over 30% more likely to report being "physically harmed by others" than their heterosexual and cisgender homeless counterparts. The study found that LGBTQ homeless youth have twice the death rate of other youth.⁸

Agencies entrusted with the well-being of youth in state care need data to improve their outcomes for this population. Depriving agencies and programs providing services to youth - including foster care, homeless shelter, juvenile justice, and trafficking prevention programs - of specific data on victimization of LGBTQ youth hampers their ability to design interventions to keep this vulnerable youth population safe. Thus, removing sexual orientation and gender identity questions for 16- and 17-year old respondents from the NCVS undermines BJS' mission of providing data "critical to federal, state, and local policymakers in combating crime" and reduces the quality, utility, and clarity of the information collected. NCVS data is particularly important because the NCVS includes questions about unreported crime, and thus provides a fuller picture than other federal data sets.

The Purported Rationale Does Not Justify the Removal of the Questions

The sole justification offered for removing the sexual orientation and gender identity questions is "the potential sensitivity of these questions for adolescents."⁹ However, this rationale is undermined by the number of population-based surveys that have successfully collected these data from youth for many years— including:

- The National Survey of Youth in Custody (NSYC) which includes a measure of sexual orientation for youth over the age of 14,¹⁰ and has provided important information about disproportionate incarceration and sexual victimization of LGB youth in custody;¹¹

⁵ Bianca D.M. Wilson et. al., *New Report: Sexual and Gender Minority Youth in Foster Care*, WILLIAMS INST. (Aug. 2014), https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf;

⁶ Ream, G.L. & Forge, N.R., *Homeless Gay, Lesbian, Bisexual and Transgender (LGBT) Youth in New York City: Insights from the Field*, 93 CHILD WELFARE 2 (2014).

⁷ Matthew Morton et. al., *LGBTQ Young Adults Experience Homelessness at More than Twice the Rate of Peers*, CHAPIN HALL (2018) <https://www.chapinhall.org/research/lgbtq-young-adults-experience-homelessness-at-more-than-twice-the-rate-of-peers/>

⁸ *Ibid.*

⁹ 83 Fed. Reg. 15634 (Apr. 11, 2018). <https://www.federalregister.gov/documents/2018/04/11/2018-07448/agency-information-collection-activities-proposed-ecollection-ecomments-requested-revision-of-a>

¹⁰ Bureau of Justice Stats., Data Collection: National Survey of Youth in Custody (NSYC), <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=321> (2012).

¹¹ Bianca D.M. Wilson et al., *Disproportionality and Disparities among Sexual Minority Youth in Custody*, 46 J. YOUTH & ADOLESCENCE 1547 (2017); Alan J. Beck, A. J. et al., *Facility-level and individual-level correlates of sexual victimization in juvenile facilities*, BUREAU OF JUSTICE STATS. (2012); Leanne Heaton, David Cantor, Carol Bruce, Wjia Ren, John Hartge, Allen

- the CDC's National Youth Risk Behavior Risk Survey (YRBS) includes respondents as young as 13 and has included sexual orientation measures since 2015;¹²
- the National Survey of Family Growth, which includes respondents as young as 15, has included a sexual orientation behavior measure for many years;¹³
- the California Health Interview Survey, which has asked youth about their gender expression since 2015.¹⁴

The data generated by these surveys demonstrate that youth are both able and willing to answer questions about sexual orientation and gender identity.

Conclusion

BJS should continue to administer the sexual orientation and gender identity questions to 16- and 17-year olds, to assist federal, state and local policymakers to better combat crime and violence against LGBTQ youth, and to improve services to LGBTQ youth who are victimized. We urge you to reverse the proposed removal of these questions.

Sincerely,



Denise Brogan-Kator
Chief Policy Officer

J. Beck, *Facility-Level and Individual-Level Correlates of Sexual Victimization in Juvenile Facilities* (NCJ Publication No. 249877), BUREAU OF JUSTICE STATS. (2016), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5663>.

¹² 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), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

¹³ See Anjani Chandra et al., *Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth*, 36 NATIONAL HEALTH STATS. REPORTS 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>.

¹⁴ Bianca D.M. Wilson et al., *Characteristics and Mental Health of Gender Nonconforming Adolescents in California*, WILLIAMS INST. & UCLA CTR. FOR HEALTH POL'Y RES. (2017), <http://healthpolicy.ucla.edu/publications/Documents/PDF/2017/gncadolescents-factsheet-dec2017.pdf>.

May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

The National Association of School Psychologists (NASP) adamantly opposes the Department of Justice (DOJ)'s request to revise questions related to sexual orientation and gender identity on the National Crime Victimization Survey (NCVS), the nation's primary source of quantitative data on criminal victimization. The NCVS has asked imperative and pertinent questions related to sexual orientation and gender identity of persons age 16 and older since 2016. Increasing the age to 18 due to the "*concerns about the potential sensitivity of these questions for adolescents*," limits the collection of data on a marginalized population which is already more at-risk to victimization by violence while removing a large percentage of the intended demographic the study is trying to measure – adolescents. Failure to collect the data doesn't prevent the crimes from occurring but further victimizes those who have been hurt by such by denying their experiences.

On November 13, 2017, the Federal Bureau of Investigations (FBI) released the hate crime statistics for 2016. The report cited 6,121 incidents of hate crimes. Of which:

- 1,076 were based on sexual orientation bias (an increase of 2% from 2015)
- 124 were based on gender identity bias (an increase of 9% from 2015)
- 19 incidents targeted gender non-conforming people
- 105 incidents targeted transgender people (an increase of 44% from 2015)

Though staggering in and of itself, these numbers inevitably fail to report a vast number of LGBTQ+ persons who fall victim to hate crimes as FBI reporting is not mandatory, thousands of law enforcement agencies across the country do not submit any data, and many victims fail to self-report their sexual orientation and/or gender identity for fear of further suffering. In 2016 alone, at least 22 transgender persons, a majority of which are People of Color (POC) were senselessly murdered.

The Trump administration and the DOJ have continually been urged by NASP, the Human Rights Campaign (HRC), and hundreds of civil and human rights organizations to take a stronger stance in responding to hate crimes and acts of senseless violence. A Hate Crime "*occurs when the perpetrator of a crime intentionally selects a victim because of who the victim is. Hate crimes rend the fabric of our society and fragment communities because they target an entire community or group of people, not just the individual victim*" (HRC, 2009). The passage of the Matthew Shepard and James Byrd Jr. Hate

Crimes Prevention Act (HCPA) in 2009, gave the DOJ the “*power to investigate and prosecute bias-motivated violence by providing the DOJ with jurisdiction over crimes of violence where a perpetrator has selected a victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.*” Removing questions related to sexual orientation and gender identity from a major statistical analysis of crimes does not protect anyone but fails to collect information on a population most targeted for acts of senseless violence.

The National Association of School Psychologists (NASP) joins the Campaign for Youth Justice in advocating for LGBTQ+ youth to ensure their stories are told. We urge the DOJ to reconsider the proposed revisions and not deny the validity of the victims’ experiences.

Sincerely,

Amy Cannava, NASP LGBTQI2-S Committee Chair
Sheila Desai, NASP Director of Educational Practice
Kelly Vailancourt Strobach, NASP Director of Policy and Advocacy

Sources:

Human Rights Campaign. (n.d.). Data Shows Increased Reported Incidents of Anti-LGBTQ Hate.

Retrieved May 10, 2018, from <https://www.hrc.org/blog/new-fbi-data-shows-increased-reported-incidents-of-anti-lgbtq-hate-crimes-i>

Human Rights Campaign. (2010, June 28). Matthew Shepard and James Byrd, Jr. Hate Crimes

Prevention Act. Retrieved May 10, 2018, from <https://www.hrc.org/resources/matthew-shepard-and-james-byrd-jr.-hate-crimes-prevention-act>

Justice Department wants to remove questions for LGBTQ teens from crime survey. (n.d.). Retrieved May 10, 2018, from <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>



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Sue Napper
Kristin A. Pace
Suzanne Parker
Alison Paul
Kim M. Sharan
Dana Sullivan
Sonya Ulibarri
Julie Greiner Weiser
Nanar Yoseloff

As of January 31, 2018

May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

Re: 83 Fed. Reg. 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of Girls Inc., we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age from 16 to 18 for asking respondents of the National Crime Victimization Study (NCVS) about their sexual orientation and gender identity. Given that LGBTQ youth are particularly vulnerable to violence and other crimes, we have serious concerns about the BJS proposal.¹

Girls Inc. is the national organization dedicated to inspiring all girls to be strong, smart, and bold through direct service and advocacy. Our 83 local affiliates in the U.S. and Canada serve girls ages 6-18, primarily through afterschool and summer programs. We reach approximately 156,000 girls annually, 70% of whom come from families earning less than \$30,000 a year and 74% of whom identify as girls of color. We also advocate, with our girls, for policies and practices that will help break down barriers so that all girls and young women can have the chance to grow up healthy, educated, and independent.

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjiie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

As you know, the NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal information, including age, sex, marital status, and whether they have been a victim of crime. The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ This is important because there are many reasons that LGBTQ people – particularly young people, those of color, gender non-conforming people, and individuals who are not safely “out” to their families – might want to avoid reporting a crime to the police.⁴ Data that comes from the questions regarding sexual orientation and sexual identity – statuses that have been identified as factors affecting victimization risk – give policymakers a more accurate picture of who crime victims are so they can properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

Although BJS claims to be proposing this change due to “concerns about the potential sensitivity of these questions for adolescents,”⁷ the questions regarding sexual orientation and gender identity are voluntary, and the responses are kept confidential.⁸ Additionally, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ By definition all of the NCVS questions are sensitive in nature, as they ask about an individual’s crime victimization, among other personal information, but no one is asked personally identifiable information. Instead of removing

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

these questions, BJS could instead focus on ways to improve data collection and make it easier for youth to respond to these critical surveys.

Collecting data on sexual orientation and gender identity, particularly from youth beginning at age 16, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect these data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS *not* to raise the minimum age for asking respondents about their sexual orientation and gender identity, and to continue to collect this critical data from youth beginning at least at age 16.

If you have any questions, please contact Lara Kaufmann at lkaufmann@girlsinc.org or (202) 463-1881, ext. 301.

Sincerely,



Lara Kaufmann
Director of Public Policy



Cristin Rollins, Ph.D.
Director of Research & Evaluation

¹⁰ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

Comments on the Proposed Revision of the National Crime Victimization Survey (NCVS)

83 FR 15634



May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Proposed Revision of the National Crime Victimization Survey

Dear Ms. Truman:

Thank you for the opportunity to comment on the proposed revision of the National Crime Victimization Survey (NCVS). On behalf of the Center for Children's Law and Policy, I write to offer comments on the Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for NCVS respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Over the past twelve years, the Center for Children's Law and Policy has worked to protect the rights of youth who interact with the juvenile justice and other systems. We are all too aware that many youth who wind up in the justice system are oftentimes former victims of crime and have been exposed to trauma themselves. The number of youth in juvenile detention who identify as lesbian, gay, transgender, and gender nonconforming (LGBT) is double that of LGBT youth in the general population.¹ These youth are particularly vulnerable to violence and other crimes, including when they are involved in the justice system. For example, a recent national survey conducted by BJS of youth in juvenile facilities found that youth who identified as lesbian, gay, or bisexual were sexually victimized by other youth at a rate of seven times higher than youth who identified as heterosexual.² This is why we are concerned by BJS's proposal to raise the age at which NCVS respondents can be asked about their sexual orientation and gender identity.³

¹ Center for American Progress, *Unjust: How the Broken Juvenile and Criminal Justice Systems Fail LGBTQ Youth*, 4 (Aug. 2016), <https://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf>.

² Center for Children's Law and Policy, *Standing Up to Sexual Misconduct: An Advocacy Toolkit to End the Abuse of Children in Juvenile Facilities*, 35 (June 2015), <http://www.cclp.org/wp-content/uploads/2016/06/Stand-Up-to-Sexual-Misconduct-Advocacy-Toolkit.pdf>.

³ See Human Rights Watch, "Like Walking Through a Hailstorm": *Discrimination Against LGBT Youth in U.S. Schools* (2016), <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System*, *New Report Says*, JUV. JUST. INFO. EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

The NCVS “is the nation’s primary source of information on criminal victimization.”⁴ It is one of the main sources of data on crime, including unreported crime. It is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity. The addition of these questions allows for policymakers to have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ There are many reasons LGBT youth may avoid reporting a crime to the police, including beliefs about law enforcement from prior contact with the justice system.⁶ Thus, these questions are vital to obtaining an accurate national picture of victimization of LGBT youth.

The questions also provide policymakers with the opportunity to find ways to strengthen relationships between the LGBT community and law enforcement. Improved relationships would help increase the likelihood that LGBT individuals will report crimes, assist law enforcement with investigations, and have access to appropriate victim services.⁷

BJS asserts that it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁸ However, the questions regarding sexual orientation and gender identity are voluntary, and the responses are confidential.⁹ Further, similar questions are asked in other federally-administered surveys, including the surveys of youth required by the Prison Rape Elimination Act, the Youth Risk Behavior Survey, and the National Survey of Family Growth, all of which include respondents younger than 16.¹⁰

Collecting data on sexual orientation and gender identity, particularly from youth, ensures victims have access to the services and support they need.¹¹ Continuing to collect this data will

⁴ BUREAU OF JUSTICE STATISTICS, *Data Collection: National Crime Victimization Survey (NCVS)*, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ Center for American Progress, *supra* note 1 (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁷ Langton, Planty, & Lynch, *supra* note 5 at 1058.

⁸ 83 FR 15634 (proposed Apr. 11, 2018).

⁹ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

¹⁰ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹¹ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016)).

also provide a better understanding of crime victimization and aid policymakers and advocates in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity. This information is critical to ensuring that every LGBT youth is afforded the same protections, services, and respect that other youth across the country receive.

Sincerely,

Jason Szanyi, Deputy Director
Center for Children's Law and Policy



May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Jennifer Truman,

We appreciate this opportunity to provide comments in opposition to the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for National Crime Victimization Study (NCVS) respondents to be asked about their sexual orientation and gender identity from 16 to 18. Founded in 2003, the National Center for Transgender Equality is one of the nation's leading social justice organizations working for life-saving change for the over 1.5 million transgender Americans and their families. Through our work, we are deeply aware of the high levels of violence directed at transgender youth, who are frequent targets of discrimination, harassment, and abuse in schools, their homes, shelters, and detention facilities. We have also seen the positive steps taken in recent years by various federal agencies to collect data on sexual orientation and gender identity, which is essential to understanding and addressing the diverse needs of the lesbian, gay, bisexual, and transgender (LGBT) population.

We are alarmed by and strongly object BJS's proposal to eliminate essential questions on gender identity and sexual orientation for 16- and 17-year-old respondents to the NCVS without an adequate scientific or fact-based justification. The NCVS is the primary source of information on crime victimization in the United States, and provides crucial data for policymakers, law enforcement, criminal justice institutions, and other stakeholders to address the needs of communities disproportionately affected by crime, including LGBT youth. Without adequate data on the particular risks that young LGBT people face, government agencies cannot adequately develop violence-reduction policies, programming, and victim services to best protect this vulnerable population from violence.

Federal data collection on crimes committed against LGBT youth is essential to combat the widespread discrimination and violence faced by these populations

Transgender youth—young people who know themselves to be a gender that is different from the one they were thought to be at birth—live in every part of the United States. An estimated 0.7% of the U.S.

population between the ages of 13 and 17 is transgender, representing 150,000 adolescents.¹ Population-based surveys have shown that 4.1% of Americans identify as LGBT, and that younger people are more likely to identify as lesbian, gay, bisexual, or transgender than older people at every age group (for example, Gallop estimates that 7.3% of millennials identify as LGBT, as compared to 3.2% of generation X and 2.4% of baby boomers).²

Transgender people are particularly vulnerable to violence, harassment, and bullying. The 2015 U.S. Transgender Survey, a national study of nearly 28,000 transgender adults in the United States, found that in the year prior to taking the survey, 13% of respondents were physically attacked and 10% were sexually assaulted, and 47% had been sexually assaulted at some point in their lifetime. Additionally, of survey respondents who were out or perceived as transgender in K–12, nearly one-quarter reported being physically attacked and over one in eight were sexually assaulted at school because people thought they were transgender.³ Existing research indicates that lesbian, gay, and bisexual (LGB) youth are also especially vulnerable to crime. For example, the National Youth Risk Behavior Survey conducted by the CDC in 2015 found that 10% of 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.⁴

Lack of federal data on the needs and experiences of LGBT people, especially LGBT youth, continues to be a pervasive problem. As recognized by the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, “there remains a lack of data on the characteristics and well-being”⁵ of LGBT people and “in order to understand the[ir] diverse needs..., more representative and better quality data need to be collected.”⁶ Without this data, public policymakers, law enforcement agencies, and service providers cannot adequately understand or address the diverse needs of the LGBT populations, including LGBT youth. This type of data is essential to developing and implementing sound policymaking and enforcement activities, determine appropriate level of funding, and inform delivery of services and programming.

¹ Jody L. Herman et al. *Age of Individuals who Identify as Transgender in the United States* (2017), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/TransAgeReport.pdf>; See also Andrew R. Flores et al., *How Many Adults Identify as Transgender in the United States?* (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf> (estimating that 0.6% of the United States adult population, or 1.4 million adults, are transgender).

² Gary J. Gates, Gallup, *In US, More Adults Identifying as LGBT* (2017), <http://www.gallup.com/poll/201731/lgbt-identification-rises.aspx>. See also: Jody L. Herman et al. *Age of Individuals who Identify as Transgender in the United States* (2017), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/TransAgeReport.pdf> (estimating that 0.7% of persons aged 13 to 17 in the United States identify as transgender, as compared to 0.6% of adults).

³ Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey* 95 (2016), www.ustranssurvey.org/report.

⁴ 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*, 65 MORBIDITY & MORTALITY WEEKLY REPORT 1, 11, 15 (2015), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>; See also Human Right Watch, “*Like Walking Through a Hailstorm*”: Discrimination Against LGBT Youth in U.S. Schools (2016), <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are “...more than twice as likely as non-LGBT youth to be physically attacked at school...”); Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* 19 (2016) (discussing the higher victimization rates of sexual and gender minorities when incarcerated).

⁵ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *supra* note 5 at 3.

⁶ *Id.*

Eliminating data collection on sexual orientation and gender identity for youth would make it harder to reduce violence faced by LGBT youth

We are deeply concerned by BJS' proposal to stop collecting sexual orientation and gender identity data from 16- and 17-year-old respondents to the NCVS. Rather than expanding and improving federal data collection to advance knowledge about LGBT populations, BJS' proposal would limit the data currently being collected without any scientific basis for doing so. These data—which are voluntarily reported and confidentially collected—provide crucial information about criminal victimization of youth by sexual orientation and gender identity, and help inform government policy, funding, and programming to address the specific needs of this population.

This proposal fits within an alarming pattern in the federal government over the past two years to reverse or limit confidential and voluntary data collection on sexual orientation and gender identity. For example, in 2017, the U.S. Department of Justice and other federal agencies withdrew requests to the U.S. Census Bureau to add sexual orientation and gender identity measures to the American Community Survey (ACS) and the Decennial Census.⁷ In 2016, the Department of Justice had explained that adding these demographic items to the ACS and the Census was legally authorized and necessary for enforcing civil rights laws.⁸ In early 2017, the Department of Health and Human Services pulled sexual orientation and gender identity measures from the National Survey of Older Americans Act Participants (NSOAAP) and the Annual Program Performance Report for Centers for Independent Living⁹. After receiving thousands of comments against the proposed change, HHS retained the primary question on sexual orientation on NSOAAP. However, NSOAAP did not restore collection of data on gender identity, and does not currently provide information that can help address the needs of transgender elders.¹⁰ BJS' proposal to discontinue collection of data on LGBT youth in the NCVS is the latest expression of this concerning trend in federal data collection.

The NCVS is a vital source of national data on policy-relevant subjects, including hate crimes, sexual assault, intimate-partner violence, and experiences with the criminal justice system, and provides critical data “for the analysis of victimization risk, consequences of victimization, and responses to crime.”¹¹ The survey is also one of the main sources of data on unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

The inclusion of a gender identity measure on the NCVS marked the first time a national household survey specifically collected data on transgender respondents. In outlining the rationale for including sexual orientation and gender identity measures in the NCVS, BJS' researchers explained that these

⁷ See, e.g., Letter from Tom Carper and Kamala Harris, U.S. Senators, to John H. Thompson, Director, U.S. Census Bureau (2017), <https://www.carper.senate.gov/public/cache/files/de7e0915-ea9f-4c51-a2d5-f3ee4abe0bf3/2017-05-22-carper-harris-letter-to-census-bureau-re-new-subjects-press-.pdf>.

⁸ See *id.*; Hansi Lo Wang, Census Bureau Caught in Political Mess Over LGBT Data, NPR (2017), <https://www.npr.org/2017/07/18/536484467/census-bureau-found-no-need-for-lgbt-data-despite-4-agencies-requesting-it>.

⁹ SAGE, Federal survey trim LGBT questions, alarming advocates. <https://www.sageusa.org/newsevents/news.cfm?ID=342>; Union of Concerned Scientists, HHS Rolls Back LGBT Data Collection, September 2017, <https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/hhs-rolls-back-lgbt-data-collection#.WvS3uYgyvUI>

¹⁰ 82 FR 28491

¹¹ Lynn Langton et al., *Second Major Redesign of the National Crime Victimization Survey*, 16 CRIMINOLOGY & PUBLIC POLICY 1049, 1049 (2017).

measures “have been identified by researchers and policy makers as factors affecting victimization risk,”¹² and that while the “nature, source, and direction”¹³ of this risk is not “well estimated or understood ... research findings have shown that LGBT persons are at risk of experiencing certain types of victimization at equal or higher rates as heterosexual persons.”¹⁴

Including sexual orientation and gender identity demographics in the NCVS allowed BJS to assess their association with victimization and to identify and examine “populations historically underserved by criminal justice agencies.”¹⁵ Without this type of quantitative, nationwide data, it would be “impossible to ascertain whether conditions have improved for these historically underserved groups.”¹⁶ The need for specific data on crimes committed against LGBT persons, including LGBT youth, is particularly acute in light of the fact that sexual orientation and gender identity are protected statuses under federal hate crime legislation.¹⁷ Similarly, the 2013 reauthorization of the Violence against Women Act prohibited discrimination in the administration of victim services against LGBT persons or those perceived as such.¹⁸ The collection of NCVS data on the experiences of LGBT youth allows for more effective enforcement of these laws and assessment of their implementation and impact.

Because it includes data on unreported crime, the NCVS is a particularly powerful tool to understand the scope and dimension of violence against LGBT youth. There are many reasons why LGBT people—particularly young people, people of color, transgender people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.¹⁹ Gathering data on LGBT youth through the NCVS provides the opportunity to examine the relationship between LGBT people and the nature of their contact with law enforcement, and gives policymakers information on how to strengthen these relationships and increase the likelihood that LGBT people will report crimes and have access to appropriate victim services.²⁰ By filling gaps in data on unreported crime, the NCVS also provides policymakers with a more accurate picture of crime and violence in the United States, and can help improve violence-reduction policies and programming, victim services, law enforcement and the criminal justice system more broadly.²¹

Removing sexual orientation and gender identity measures for 16- and 17-year-old NCVS respondents would also impact data collection on other government surveys, further limiting the data available on violence against LGBT youth. The NCVS is the parent survey for several other surveys that include

¹² *Id.* at 1057.

¹³ *Id.* at 1057.

¹⁴ *Id.* (citing Christopher Krebs et al., *Campus Climate Survey Validation Study* (2016)); National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender, Queer, and HIV Affected Intimate Partner Violence in 2014* (2015); Mikel L. Walters et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation* (2013).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ 18 U.S.C. § 249(2)

¹⁸ 34 U.S.C. § 12291(b)(13)(A)

¹⁹ Movement Advancement Project & Center for American Progress, *Unjust: How the Broken Criminal Justice System Fails LGBT People of Color* (2016), <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system); Langton et al., *supra* note 11 at 1050 (“The gay and lesbian community, undocumented residents, and other vulnerable populations, for example, may be less likely to seek help after an experience out of fear of retribution. This selectivity can bias the description and understanding of these crime events.”)

²⁰ Langton et al., *supra* note 11 at 1051, 1058.

²¹ *Id.* at 1057.

youth respondents. For example, eliminating these measures in the NCVS would result in less information available about LGBT youth's interactions with police, which is collected through the Police Public Contact Survey.²²

BJS' justification for the proposed change is inadequate, arbitrary, capricious, and not based on facts

BJS' only justification for eliminating gender identity and sexual orientation questions from 16 and 17 year-old respondents was "concerns about the potential sensitivity of these questions for adolescents."²³ BJS did not provide any facts to substantiate this claim nor any scientific evidence about the actual administration of the NCVS since these questions were included in 2016.

Studies have shown that for adolescents questions about sexual orientation "are no more sensitive or more likely to be skipped than other sexual risk behavior questions."²⁴ In fact, during cognitive testing to add sexual orientation and gender identity questions to the NCVS, BJS found that 16 and 17 year-olds were "able to understand and answer these questions without difficulty."²⁵

Similarly, the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys found that "[m]ost surveys incorporating SOGI items have not found higher nonresponse rates than other 'sensitive' questions, such as personal or household income."²⁶ A study of Behavioral Risk Factor Surveillance System responses found that refusal rates for sexual orientation questions are actually much lower than refusal rates for questions on income.²⁷ Another recent study at community health centers found that a majority of people agreed that collecting data on sexual orientation and gender identity is important and will respond to such questions.²⁸

Other federally administrated population-based surveys and studies have successfully collected similar data from adolescents for years.²⁹ For example, BJS's own National Survey of Youth in Custody (NSYC) includes a measure of sexual orientation for youth over the age of 14,³⁰ and has provided a wealth of important information about disproportionate incarceration and sexual victimization of LGB

²² Bureau of Justice Statistics, *Data Collection: Police Public Contact Survey (PPCS)*, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=251>.

²³ 83 Fed. Reg. 15634.

²⁴ Elizabeth M. Saewyc, "Measuring sexual orientation in adolescent health surveys: Evaluation of eight school-based surveys," *Journal of Adolescent Health* 35 (4) (2004): 345.e1–345.e15, available at <https://www.jahonline.org/article/S1054-139X%2804%2900161-2/fulltext>.

²⁵ Bureau of Justice Statistics, "Testing Sexual Orientation and Gender Identity Questions for the National Crime Victimization Survey" (2013), available at https://paa.confex.com/paa/2016/mediafile/ExtendedAbstract/Paper9224/PAA%202016%20extended%20abstract_Truman.pdf.

²⁶ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* (2016).

²⁷ Nicole A. VanKim and others, "Adding Sexual Orientation to Statewide Public Health Surveillance: New Mexico's Experience," *American Journal of Public Health* 100 (12) (2010): 2392–2396, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2978164/>.

²⁸ Sean Cahill and others, "Do Ask, Do Tell: High Levels of Acceptability by Patients of Routine Collection of Sexual Orientation and Gender Identity Data in Four Diverse American Community Health Centers," *PLoS ONE* 9 (9) (2014): e107104, available at <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0107104>.

²⁹ Sexual Minority Assessment Research Team (SMART), Williams Institute, *Best Practices for Asking Questions about Sexual Orientation on Surveys* 24 (2009), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf> (citing various surveys).

³⁰ Bureau of Justice Statistics, *Data Collection: National Survey of Youth in Custody (NSYC)*, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=321> (last visited May 5, 2018).

youth in custody.³¹ The CDC's National Youth Risk Behavior Survey includes respondents as young as 13 and has included sexual orientation measures since 2015.³² The National Survey of Family Growth (NSFG), which includes respondents as young as 15, similarly includes a sexual orientation measure.³³

The Interagency Working Group warned of exactly what is occurring here, where the “perceived sensitivity of questions can affect the willingness of survey practitioners to include SOGI questions even when inclusion of these measures would support agency mission and data needs.”³⁴

There is no reason to believe these measures are *more* sensitive than other NCVS questions. By its very nature, the NCVS addresses sensitive topics, and respondents provide personal, potentially sensitive information about a range of topics, including whether they have been victim to different types of violence, including sexual assault, and specific details about their experiences with violent victimization. There is no basis to single out the questions on sexual orientation and gender identity as warranting special concern. Additionally, the questions are voluntary, and respondents who might be uncomfortable disclosing or unsure about their sexual orientation or gender identity could choose not to answer, or select the “don’t know”, “something else” or “none of these” response options.³⁵ Responses to the questions are highly confidential and are strongly protected under federal law.

As previously mentioned, younger people are more likely to identify as LGBT than their older counterparts, and LGBT youth are particularly vulnerable to crime and violence. Instead of limiting the victimization data collected about a population specially impacted by crime, BJS should instead focus on ways to improve data collection and make it easier for youth to respond to critical surveys like the NCVS. We encourage BJS to explore specific improvements to the administration of the NCVS as part of its redesign process, such as utilizing common survey practices that provide respondents greater privacy—particularly when asking adolescents questions at home.³⁶

The sudden proposal to withdraw questions on sexual orientation and gender identity from young respondents of the NCVS without underlying concrete concerns indicates that BJS may be acting in an arbitrary or capricious manner. As previously mentioned, BJS has been collecting information on LGBT youth through the NCVS since July 2016, following extensive testing. In December 2017³⁷ and

³¹ See, e.g., Bianca D.M. Wilson et al., *Disproportionality and Disparities among Sexual Minority Youth in Custody*, 46 J. YOUTH & ADOLESCENCE 1547 (2017); Alan J. Beck et al., Bureau of Justice Statistics, *Facility-Level and Individual-Level Correlates of Sexual Victimization in Juvenile Facilities, 2012*, NCJ Publication No. 249877 (2016), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5663>.

³² 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, <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>, at 2.

³³ See Anjani Chandra et al., *Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth*, 36 NATIONAL HEALTH STATISTICS REPORTS 1, <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>.

³⁴ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, “Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?” (2016).

³⁵ See also SMART Report, *supra* note 24 at 9.

³⁶ For example, the NSYC and NSFG are self-administered using a computer to afford respondents privacy. See generally *id.* at 17–23, 26–27 (discussing privacy and other administration considerations); Gender Identity In U.S. Surveillance Group, Williams Institute, *Best Practices For Asking Questions To Identify Transgender And Other Gender Minority Respondents On Population-Based Surveys* (2014).

³⁷ 82 Fed. Reg. 57295 (Dec. 4, 2017).

March 2018,³⁸ BJS sought comments from the public on versions of the NCVS that maintained the sexual orientation and gender identity measures for 16- and 17-year-olds, without expressing any concern about these items. On April 11, 2018, BJS abruptly announced the proposed removal of the sexual orientation and gender identity measures for 16- and 17-year-olds. BJS did not mention any justification for the new proposal other than the “potential sensitivity” or the information. It is implausible that in the short weeks between the March and the April requests for comment BJS adequately considered the issues based on new, sufficient evidence to reverse an almost two-year-old practice. This suggests that BJS may be acting arbitrarily and capriciously, without a valid scientific or fact-based foundation for the changes proposed.

Conclusion

We strongly urge BJS to continue to collect data on LGBT youth as part of the National Crime Victimization Survey, including by continuing to include sexual orientation and gender identity measures for 16- and 17-year-old respondents. Federal data collection on crimes committed against LGBT youth is essential to combat the widespread discrimination and violence faced by these populations, which are disproportionately affected by violence. Collecting data on sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but will also provide a better understanding of crime victimization and aid policymakers and service providers in designing evidence-based policies and interventions to protect victims and prevent crime. BJS did not provide an adequate or substantial justification or evidence for the proposed change. Instead of limiting the victimization data collected about a population specially impacted by crime, BJS should instead focus on ways to improve data collection and make it easier for youth to respond to critical surveys like the NCVS. If BJS adopts this proposal, it should conduct the necessary research and data collection on criminal victimization of LGBT youth to replace the information that will be omitted from the NCVS.

Thank you for your consideration

³⁸ 83 Fed. Reg. 12030 (Mar. 19, 2018).

May 11, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street, NW
Washington, D.C. 20531
VIA EMAIL: Jennifer.Truman@ojp.usdoj.gov

RE: National Crime Victimization Survey (83 Fed. Reg. 15624)

Dear Ms. Truman,

The undersigned organizations write to oppose the Bureau of Justice Statistics' (BJS) proposal to remove sexual orientation and gender identity questions for 16- and 17-year-old respondents to the National Crime Victimization Survey (NCVS). Our organizations support policy and practices that promote the health and well-being of all youth, including youth who are lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ). The data generated by these questions are crucial to understanding the scope and nature of criminal victimization of LGBTQ youth, and developing informed, evidence-based public policy. Eliminating these questions would deprive the public and policy-makers of this critical information, and reinforce the invisibility, disempowerment, and vulnerability of LGBTQ youth.

Data Documenting the Vulnerability of LGBTQ Youth Has Led to Critical Policy and Practice Reforms

Research has documented bias directed at LGBTQ youth in multiple settings, and the resulting risks to their health and safety. Since 1999, the National School Climate Survey (NSCS) has documented high levels of harassment, mistreatment, and victimization of LGBT students, as well as a correlation between hostile school environments and poor educational and psychological outcomes.¹ LGBTQ youth have a 120% increased risk of experiencing homelessness than their non-LGBTQ peers.² LGBTQ youth constitute 19% of youth in the child welfare system, which is 1.5 to 2 times their estimated numbers in the general population.³ Compared with their non-LGBTQ peers, LGBTQ foster youth experience multiple obstacles to

¹ John G. Kosciw, Emily A. Greytak, Noreen M. Giga, Christian Villenas, & David J. Danischewski, *The 2015 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*, GLSEN (2016), <https://www.glsen.org/article/2015-national-school-climate-survey> [hereinafter "GLSEN"].

² Matthew Morton, A. Dworsky, & G. M. Samuels, *Missed opportunities: Youth homelessness in America*. CHAPIN HALL AT THE UNIVERSITY OF CHICAGO (2017), <https://www.chapinhall.org/wp-content/uploads/VoYC-LGBTQ-Brief-FINAL.pdf>.

³ Bianca D.M. Wilson, Khush Cooper, Angel Kastanis, Sheila Nezhad, *New Report: Sexual and Gender Minority Youth in Foster Care*, WILLIAMS INST. (Aug. 2014), https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf.

obtaining permanent families, including a higher number of total placements while in care and higher likelihood of placement in group care.⁴ LGBTQ and gender nonconforming youth represent 20% of youth in juvenile detention nationally, and are twice as likely as their non-LGBTQ and gender conforming peers to have a history of homelessness and involvement in the child welfare system.⁵ Research conducted by the BJS shows that LGB youth confined in juvenile facilities are at significantly higher risk than their heterosexual peers for sexual assault by other youth.⁶ Research specific to the experiences of transgender youth in juvenile facilities is not available and the lack of this data demonstrates why comprehensive data collection, inclusive of sexual orientation, gender identity and gender expression, is so critical to understanding the needs and experiences of LGBTQ youth.

While these data demonstrate a disturbing pattern of risk and disparities across multiple settings, they have also raised awareness and informed critical changes in policy and practice aimed at decreasing risk and promoting the health and well-being of LGBTQ youth. The NSCS has documented the positive impact of supportive student clubs, LGBT inclusive curriculum, comprehensive anti-bullying policies, and supportive educators.⁷ The overrepresentation and vulnerability of LGBTQ youth in child welfare and juvenile justice systems has led to the adoption of national standards of care,⁸ state and local nondiscrimination policies,⁹ and training curricula for agency personnel, facility staff, and legal professionals.¹⁰ Data compiled by BJS pursuant to the Prison Rape Elimination Act (PREA) supported the adoption of federal regulations that extend specific protections aimed at ensuring the safety of LGBT and intersex youth confined in juvenile justice facilities.¹¹

The continued gathering of data about LGBTQ youth is essential to the development of sound public policy. Adoption of the proposal to remove sexual orientation and gender identity questions for 16- and 17-year-old respondents to the NCVS would deprive policymakers of information critical to understanding and responding to violence and other crimes against LGBTQ youth. These data are particularly important because the NCVS includes questions about unreported crime, and thus provide a fuller picture than other federal data sets. Maintaining collection of these data would support the creation of more effective, evidence-based policies

⁴ *Id.* at 6.

⁵ Angela Irvine & Aisha Canfield, *Reflections on New National Data on LGBQ/GNCT Youth in the Justice System*, 6 LGBTQ POLICY J. AT THE HARVARD KENNEDY SCHOOL 27 (2017).

⁶ Allen J. Beck, David Cantor, John Hartge, & Tim Smith, *Sexual Victimization in Juvenile Facilities Reported by Youth*, BUREAU OF JUSTICE STATS. (2013), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4656>.

⁷ GLSEN, *supra*, note 1.

⁸ See, e.g. Shannan Wilber, Caitlin Ryan & Jody Marksamer, *CWLA Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care* (2006); ANNIE E. CASEY FOUND., *Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System* (2015).

⁹ THE EQUITY PROJECT, <http://www.equityproject.org/type/policy/index.html> (last visited May 9, 2018).

¹⁰ See, e.g., EQUITY PROJECT, *Toward Equity Training Curriculum* (2015), http://www.equityproject.org/wp-content/uploads/2015/01/Equity_Curriculum_Complete.pdf.

¹¹ 28 C.F.R. Part 115.

and interventions aimed at reducing violence against LGBTQ youth and improving services to LGBTQ youth who are victimized.

The Purported Rationale Does Not Justify the Proposal

The sole justification offered for removing the sexual orientation and gender identity questions is “the potential sensitivity of these questions for adolescents.”¹² However, this rationale is undermined by the number of population-based surveys that have successfully collected these data from youth for many years—including surveys administered by BJS. The National Survey of Youth in Custody (NSYC) includes a measure of sexual orientation for youth over the age of 14,¹³ and has provided important information about disproportionate incarceration and sexual victimization of LGB youth in custody.¹⁴ The CDC’s National Youth Risk Behavior Risk Survey (YRBS) includes respondents as young as 13 and has included sexual orientation measures since 2015.¹⁵ In 2015, more than 15,500 youth from across the country filled out the YRBS survey on their own, anonymously at school.¹⁶ The National Survey of Family Growth, which includes respondents as young as 15, has included a sexual orientation behavior measure for many years.¹⁷ The California Health Interview Survey has asked youth about their gender expression since 2015.¹⁸ The data generated by these surveys demonstrate that youth are both able and willing to answer questions about sexual orientation and gender identity.

Based solely on the unsupported speculation that the questions are “potentially sensitive for adolescents,” BJS proposes to eliminate the questions altogether for youth respondents. BJS offers no indication that it has sought or received any feedback from youth or individuals who administer the survey about the questions or recommendations for addressing potential concerns. Nor does it explain why these specific questions are more sensitive than questions about forced or unwanted sexual activity (question 43), physical, mental, or emotional disability (question

¹² 83 Fed. Reg. 15634 (Apr. 11, 2018).

¹³ BUREAU OF JUSTICE STATS., DATA COLLECTION: NATIONAL SURVEY OF YOUTH IN CUSTODY (NSYC), <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=321> (2012).

¹⁴ Bianca D.M. Wilson et al., *Disproportionality and Disparities among Sexual Minority Youth in Custody*, 46 J. YOUTH & ADOLESCENCE 1547 (2017); Alan J. Beck, A. J. et al., *Facility-level and individual-level correlates of sexual victimization in juvenile facilities*, BUREAU OF JUSTICE STATS. (2012); Leanne Heaton, David Cantor, Carol Bruce, Wijia Ren, John Hartge, Allen J. Beck, *Facility-Level and Individual-Level Correlates of Sexual Victimization in Juvenile Facilities* (NCJ Publication No. 249877), BUREAU OF JUSTICE STATS. (2016), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5663>.

¹⁵ 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), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

¹⁶ *Id.* at 3-4.

¹⁷ See Anjani Chandra et al., *Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth*, 36 NATIONAL HEALTH STATS. REPORTS 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>.

¹⁸ Bianca D.M. Wilson et al., *Characteristics and Mental Health of Gender Nonconforming Adolescents in California*, WILLIAMS INST. & UCLA CTR. FOR HEALTH POL’Y RES. (2017), <http://healthpolicy.ucla.edu/publications/Documents/PDF/2017/gncadolescents-factsheet-dec2017.pdf>.

170), or citizenship status (question 82). The current methodology gives youth the option of declining to answer questions about sexual orientation or gender identity, or choosing “don’t know,” “something else,” or “none of these.” Elimination of the questions for youth respondents would foreclose disclosure entirely, and deprive youth of the choice to decide for themselves whether and how to answer the questions. This result would reinforce the invisibility of LGBTQ youth, and prevent consideration of their experiences of criminal victimization. Given that BJS currently collects these data, the proposal to reverse the practice conveys a troubling message that LGBTQ youth are not a priority to BJS.

Conclusion

We urge BJS to continue to collect sexual orientation and gender identity data from youth respondents to the NCVS, and to adopt more effective and narrowly tailored solutions to remedy concerns about the sensitivity of the questions. We recommend that BJS solicit and consider the recommendations of youth, including LGBTQ youth, about the efficacy of the questions and proposals to create conditions that make it safer and more comfortable for youth to answer them.

Sincerely,



Shannan L. Wilber, JD
Youth Policy Director
National Center for Lesbian Rights



M. Currey Cook
Counsel and Youth in Out-of-Home Care Project Director
Lambda Legal

Center for Juvenile Justice Reform
Georgetown University

Child Welfare League of America

American Civil Liberties Union

Los Angeles LGBT Center

Equality California

Equality North Carolina

National Council of Jewish Women

The Trevor Project

Gender Spectrum

GLMA: Health Professionals Advancing LGBT Equality

CenterLink: The Community of LGBT Centers

National LGBTQ Task Force

Transgender Law Center

Voice for Adoption

Whitman Walker Health

From: Cynthia at NYABN
To: [Truman, Jennifer \(OJP\)](#)
Cc: kirsten_gillibrand@gillibrand.senate.gov; Scheduling_schumer@schumer.senate.gov
Subject: OMB Number 1121-0111 Revision of a Currently Approved Collection National Crime Victimization Survey (NCVS)
Date: Friday, May 11, 2018 1:44:32 PM

Friday 11 May 2018

Cynthia Connors

Jennifer Truman
Bureau of Justice Statistics 810
Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

I am writing today in **opposition** to the proposal to **raise the minimum age** for respondents to be asked about their **sexual orientation and gender identity** from **16 to 18**.

This announcement is **especially concerning** given that **LGBTQ youth** are **particularly vulnerable to violence** and **other crimes**.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police. And since the NCVS helps allocate federal and state funding toward crime prevention, understanding the true level of crime incidence is very important.

When information is collected, it shows that LGBTQ young people, especially bisexual and transgender individuals, have high rates of crime victimization. This is supported by other research:

A survey of nearly 27,000 Minnesotan college students found that 47 percent of bisexual students had experienced sexual assault in the past year. In 2015, the National Center for Transgender Equality surveyed over 27,000 transgender people across the country: Nearly a quarter reported being physically attacked when they were in primary or secondary school. An analysis of the Youth Risk Behavior Survey, another federal survey of high-school age youth that asks questions about sexual orientation found that lesbian, gay, and bisexual youth are at increased risk for violence.

Again, I urge the Bureau **not to raise the minimum age** for respondents to be asked about their sexual orientation and gender identity from 16 to 18.

Thank you,

Cynthia Connors

May 10, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of the undersigned Massachusetts-based organizations, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

Our organizations represent juvenile justice, child welfare, education, legal services and other organizations. We are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and gender identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to "concerns about the potential sensitivity of these questions for adolescents."⁷ However, it is important to note that not only are the

questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

Removing the categories of sexual orientation and gender identity from this survey threatens to erase the reality of LGBTQ youth and suggests that LGBTQ youth have something to hide. Every youth has a sexual orientation, and every youth has a gender identity, and their healthy development is a key developmental task of adolescence. We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,

Citizens for Juvenile Justice
CORI & Re-entry Project Director, Greater Boston Legal Services
National Association of Social Workers-Massachusetts Chapter
Charles Hamilton Houston Institute for Race and Justice
RFK Children's Action Corps
GLBTQ Legal Advocates & Defenders
Massachusetts Trans Political Coalition
Rosie's Place
Emerson College Engagement Lab
Massachusetts Commission on LGBTQ Youth
MA Coalition for Effective Public Safety

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jije.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied

in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.”).

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

On behalf of URGE: Unite for Reproductive & Gender Equity, we write to offer comments on the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

URGE empowers young people, particularly young lesbian, gay, bisexual, transgender, and queer (LGBTQ) people, to live their full, authentic lives especially as related to their sexual and reproductive health. We are deeply concerned that this regulation will harm young LGBTQ people by not collecting the critical data necessary to make evidence-based policy reforms to ensure their safety.

In this line of work, we are all too aware that many youth who wind up in the justice system are often first victims of crime and exposed to trauma themselves. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.¹

The NCVS "is the nation's primary source of information on criminal victimization."² The survey, which has been administered since 1973, collects information from victims of

¹ See HUMAN RIGHT WATCH, "LIKE WALKING THROUGH A HAILSTORM": DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are "...more than twice as likely as non-LGBT youth to be physically attacked at school..."); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System, New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> ("For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.").

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Further, similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

The assertion by BJS that these questions would be “potentially sensitive for adolescents” is unfounded and includes no indication that BJS has received any feedback from youth

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC News (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

recommending a change. In fact, young people are willing and able to answer questions about their sexual orientation and gender identity, as evidenced by the other surveys previously mentioned. Only 48% of Generation Z (13-20) identify as “completely heterosexual,” an even smaller number than the 65% of Millennials (21-34) who identify as such.¹⁰ These young people deserve the opportunity to be counted as their full, authentic selves and elimination of the sexual orientation and gender identity questions would rob these young people of the choice to do so. Young people are the experts in their own lives and can determine for themselves whether and how to answer these questions.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹¹ Continuing to collect this data will also provide a better understanding of crime victimization and aid policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data. We further recommend that BJS seek input from youth themselves about the potential sensitivity of survey questions and how BJS may make it safe and comfortable for youth to respond.

Sincerely,

Alexis Cole, JD
Policy Director
URGE: Unite for Reproductive & Gender Equity

¹⁰ JWT Intelligence Innovation Group, *Gen Z goes beyond gender binaries in new Innovation Group data* (March 11, 2016), <https://www.jwtintelligence.com/2016/03/gen-z-goes-beyond-gender-binaries-in-new-innovation-group-data/>

¹¹ See JESSE JANNETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).



May 11, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street, NW
Washington, D.C. 20531
Via Email: Jennifer.Truman@ojp.usdoj.gov

RE: Revisions to the National Crime Victimization Survey [OMB Number 1121-0111]

Dear Ms. Truman,

We write in opposition to the proposed elimination of sexual orientation and gender identity questions for 16- and 17-year-old respondents to the National Crime Victimization Survey (NCVS). The removal of these measures will undermine the quality and utility of the information collected by the NCVS as it relates to the study of gun violence victimization, and, in particular, the disproportionate impact of gun violence on the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community.

As the country's largest gun violence prevention organization, Everytown for Gun Safety is dedicated to understanding and reducing gun violence in America by conducting original research, leveraging available social science to develop evidence-based policies, and serving as experts in the area for the American public and policymakers alike. Everytown regularly publishes reports and fact sheets containing original, empirical research on the impact of gun violence and potential avenues for reducing and preventing such violence.

Data collected by the NCVS on gun violence victimization are largely unavailable through other accessible sources. In fact, a unique utility of the NCVS exists at the intersection of LGBTQ identities and gun violence victimization. The decision to remove questions capturing sexual orientation and gender identity for respondents under the age of 18 would weaken the collection of data on victimization on a disproportionately victimized population, impeding the exploration of the relationship between gun violence and LGBTQ youth.

In this comment, we discuss the glaring lack of data on gun violence and the resulting pivotal role of the NCVS in gun violence research. We also demonstrate the importance of the NCVS in exploring the disproportionate impact of gun violence on the LGBTQ community.

Every day in America, an average of 96 people are killed by gun violence.¹ In a typical year, nearly 13,000 gun homicides occur in the U.S.² For every one person killed with guns, two more are injured.³ And, as the recent mass shooting at Marjory Stoneman Douglas High School made tragically evident, gun violence has a devastating impact on American children and teenagers and the effects are far-

¹ Five-year average (2012-2016), "Fatal Injury Reports," Injury Prevention & Control: Data & Statistics (WISQARS), accessed May 7, 2018 <http://1.usa.gov/1pIXBux>

² *Ibid.*

³ Five-year average (2011-2015), "Non-Fatal Injury Reports," Injury Prevention & Control: Data & Statistics (WISQARS), accessed May 7, 2018 <http://1.usa.gov/1qo12RL>



reaching—each year, an estimated 3 million American children under the age of 18 are exposed to shootings, including domestic violence shootings, suicides by firearm, and unintentional shootings.⁴ Despite the epidemic proportions of gun violence in America, researchers know little about the causes and correlates of gun violence. As the Bureau of Justice Statistics (BJS) is aware, this is due in large part to a concerted effort to block funding for gun violence prevention research to federal agencies.

In 1996, the U.S. Congress approved a budget restriction on the Centers for Disease Control (CDC) that prevented the agency from spending any funds to “advocate or promote gun control.”⁵ While that rider did not explicitly change the law—indeed, agencies like CDC are already barred from this type of advocacy—it was intended to have, and did have, an intense chilling effect on funding for this critical issue broadly. Indeed, CDC research funding for gun violence fell by 96 percent between 1996 and 2012.⁶ A similar restrictions have since been imposed on the National Institutes of Health (NIH)⁷ And the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)⁸ has been barred from sharing critical data with the research community. These federal restrictions have severely depressed sharing and gathering of information regarding the correlates and predictors of gun violence.

What remains without such restrictions are two national criminal surveys, the NCVS and the Uniform Crime Reporting (UCR) system. Though data from these two surveys are often used to supplement and validate one another, the NCVS captures data unavailable in the UCR. For these reasons, the NCVS has played a pivotal role in researchers’ understanding of non-fatal gun violence victimization. Indeed, the NCVS is “the nation’s primary source of information on criminal victimization.”⁹

One particular benefit of the NCVS is the in-depth collection of demographic information, allowing researchers to zoom in on specific populations and better understand their experience of violence victimization. This is especially important in the study of LGBTQ crime victims—given that research suggests LGBTQ people are at a higher risk of violence in general, and gun violence in particular, compared to non-LGBTQ people.¹⁰ Alarming, according to the National Coalition of Anti-Violence Programs (NCAVP), 2017 was the deadliest year on record for the LGBTQ community: The number of anti-LGBTQ homicides, nearly half of which targeted transgender women of color, was higher in 2017 than at any time in the previous decade.¹¹ In most of these homicides, guns were the weapon of

⁴ Fowler KA, Dahlberg LL, Haileyesus T, Gutierrez C, Bacon S. Childhood Firearm Injuries in the United States. *Pediatrics*. 2017; 140(1). Everytown analysis derives the 3 million number by multiplying the share of children (ages 0-17) who are exposed to shootings per year (4.2%) by the total child population of the US in 2016 (~73.5M).

⁵ *Omnibus Consolidated Appropriations Act, 1997*, Public Law 104-208, 104th Cong., 2d sess. (September 30, 1996).

⁶ Everytown for Gun Safety, “The Congressional Ban on Gun Violence Prevention Research,” available at <https://everytownresearch.org/the-congressional-ban-on-gun-violence-prevention-research/>

⁷ Christine Jamieson, “Gun violence research: History of the federal funding freeze,” *The American Psychological Association*, February 2013, available at <http://www.apa.org/science/about/psa/2013/02/gun-violence.aspx>.

⁸ Pub. L. 112-55, 125 Stat. 125 552, 609-610 (Nov. 18, 2011)

⁹ Bureau of Justice Statistics (BJS), Data Collection: National Crime Victimization Survey (NCVS), 2016, available at <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>

¹⁰ Park and Mykhyalshyn, “L.G.B.T. People Are More Likely to Be Targets of Hate Crimes Than Any Other Minority Group.”; Federal Bureau of Investigation, “Table 1: Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2016” in 2016 Hate Crime Statistics, available at <https://ucr.fbi.gov/hate-crime/2016/tables/table-1>.

¹¹ National Coalition of Anti-Violence Programs (NCAVP). (2018). *A Crisis of Hate: A Report on Homicides Against Lesbian, Gay, Bisexual and Transgender People*: Emily Waters, Larissa Pham, Chelsea Convery.

choice.¹² Data collection that is inclusive of LGBTQ identities at all ages is paramount to our work in understanding and preventing gun violence.

The NCVS is important to researchers' understanding of the relationship between LGBTQ identities and gun violence victimization in large part because the survey includes three specific components: self-reported sexual orientation and gender identity, robust information on situational characteristics of victimization, and crimes not reported to law enforcement.

Inclusion of Sexual Orientation and Gender Identity. As BJS is aware, the vast majority of federal data collections do not ask respondents to identify their sexual orientation and gender identity, among other demographic items. Notable data sources in gun violence research, such as the UCR and the CDC's Fatal Injury and Non-Fatal Injury Reports, do not include sexual orientation and gender identity.¹³ The NCVS fills this gap. It also includes additional demographic data allowing researchers to explore subsections of the LGBTQ population, including LGBTQ youth, and their experiences of gun violence. Thus, the inclusion of sexual orientation and gender identity variables for respondents of all ages in the NCVS opens up the possibility of examining the relationship between LGBTQ youth and gun violence in otherwise unattainable ways.

Exploration of the Situational Characteristics of Victimization. A growing body of research suggests that victimizations of LGBTQ people are distinctive in many ways. When compared with other forms of bias victimizations, anti-LGBTQ bias victimizations involve a greater severity of physical violence¹⁴ and increased likelihood of weapon use, including firearms.¹⁵ LGB individuals also experience intimate partner violence at higher rates than their non-LGB counterparts: Bisexual women are particularly at risk, with 61% reporting intimate partner violence in their lifetimes.¹⁶

NCVS provides extensive and detailed information on the situational characteristics of incidents, including the victim-offender relationship, time and place of occurrence, use of weapons, nature of injury, and economic consequences. This information is vitally important for researchers to identify patterns in crime and examine situational characteristics as they relate to demographics. Examining these characteristics in violence impacting LGBTQ people, particularly LGBTQ youth, can provide a better understanding of crime victimization, including gun crime, and help design evidence-based policies and interventions to protect victims.

¹² National Coalition of Anti-Violence Programs (NCAVP). (2018). *A Crisis of Hate: A Report on Homicides Against Lesbian, Gay, Bisexual and Transgender People*: Emily Waters, Larissa Pham, Chelsea Convery.

¹³ The UCR includes the relationship code "homosexual" to indicate that the victim and offender were a same-sex couple, but does not include a sexual orientation for the victim or offender in the absence of an intimate partner relationship between the two. Though the National Incident Based Reporting System (NIBRS), a subset of the UCR, includes information regarding the "bias motivation" as well as the "age of the victim" of offenses reported to law enforcement, far too few police agencies report their statistics via NIBRS to provide an accurate national picture of even of the small subset of these victimizations that are reported to law enforcement.

¹⁴ Dunbar, E. (2006). Race, gender, and sexual orientation in hate crime victimization: Identity politics or identity risk? *Violence and Victims*, 21, 323-337.

¹⁵ Stacey, M. (2011). Distinctive characteristics of sexual orientation bias crimes. *Journal of Interpersonal Violence*, 26, 3013-3032.

¹⁶ National Center for Injury Prevention and Control, "NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation," available at https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf



Inclusion of Victimitizations Not Reported to Law Enforcement. According to a 2017 report at BJS, 54% of all hate crime victimizations were not reported to the police during the period from 2004 to 2015.¹⁷ As a repository for data on unreported crimes, the NCVS serves a vital role for researchers looking to better understand the characteristics of these crimes unknown to police, victims who do not report crimes, and the reasons these crimes are not reported. This is particularly important for research on victims of anti-LGBTQ bias crimes, as evidence suggests they are significantly less likely to seek assistance from law enforcement following victimization.¹⁸ The sexual orientation and gender identity measures allow for the identification and examination of crimes against LGBTQ youth, a group that has been underserved by criminal justice agencies and is at disproportionate risk for gun crime.

For the reasons above, we urge the BJS to maintain its collection of sexual orientation and gender identity data from NCVS respondents 16 years and older. Removing this important measure will drastically undermine the quality of data available to gun violence researchers at a time when researchers believe that anti-LGBTQ gun violence is at an all-time high. These data will not only help ensure that LGBTQ people, particularly LGBTQ youth, are better protected from violence and better served when victimized, but they will help create more effective, evidence-based policies and interventions aimed at reducing gun violence.

Thank you for your consideration. Please direct any correspondence to asheldon@everytown.org.

Respectively Submitted,

A handwritten signature in black ink that reads "Sarah Tofte".

Sarah Tofte
Director, Research & Implementation
Everytown for Gun Safety

A handwritten signature in black ink that reads "Alex Sheldon".

Alex Sheldon
Research Associate
Everytown for Gun Safety

¹⁷ Bureau of Justice Statistics (BJS), Hate Crime Victimization, 2004-2015, available at <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>

¹⁸ Herek, G. M., Cogan, J. C., & Gillis, J. R. (2002). Victim experiences in hate crimes based on sexual orientation. *Journal of Social Issues*, 58, 319-339.

May 11, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street, NW
Washington, D.C. 20531
VIA EMAIL: Jennifer.Truman@ojp.usdoj.gov

RE: Revisions to the National Crime Victimization Survey [OMB Number 1121-0111]

Dear Ms. Truman,

We write to oppose the removal of the sexual orientation and gender identity items for 16- and 17-year-old respondents to the National Crime Victimization Survey (NCVS). Collecting data about LGBT youth is a critical step to developing policy solutions that can help foster safe and affirming schools for all students. Reversing existing mandates to collect this data would be a detriment to all students. As advocates working to ensure that every student has access to an affirmative school climate, our research and evidence-based programming informs our position urging the Bureau of Justice Statistics to retain existing practices to collect pertinent information to serve LGBT youth.

It is critical that the Department of Justice continue to collect this data due to the increased vulnerability of LGBT populations to being subject to victimization. For example, the Southern Poverty Law Center documented 15,351 anti-LGBT hate crime offenses committed between 1995-2008.ⁱ This number includes only hate crimes committed against people, and does not reflect other types of hate crimes, including demonstrations of bias, malice, or victimization that have implications on property. Unfortunately, LGBT individuals—including youth from age 16 to 18—are quite often victims of such crimes themselves. LGBT youth are also at increased risk for victimization; for example, data from national polling of secondary students conducted by Nielsen/Harris on behalf of GLSEN shows that 73.9% of LGBT students reported personally experiencing some type of peer victimization, and that LGBT youth are more likely to be victimized than non-LGBT youth.ⁱⁱ This victimization can occur through bullying, assault, or other incidents that have serious implication on the safety and success of LGBT youth. Although existing data on LGBT youth from national polls (such as Nielsen), academics, and organization-based researchers has consistently demonstrated the prevalence of violence and other crimes experienced by LGBT adolescents, as well as their heightened risk and the negative consequences of such incidents, there remains a need for national population-based data. Having data to demonstrate the extent to which LGBT youth are subject to additional victimization because of their identity is crucial to understanding the depth of the problem and to ensuring policies that help to address it. Rescinding the policy to collect information to understand the scope of victimization experienced by LGBT youth fails to uphold previous commitments to the safety and security of marginalized groups intended to be protected by this department.

In July 2016, self-reported data on sexual orientation and gender identity was collected from all sampled respondents to the National Crime Victimization Survey age 16 or older. The Department of

Justice's proposed considerations to reverse this decision indicate that the single question on sexual orientation and two-part question on gender identity (assigned sex at birth and current gender) would no longer be administered to respondents ages 16 and 17. The minimum age for these questions would be raised to 18 due to concerns about the potential sensitivity of these questions for adolescents. Currently, NCSVS and the accompanying school crime supplement administered to NCSVS respondents 18 and under is one of the few sources of population-based dataset on LGBT secondary school students and removal of these questions for 16 and 17 year olds would further diminish access to data about this marginalized group. Specifically, without collecting this data, those charged with supporting our youth will not have the tools, information, or research necessary to understand the experiences and concerns facing this student population. Population-based data is critical for determining research, practice, and policy needs regarding LGBT populations, and, as noted by the Institute of Medicine's report, data on LGBT adolescents is particularly sparse and desperately needed.ⁱⁱⁱ

Reversing this policy by classifying questions about sexual orientation and gender identity as "potentially sensitive" for teenagers, will not only deprive policymakers, practitioners, and educators critical information about vulnerable population, but it will further stigmatize the experiences of LGBT youth. We affirm that there is nothing subversive or inappropriate about youth being able to self-identify their sexual orientation or gender identity. These questions have historically been asked not only of adolescent respondents of the NCSV (16+) but also of adolescents on many surveys, including those administered by federal, state, and local government agencies.^{iv} Given the existing successful use of these items with adolescent respondents, we request information on DOJ's basis for recently determining these items too "potentially sensitive" to be included as optional survey items for 16 and 17 year olds. The decision to reverse the inclusion of these items for respondents 16 years and older is surprising given these issues were previously assessed and evaluation during the NCVS instrument redesign testing project when the items were initially considered for inclusion. Specifically, these sexual orientation and gender identity questions were tested for appropriateness and accuracy and deemed worthy of inclusion for respondents 16 years of age and older – testing was explicitly done with 16 and 17-year-old youth. In addition, cognitive and field testing of items assessing assigned sex, sexual orientation, and gender identities has deemed these types of items appropriate and relevant for adolescents and determined that they do not impose discomfort nor an undue burden on respondents (see citations below^v).

Furthermore, examination of these types of items on other federal surveys have found these items *not* to be viewed as sensitive or problematic by vast majority of respondents, and also have not resulted in non-response, for example see findings from cognitive interviews conducted by the Census Bureau and BLS (assessments include items asked of adolescents).^{vi} Although subjects of the cognitive interviews cited above did, when probed, rank sexual orientation, disability, income, and gender identity items as more sensitive than others, this did not prohibit them from responding to the item. Though a minority of respondents overall classified such items as sensitive, it was concluded that this sensitivity was predominantly in regards to proxy respondents (i.e. responding about sexual orientation or gender identity for other members of their household). And, as the researchers concluded "there was little evidence of respondents perceiving the SOGI questions to be sensitive for self-response."^{vii} It is also worth noting that among non-LGBT respondents in the aforementioned cognitive interviews, older respondents (over 30) found these questions more sensitive than did

younger respondents, indicating that any potential sensitivity would be less likely for adolescents than for older adults (this falls in line with generational differences in acceptance and comfort with LGBT people).

Regarding the birth sex item used as part of the two-measure gender identity assessment for the NCVS, “sex assigned at birth” should not be considered a sensitive piece of information. The response to the birth sex item stems from a legal document (birth certificate) that is commonly provided in legal, health, family, and education matters. In addition, a measure of sex (as in male or female) is one of the most commonly assessed demographic items in both survey research and administrative data collection – by both governmental and non-governmental sources, and therefore cannot be considered sensitive in general population surveys.

Given that the targeted sexual orientation and gender identity items are optional questions, anyone who is uncomfortable answering or would prefer not to answer for any reason may choose not to. Additionally, non-response rates are one of the key attributes considered when determining the validity and feasibility of survey measures. As such, we also request information on the decline-to-respond rates among 16 and 17 year olds for each of these items for the past NCVS surveys, and inquire if these rates differ from other optional items, particularly how they may or may not differ from other demographic items. Prior research has indicated that respondents are no more likely to decline to respond to items about sexual orientation and gender identity than they are to other demographic items, and that items regarding income have been found to have higher rates of nonresponse. For example, assessment of sexual orientation items on federal National Health Interview Survey^{viii} indicated very low non-response rates, and even lower non-response rates among younger participants. Thus, it would be useful to understand how this was evaluated and considered in this current DOJ proposal for removal of these items.

For all of the reasons above, the Bureau of Justice Statistics should continue to collect sexual orientation and gender identity data from respondents to the NCVS aged 16 and above. Thank you for your consideration. Please direct any further questions or correspondence to Sarah.Munshi@glsen.org.

ⁱ Potok, Mark. (2011). *Anti-Gay Hate Crimes: Doing the Math*. Montgomery: Southern Poverty Law Center.

ⁱⁱ Greytak, E.A., Kosciw, J.G., Villenas, C. & Giga, N.M. (2016). *From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers*. New York: GLSEN.

ⁱⁱⁱ Graham, R., Berkowitz, B., Blum, R., Bockting, W., Bradford, J., de Vries, B., ... & Makadon, H. (2011). *The health of lesbian, gay, bisexual, and transgender people: Building a foundation for better understanding*. Washington, DC: *Institute of Medicine*.

^{iv} Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. (2016). *Current measures of sexual orientation and gender identity in federal surveys*. Washington, DC.

^v Greytak, E. A., Gill, A., Conron, K., Matthews, P.A., Scout, Nfn, Resiner, S., Herman, J.L., Vilorio, H., Tamar-Mattis, A. (2014). *Identifying Transgender and Other Gender Minority Respondents on Population-Based Surveys: Special Considerations for Adolescents, Race/Ethnicity, Socioeconomic Status, and Intersex Status*. In J.L. Herman (Ed.), *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys* (pp. 29-43). Los Angeles, CA: The Williams Institute.

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Wilson, B. D., Cooper, K., Kastanis, A., & Nezhad, S. (2014). *Sexual and gender minority youth in foster care: Assessing disproportionality and disparities in Los Angeles*. The Williams Institute, LA LGBT Center, Holarchy Consulting, Permanency Innovations Initiative. Los Angeles, CA.

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- ^{vi} Ellis, R., Matthew Virgile, M., JHolzberg, J.L., Nelson, D.V., Edgar, J., Phipps, P. & Kaplan, R. (2018). *Assessing the Feasibility of Asking About Sexual Orientation and Gender Identity in the Current Population Survey: Results from Cognitive Interviews*. Research and Methodology Directorate, Center for Survey Measurement Study Series (Survey Methodology #2018-06).
- ^{vii} Ellis, R., Matthew Virgile, M., JHolzberg, J.L., Nelson, D.V., Edgar, J., Phipps, P. & Kaplan, R. (2018). *Assessing the Feasibility of Asking About Sexual Orientation and Gender Identity in the Current Population Survey: Results from Cognitive Interviews*. Research and Methodology Directorate, Center for Survey Measurement Study Series (Survey Methodology #2018-06).
- ^{viii} Dahlhamer, J.M., Galinsky, A.M., Joestl, S.S., Ward, B.W. (2014) *Sexual orientation in the 2013 National Health Interview Survey: A quality assessment*. Vital Health Stat 2(169).

May 11, 2018

Kenneth Mayer, MD
*Medical Research Director &
Co-Chair, The Fenway Institute*

Jennifer Potter, MD
*LGBT Population Health
Program Director &
Co-Chair, The Fenway Institute*

FACULTY

Kevin L. Ard, MD
Adjunct Faculty

Abigail Batchelder, PhD, MPH
Affiliated Investigator

Katie B. Biello, PhD
Research Scientist

Aaron J. Blashill, PhD
Affiliated Investigator

Wendy Bostwick, PhD, MPH
Adjunct Faculty

Sean Cahill, PhD
*Director of Health Policy
Research*

Kerith J. Conron, ScD, MPH
Research Scientist

Brian Dodge, PhD
Adjunct Faculty

Holly Fontenot, PhD, RN,
WHNP-BC
Adjunct Faculty

Alex Keuroghlian, MD, MPH
*Director, Education & Training
Programs*

Douglas S. Krakower, MD
Adjunct Faculty

Lisa Krinsky, LICSW
*Director of the LGBT Aging
Project*

Matthew Mimiaga, ScD, MPH
Senior Research Scientist

Conall O'Cleirigh, PhD
Affiliated Investigator

Bisola Ojikutu, MD, PhD
Adjunct Faculty

David W. Pantalone, PhD
Behavioral Scientist

Jennifer Putney, MSW, PhD
Adjunct Faculty

Sari L. Reisner, ScD
Research Scientist

Steve Safren, PhD
Affiliated Investigator

S. Wade Taylor, PhD
Associate Research Scientist

Marcy Gelman, RN, MSN, MPH
Director of Clinical Research

Bonnie McFarlane, MPP *Director
of Administration*

Jennifer Truman, PhD

Bureau of Justice Statistics

810 Seventh Street, NW

Washington, DC 20531

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: National Crime Victimization Survey (83 Fed. Reg. 15624)

Dear Dr. Truman,

The Fenway Institute at Fenway Health would like to submit public comment in opposition to the removal of sexual orientation and gender identity (SOGI) questions for 16- and 17-year old respondents on the National Crime Victimization Survey (NCVS). The Fenway Institute works to make life healthier for lesbian, gay, bisexual, and transgender (LGBT) people, people living with HIV/AIDS, and the larger community. We do this through research and evaluation, education and training, and policy analysis. We are the research division of Fenway Health, a federally qualified health center in Boston that serves 32,000 patients each year. Our youth-focused health center, the Sidney Borum Health Center, serves homeless and runaway youth, many of whom are LGBT.

The NCVS is one of the country's main sources of data on criminal victimization, including information on hate violence, sexual assault, intimate partner violence, and experience with the criminal justice system. This data is vital for informing researchers and policymakers on how to better address and serve communities, such as sexual and gender minority populations, which may be disproportionately burdened by violence and criminal victimization. LGBT people—and especially black gay and bisexual men and transgender women—are commonly the victims of bias-motivated hate violence. In fact, on a per capita basis, LGBT people are more likely to be the targets of hate crimes than any other group in America.¹ In 2014, over one-fifth (20.4%) of reported hate crimes were perpetrated based on the victim's sexual orientation or gender identity.² According to the 2015 U.S. Transgender Survey, a survey of nearly 28,000 transgender and gender nonconforming respondents from across the country, 47% of respondents reported being sexually assaulted in their lifetime, with 10% reporting a sexual assault in the past year.³ More than half of the respondents (54%) reported experiencing some form of intimate partner violence.⁴ Bisexual men and women, and lesbian women, also experience intimate partner violence at high rates.⁵

Unfortunately, LGBT youth are not exempt from the mistreatment and victimization that disproportionately burdens the LGBT population in general. LGBT youth are often the victims of violence and bullying in schools. For example, according to data from the 2015 Youth Risk Behavior Survey, 10% of

LGB youth nationally reported being threatened or injured with a weapon on school property, compared with 5.1% of heterosexual youth.⁶ According to the 2015 National School Climate Survey, 27.0% of students reported being physically harassed in the past year based on sexual orientation, and 20.3% reported being physically harassed based on their gender expression.⁷ The 2015 U.S. Transgender Survey found that among respondents who were out or perceived as transgender in grades K-12, 24% reported being physically attacked, and 13% reported being sexually assaulted for being transgender.⁸

Because of harassment in schools, compounded with other factors such as family rejection and homelessness, LGBT youth are particularly vulnerable to interaction with the criminal justice system. Studies have found that sexual and gender minority youth are overrepresented in confinement facilities, with up to 20% of youth in confinement identifying as something other than heterosexual.⁹

Removing the SOGI questions from the NCVS for 16- and 17-year old respondents will impair attempts to better understand and address the pervasive violence and victimization disproportionately affecting LGBT youth, as well as all youth who may experience violence on the basis of perceived sexual orientation or gender identity. The inclusion of SOGI measures on the NCVS is supported by the inclusion of sexual orientation and gender identity as protected statuses under the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act of 2009.

Furthermore, the federal government and BJS should be working towards expanding and improving federal efforts to collect SOGI data, rather than removing or limiting opportunities to collect this data. There is a dearth of population-level data on sexual orientation and gender identity, especially at the federal level. Because of this, the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys was created with the goal of increasing the number of federal data collection activities that include SOGI measurements. In order to better understand the unique experiences and needs of LGBT people, more representative and better quality data need to be collected about them. This data can then help to inform researchers, providers, and policymakers in developing interventions and policies to address and eliminate the disparities that disproportionately burden LGBT populations.

For all of these reasons, we believe that it is critical that the NCVS continue to ask SOGI questions to 16- and 17-year old respondents. The request for comment cites “concerns about the possible sensitivity of these questions for adolescents” as the main reason why SOGI questions will not be asked of respondents younger than 18 years old. However, SOGI questions have been developed and used in surveys with respondents younger than age 18, and the respondents understand and answer the questions. For example, the Massachusetts Youth Risk Behavior Survey has been asking Massachusetts high school students about sexual orientation since 1995 and about transgender identity since 2013.¹⁰ In order to best understand and address violent victimization experienced by LGBT people, and especially by LGBT youth, we

urge BJS to retain the SOGI questions on the NCVS for 16- and 17-year old respondents.

Thank you for this opportunity to provide comment. If you have any questions, please feel free to contact Sean Cahill, Director of Health Policy Research at scahill@fenwayhealth.org, or Tim Wang, Health Policy Analyst at twang@fenwayhealth.org.

Sincerely,

Kenneth Mayer, MD, FACP
Co-chair and Medical Research Director, The Fenway Institute
Director of HIV Prevention Research, Beth Israel Deaconess Medical Center
Professor of Medicine, Harvard Medical School

Jennifer Potter, MD
Co-Chair and LGBT Population Health Program Director
The Fenway Institute

Sean Cahill, PhD
Director of Health Policy Research
The Fenway Institute

Tim Wang, MPH
Health Policy Analyst
The Fenway Institute

¹ Park H, Mykhalyshyn I. (2016, June 16). L.G.B.T. People Are More Likely to Be Targets of Hate Crimes Than Any Other Minority Group. *The New York Times*.

² Federal Bureau of Investigation. (2014). *Uniform Crime Reports: 2014 Hate Crime Statistics*. Available at <https://www.fbi.gov/about-us/cjis/ucr/hate-crime/2014>

³ James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.

⁴ *Ibid*.

⁵ Brown TNT, Herman JL. 2015, November. *Intimate partner violence and sexual abuse among LGBT people: A review of existing research*. Los Angeles: Williams Institute, UCLA Law School. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Intimate-Partner-Violence-and-Sexual-Abuse-among-LGBT-People.pdf>

⁶ Kann L, O'Malley Olsen E, McManus T, et al. (2016). Sexual identity, sex of sexual contacts, and health-related behaviors among students in grades 9-12 – United States and selected sites, 2015. *Morbidity and Mortality Weekly Report*. Centers for Disease Control and Prevention.

⁷ Kosciw, J. G., Greytak, E. A., Giga, N. M., Villenas, C. & Danischewski, D. J. (2016). *The 2015 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools*. New York: GLSEN.

⁸ James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.

⁹ Majd K, Marksamer J, & Reyes C. (2009). *Hidden injustice: Lesbian, gay, bisexual and transgender youth in juvenile courts*. Washington, DC: Legal Services for Children, National Juvenile Defender Center, and National Center for Lesbian Rights. <http://www.modelsforchange.net/publications/237>.

¹⁰ Conron K. (2015). *Recommended Standards for LGBT Health Data Collection in Massachusetts: Opportunities to Enhance Health Surveillance and Achieve Health Equity*. Prepared for the Massachusetts Department of Public Health, Office of Healthy equity.

From: Peter Gamache, Ph.D.
To: [Truman, Jennifer \(OJP\)](#)
Subject: National Crime Victimization Survey (NCVS)
Date: Friday, May 11, 2018 3:21:02 PM

Ms. Truman,

Please do not revise the National Crime Victimization Survey by raising the age from 16 to 18 regarding questions on sexual orientation and gender identity.

LGBTQ youth under age 18 experience high rates of crime victimization, including targeted violence and abuse.

It is important for the Bureau of Justice Statistics to collect these data to understand the incidence and extent of these crimes.

Thank you!

-Peter

* * * * *

Peter Gamache, Ph.D.
MBA, MLA, MPH, RN

From: DONNA GARDNER
To: [Truman, Jennifer \(OJP\)](#)
Subject: Erasing LGBT Youth
Date: Friday, May 11, 2018 3:42:54 PM

Dear Ms Truman,
I support collecting data on LGBT youth in the National Crime Victimization Survey. We need this information to effectively protect vulnerable youth. Please stop the war on these children and youth!
Donna E Gardner

May 11, 2018

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President

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

Advocates for Youth (“Advocates”) appreciates the opportunity to submit comments on potential changes to the Bureau of Justice Statistics’s (BJS) National Crime Victimization Study (NCVS). Advocates is a national nonprofit organization that partners with youth leaders, adult allies, and youth-serving organizations to advocate for policies and champion programs that recognize young people’s rights to honest sexual health information; accessible, confidential, and affordable sexual health services; and the resources and opportunities necessary to create equity for all youth.

Advocates for Youth strives to ensure that youth voices are represented in ways that allow them to access the care and information they need to thrive. Our work has made us acutely aware that LGBT youth often experience discrimination and harassment and are more likely to be victims of crime and exposed to trauma¹. Because of this particular vulnerability of LGBTQ youth, we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity.

According to the CDC, LGBT youth are much more likely than their cisgender and heterosexual peers to be victims of violence, both inside and outside of school. 40.1% reported being physically harassed and 19% reported being physically assaulted in school because of their sexual orientation. The proposed change to the NCVS would erase important data about crimes experienced by youth identifying as LGBT, thus erasing the voice of an already marginalized population and hindering the BJS from presenting an accurate picture of crime

¹ See HUMAN RIGHT WATCH, “LIKE WALKING THROUGH A HAILSTORM”: DISCRIMINATION AGAINST LGBT YOUTH IN U.S. SCHOOLS (2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are “...more than twice as likely as non-LGBT youth to be physically attacked at school...”); Sarah Barr, *Discrimination Lands Many LGBT Youth in the Justice System*, *New Report Says*, JUVENILE JUSTICE INFORMATION EXCHANGE (Aug. 25, 2016), <https://jjiie.org/2016/08/25/discrimination-lands-many-lgbt-youth-in-the-justice-system-new-report-says/> (“For example, family stigma or mistreatment in the child welfare system can mean youth run away and stay on the streets, making it more likely they will encounter law enforcement. Similarly, students who are bullied in school because of their sexual orientation or gender identity may be more likely to miss class or drop out. They then could face charges such as truancy or otherwise come in contact with the justice system.”).

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victimization. Without accurate statistics, young LGBT victims of crime are excluded from consideration of public funding and intervention.

The NCVS “is the nation’s primary source of information on criminal victimization.”² The survey, which has been administered since 1973, collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity.³ The BJS also uses this information to publish reports on hate crimes. Without an accurate depiction of the victim population, hate crime data will be incomplete. The survey is one of the main sources of data on crime, including unreported crime, and is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

There are myriad reasons LGBTQ people—particularly young people, those of color, gender non-conforming people, and individuals who are not safely out to their families—might want to avoid reporting a crime to the police.⁴ By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support.⁵ It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.⁶

BJS asserts it is requesting this change due to “concerns about the potential sensitivity of these questions for adolescents.”⁷ However, it is important to note that not only are the questions regarding sexual orientation and gender identity voluntary, the responses are also confidential.⁸ Many youth self-identify as LGBTQ in middle and high school, and allowing them to self-identify on the NCVS gives voice to their experiences, experiences which would be absent from conversations on funding for youth services, health care and other interventions if not for the data collected. Further, similar questions are asked in other federally-

² *Data Collection: National Crime Victimization Survey (NCVS)*, BUREAU OF JUSTICE STATISTICS, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last visited Apr. 27, 2018).

³ John Paul Brammer, *Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey*, NBC NEWS (Apr. 23, 2018, 1:56 PM), <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

⁴ MOVEMENT ADVANCEMENT PROJECT & CENTER FOR AMERICAN PROGRESS, UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS LGBT PEOPLE OF COLOR (2016), available at <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc> (finding that LGBT people of color often face unfair treatment from the criminal justice system).

⁵ Lynn Langton, Michael Planty, & James P. Lynch, *Second Major Redesign of the National Crime Victimization Survey*, 16 *Criminology & Public Policy* 4, 1057 (2017), available at https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/langton_et_al-2017-criminology_public_policy.pdf.

⁶ *Id.* at 1058.

⁷ 83 FR 15634 (proposed Apr. 11, 2018).

⁸ Brammer, *supra* note 3.

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administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.⁹ Instead of removing these questions, BJS could instead focus on ways to improve data collection and how to make it easier for youth to respond to these critical surveys.

Collecting data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities.¹⁰ Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

As a national leading youth-serving organization that works directly with young people across the country, including over half who identify as LGBTQ, Advocates for Youth strongly urges BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Please direct any questions to Kamilah Tisdale, Domestic Policy Analyst at Advocates for Youth, at Kamilah@advocatesforyouth.org.

Sincerely,



Diana Thu-Thao Rhodes
Director of Public Policy
Advocates for Youth

⁹ Press Release, Williams Institute, DOJ Proposes Roll Back of Data Collection on Crime Victimization of LGBT Youth (Apr. 11, 2018), available at <https://williamsinstitute.law.ucla.edu/press/press-releases/doj-proposes-roll-back-of-data-collection-on-crime-victimization-of-lgbt-youth/>.

¹⁰ See JESSE JANETTA & CAMERON OKEKE, URBAN INST., STRATEGIES FOR REDUCING CRIMINAL AND JUVENILE JUSTICE INVOLVEMENT 3 (2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf (“Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).”).

May 11, 2018

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street, NW
Washington, D.C. 20531
VIA EMAIL: Jennifer.Truman@ojp.usdoj.gov

RE: National Crime Victimization Survey (83 Fed. Reg. 15624)

Dear Ms. Truman,

We write to vigorously oppose the removal of the sexual orientation and gender identity items for 16- and 17-year-old respondents to the National Crime Victimization Survey (NCVS). The undersigned are **forty-seven scholars** of various disciplines—community psychology, demography, economics, law, medicine, public health, political science, public policy, psychology, social epidemiology, among others—who have extensive experience studying sexual and gender minorities (SGM) in the United States, including with respect to violence and discrimination against lesbian, gay, bisexual, and transgender adults and youth. The undersigned also have particular expertise on collecting sexual orientation and gender identity data on population-based surveys, including from adolescents.

The undersigned have long worked productively with federal agencies to improve data collection on the U.S. population, and many of the undersigned co-authored widely-cited best practices for the collection of sexual orientation and gender identity information on population-based surveys. These best practices—the “SMART” and “GenIUSS” reports—directly informed the inclusion of measures of sexual orientation and gender identity on the NCVS by the Bureau of Justice Statistics (BJS).¹ Many of the undersigned are scholars at or affiliated with the Williams Institute, an academic research center at UCLA School of Law dedicated to conducting rigorous and independent research on sexual orientation and gender identity. The undersigned have published extensively on issues related to SGM adults and youth, including using data collected by federal and state agencies, including BJS.²

¹ Sexual Minority Assessment Research Team (SMART), Williams Institute, *Best Practices for Asking Questions about Sexual Orientation on Surveys* (2009), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf> [hereinafter SMART Report]; Gender Identity in U.S. Surveillance (GenIUSS) Group, Williams Institute, *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys* (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf> [hereinafter GenIUSS Report].

² See, e.g., Ilan H. Meyer et al., Incarceration Rates and Traits of Sexual Minorities in the United States: National Inmate Survey, 2011-2012, 107 *Am. J. of Pub. Health* 267 (2017); Lara Stemple et al., Sexual victimization perpetrated by women: Federal data reveal surprising prevalence, 34 *Aggression & Violent Behavior* 302 (2017); Lara Stemple & Ilan H. Meyer, The sexual victimization of men in America: new data challenge old assumptions, 104 *Am. J. of Pub. Health* e19 (2014); Bianca D.M. Wilson et al., Disproportionality and Disparities among Sexual Minority Youth in Custody, 46 *J. Youth & Adolescence* 1547 (2017).

In this comment, we discuss the importance of expanding and improving federal data collection on sexual orientation and gender identity, and the importance of collecting such data for youth respondents to the NCVS. If BJS stops collecting sexual orientation and gender identity data from youth respondents, the quality, utility, and clarity of the information to be collected via the NCVS will be adversely impacted. We also address the purported justification BJS has offered for raising the age from 16 to 18 for the sexual orientation and gender identity questions on the NCVS, and conclude that it is groundless—not only because the NCVS and other surveys show that adolescents can and are willing to answer sexual orientation and gender identity questions, but also because these items are no more sensitive than other questions on the NCVS. BJS, therefore, appears to be acting arbitrarily, capriciously, and without a rational basis.

The Federal Government and BJS Should Expand and Improve Federal Data Collection on SGM Populations

As BJS is aware, the vast majority of federal data collections do not ask respondents to identify their sexual orientation and gender identity, among other demographic items. For this reason, the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys has cogently explained that “there remains a lack of data on the characteristics and well-being” of SGM populations, and that “[i]n order to understand the diverse need of SGM populations, *more representative and better quality data need to be collected.*”³ Without such data, public policymakers, law enforcement agencies, and service providers—including federal agencies tasked with promoting the security and well-being of our nation’s people—are hindered in their efforts to adequately serve SGM populations, including LGBT youth. So too are community organizations, state and local governments, researchers, and others working to better understand and lessen the unique and common vulnerabilities facing LGBT people.

Among the federal statistical agencies, BJS has been a leader on this important topic. The NCVS was the first population-based federal survey to measure transgender identity and status, and was one of the first such surveys to measure sexual orientation identity. Since July 2016, the NCVS has included sexual orientation and gender identity measures for respondents age 16 and over.⁴ Based on information that BJS has released publicly, we understand that these items were performing well on the NCVS and that they did not adversely impact the NCVS in any way that would support their removal. We commend you and your colleagues for these specific efforts to add sexual orientation and gender identity items to the NCVS (among other surveys BJS conducts, such as the National Inmate Survey and the National Survey of Youth in Custody), as well as your general leadership in advancing knowledge about SGM populations through federal data collections.

³ 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 2* (2016), https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/SOGI_Research_Agenda_Final_Report_20161020.pdf (emphasis added).

⁴ Bureau of Justice Statistics, National Crime Victimization Survey: NCVS-1 Basic Screen Questionnaire 7-8 (2016), https://www.bjs.gov/content/pub/pdf/ncvs16_bsqr.pdf [hereinafter NCVS Questionnaire].

In 2017 and 2018, however, we have witnessed a disturbing pattern of the federal Executive branch reversing or limiting data collections related to sexual orientation and gender identity. For example, in 2017, the U.S. Department of Justice and other federal agencies withdrew requests to the U.S. Census Bureau to add sexual orientation and gender identity measures to the American Community Survey (ACS) and the Decennial Census.⁵ Adding such demographic items to the ACS and the Census, the Department of Justice had previously explained in 2016, was legally authorized and necessary for enforcing civil rights laws, among other reasons.⁶ The latest proposal by BJS to stop collecting certain sexual orientation and gender identity information on the NCVS fits within this alarming trend to not collect vital information about our nation's people. These data are necessary not only for fully understanding SGM populations and the disparities they face, but also for sound public policymaking, enforcement activities, and the delivery of services and programming, among other reasons.

Collecting Sexual Orientation and Gender Identity Data From Youth Respondents to the NCVS Should Be Continued

We are deeply concerned that BJS is now proposing to stop collecting sexual orientation and gender identity data from 16- and 17-year-old respondents to the NCVS without a sufficient scientific basis for doing so, rather than expanding and improving federal data collection related to SGM populations. These data—which are voluntarily reported and confidentially collected—would provide crucial information about criminal victimization of youth by sexual orientation and gender identity.

The NCVS is one of two main sources of data on crime in the United States and “is the nation’s primary source of information on criminal victimization.”⁷ The NCVS is a vital source of national data on policy-relevant subjects related to hate violence, sexual and other forms of assault, intimate-partner violence, robbery, property crimes, experiences with the criminal justice system, and other criminal victimization subjects. As such, the NCVS provides critical data “for the analysis of victimization risk, consequences of victimization, and responses to crime.”⁸ This information is invaluable to policymakers at all levels of government, law enforcement agencies, social service providers, and communities to understand and prevent violence and crime, and impacts the allocation of federal and state funding for crime prevention and crime victim services.

⁵ See Letter from Tom Carper and Kamala Harris, U.S. Senators, to John H. Thompson, Director, U.S. Census Bureau (May 22, 2017), https://www.carper.senate.gov/public/_cache/files/de7e0915-ea9f-4c51-a2d5-f3ee4abe0bf3/2017-05-22-carper-harris-letter-to-census-bureau-re-new-subjects-press-.pdf.

⁶ See *id.*; Hansi Lo Wang, Census Bureau Caught in Political Mess Over LGBT Data, *NPR* (July 18, 2017), <https://www.npr.org/2017/07/18/536484467/census-bureau-found-no-need-for-lgbt-data-despite-4-agencies-requesting-it>.

⁷ Bureau of Justice Statistics, Data Collection: National Crime Victimization Survey (NCVS), <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> (last accessed May 5, 2018).

⁸ Lynn Langton et al., Second Major Redesign of the National Crime Victimization Survey, 16 *Criminology & Public Policy* 1049, 1049 (2017).

With respect to the addition of the sexual orientation and gender identity items to the NCVS, BJS researchers have explained that “[t]hese statuses have been identified by researchers and policy makers as factors affecting victimization risk, but the nature, source, and direction of risk for [SGM populations] are not well estimated or understood.”⁹ Indeed, according to BJS’s Langton et al. “although few national surveys have been used to measure the social and economic well-being of the [LGBT] population, research findings have shown that LGBT persons are at risk of experiencing certain types of victimization at equal or higher rates as heterosexual persons.”¹⁰ Importantly, then, “[t]he addition of these new demographic measures to the [NCVS] will allow for assessment of their association with victimization.”¹¹ In addition, inclusion of these items on the NCVS “allow for the identification and examination of groups that have been identified as populations historically underserved by criminal justice agencies.”¹²

The inclusion of sexual orientation and gender identity measures on the NCVS is further supported because “sexual orientation and gender identity [are] protected statuses under federal hate crime legislation, and the 2013 reauthorized Violence Against Women Act (VAWA) included language to prohibit discrimination in the administration of victim services as a result of actual or perceived LGBT status.”¹³ As Langton et al. has further explained:

Nevertheless, the inclusion of gender identity on the NCVS in 2016 marks the first time a national household survey has been used to collect such data. Without this quantitative, nationwide data, it is impossible to ascertain whether conditions have improved for these historically underserved groups. There are other policy-relevant needs for the inclusion of sexual orientation and gender identity, in particular, on the NCVS. For instance, in the President’s Task Force on 21st Century Policing Interim Report, the need to examine the relationship between LGBT status and the measures collected through the NCVS Police Public Contact Survey on the nature of police contacts and the perceived fairness and legitimacy with which they are carried out is highlighted. The inclusion of these demographic variables on the NCVS opens up the possibility of examining this relationship.¹⁴

All of these justifications for measuring sexual orientation and gender identity on the NCVS apply with equal force to youth. Indeed, existing research indicates that LGBT youth are especially vulnerable to crime, violence, and bullying—and that such violence is not lessening. For example, the National Youth Risk Behavior Survey conducted by the CDC in 2015 showed

⁹ *Id.* at 1057.

¹⁰ *Id.* (citing Christopher Krebs et al., Bureau of Justice Statistics, *Campus Climate Survey Validation Study* (2016); National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender, Queer, and HIV Affected Intimate Partner Violence in 2014* (2015); Mikel L. Walters et al., National Center for Injury Prevention and Control, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation* (2013)).

¹¹ Langton et al., *supra* note 8, at 1057.

¹² *Id.*

¹³ *Id.* at 1057-58 (internal citations omitted) (citing 18 U.S.C. § 249(2); 34 U.S.C. § 12291(b)(13)(A)).

¹⁴ *Id.* at 1058 (internal citation omitted).

that, among other findings, 10% of 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.¹⁵ According to the largest survey of transgender and gender non-conforming people to date, nearly a quarter (24%) of respondents reported being physically attacked, and 13% reported being sexually assaulted, when they were in primary or secondary school, because people thought they were transgender.¹⁶

If BJS's proposal to raise the age to 18 for respondents being asked the sexual orientation and gender identity items is adopted, the government and the public will lose an invaluable resource for understanding and addressing violence against not only LGBT youth but *all* youth in terms of sexual orientation and gender identity. Furthermore, because many LGBT people (perhaps especially youth) avoid reporting experiences of violence and crime to law enforcement,¹⁷ the other principal federal data collection on crime (the FBI's Uniform Crime Reporting system) insufficiently captures the scope and dimensions of violence against LGBT people.¹⁸ Asking youth respondents to the NCVS about their sexual orientation and gender identity would help fill this void because the NCVS asks about unreported crimes and would inform our understanding of why LGBT "victims do not report to the police . . ."¹⁹ Thus, collection of sexual orientation and gender identity data from youth on the NCVS would provide a fuller picture of crime and violence in the United States, and would help improve law enforcement, the criminal justice system more broadly, violence-reduction policies and programming, and victim services.

The proposed removal of the sexual orientation and gender identity items for 16- and 17-year-old respondents to the NCVS is troubling for another reason. The NCVS is the parent survey for several other surveys that include youth respondents, such as the School Crime

¹⁵ 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), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

¹⁶ Sandy E. James et al., *The Report of the 2016 U.S. Transgender Survey* 132 (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

¹⁷ See Langton et al., *supra* note 8, at 1050 ("[C]ertain victims [of serious violent crime] may be less likely to report to police. The gay and lesbian community, undocumented residents, and other vulnerable populations, for example, may be less likely to seek help after an experience out of fear of retribution. This selectivity can bias the description and understanding of these crime events.").

¹⁸ See *id.* ("The hidden figure of crime not reported to the police severely limits the use of police statistics for understanding the magnitude of crime, and introduces a potential distortion into our understanding of who is at risk for victimization. This hidden figure constitutes a substantial proportion of crime, particularly among many of the crimes of most concern to the public. Overall, approximately half of serious violent crime—rape, robbery, and aggravated assault—goes unreported to law enforcement with just 1 in 3 rape victims, 2 in 3 intimate partner victims, and 2 in 3 victims of firearm violence reporting their victimizations (Planty and Truman, 2013; Truman and Langton, 2015)."); see also Sophie Bjork-James, What the latest FBI data do and do not tell us about hate crimes in the US, *The Conversation* (Nov. 2017) (discussing the incompleteness of the FBI's hate crimes data with one major reason being that "only 41 percent of hate crimes are reported [to law enforcement, and] only 10 percent are then confirmed by law enforcement investigators as hate crimes).

¹⁹ Langton et al., *supra* 8, at 1051.

Supplement²⁰ and the Police Public Contact Survey.²¹ If sexual orientation and gender identity data from youth respondents to the NCVS are not collected, policymakers, law enforcement, and others will be denied information about LGBT youth's interactions with police and other information collected through surveys supplemental to the NCVS.

We urge BJS to maintain its collection of sexual orientation and gender identity data from NCVS respondents 16 years and older. For all of the reasons above, these data improve the quality, utility, and clarity of the NCVS data. They also help ensure that LGBT youth are better protected from violence and better served when victimized, and they help create more effective, evidence-based policies and interventions aimed at reducing violence and crime.

BJS's Proposed Action is Not Justified

The only justification that BJS has offered for the proposed action is “the potential sensitivity of these questions for adolescents.”²² Not only has BJS failed to offer any scientific evidence related to the actual administration of the NCVS to support this purported rationale, this rationale is belied by BJS's own reported experience with the NCVS that the sexual orientation and gender identity items, and especially the gender identity items, were performing well. Moreover, BJS statisticians reported that cognitive testing conducted prior to 2016 revealed “that teens ages 16 to 17 are able to understand and answer these [sexual orientation and gender identity] questions without difficulty.”²³

The notion that sexual orientation and gender identity questions are potentially so sensitive for 16- and 17-year-olds as to justify the removal of these items is also belied by the fact that numerous other population-based surveys and studies have successfully collected these data from adolescents for years. Indeed, as the SMART report explained, “[s]exual orientation questions have been asked on large-scale school-based surveys of adolescents around the world since the mid-1980's.”²⁴ For example, BJS's own National Survey of Youth in Custody (NSYC) includes a measure of sexual orientation,²⁵ and has provided a wealth of important information about disproportionate incarceration and victimization of sexual minority youth in custody.²⁶

²⁰ National Center for Education Statistics, Crime and Safety Surveys, <https://nces.ed.gov/programs/crime/surveys.asp> (last accessed May 9, 2018).

²¹ Bureau of Justice Statistics, Data Collection: Police Public Contact Survey (PPCS), <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=251> (last accessed May 5, 2018).

²² 83 Fed. Reg. 15634, 15635 (Apr. 11, 2018).

²³ Jennifer L. Truman, *Testing Sexual Orientation and Gender Identity Questions for the National Crime Victimization Survey* 4 (Apr. 1, 2016) (presentation at Population Association of America's 2016 Annual Meeting), available at <https://paa.confex.com/paa/2016/meetingapp.cgi/Paper/9224> (last accessed May 9, 2018).

²⁴ SMART Report, *supra* note 1, at 24 (citing various surveys).

²⁵ Bureau of Justice Statistics, Data Collection: National Survey of Youth In Custody (NSYC), <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=321> (last visited May 5, 2018); Bureau of Justice Statistics, NYSC Questionnaire—Younger Youth 5 (2011) https://www.bjs.gov/content/pub/pdf/nsyc_yy12.pdf; Bureau of Justice Statistics, NYSC Questionnaire—Older Youth, 5 (2011), https://www.bjs.gov/content/pub/pdf/nsyc_oy12.pdf.

²⁶ See, e.g., Alan J. Beck et al., Bureau of Justice Statistics, *Facility-level and individual-level correlates of sexual victimization in juvenile facilities, 2012*, NCJ Publication No. 249877 (2016), <https://www.bjs.gov/content/pub/pdf/flilcsvjf12.pdf>; Wilson et al., *supra* note 2.

The CDC’s National Youth Risk Behavior Risk Survey (discussed above) successfully includes respondents as young as 13 and has included sexual orientation measures since 2015.²⁷ In 2015, more than 15,500 youth from across the country filled out the YRBS survey on their own, anonymously at school.²⁸ Even before that, an increasing number of jurisdictions included sexual orientation measures on their YRBSs since the mid-1990s.²⁹ The National Longitudinal Study of Adolescent to Adult Health (Add Health), a longitudinal study of a nationally representative sample of adolescents in grades 7-12 in the United States during the 1994-1995 school year, included sexual orientation attraction and partner gender questions in both the baseline wave and Wave II (1996), when respondents were largely below the age of 18. Analysis of Add Health data has indicated, for example, disparities in experiences of violence among adolescents reporting same-sex, both-sex, and other-sex romantic attraction.³⁰ The National Survey of Family Growth (NSFG), which includes respondents as young as 15, has included a sexual orientation behavior measure for many years.³¹ The California Health Interview Survey has asked youth about their gender expression since 2015.³² There are many more examples of surveys and studies that have successfully collected sexual orientation and gender identity data from youth, including the L.A. Foster Youth Study (which included adolescents as young as 12).³³ Each of the surveys and studies provides invaluable information about SGM youth that have impacted policy making and programming in a variety of settings.

Furthermore, population-based surveys have shown that younger people are more likely to identify as LGBT than older people at every age group.³⁴ This is probably due to lesser sense of social stigma and/or greater openness and comfort with sharing sexual and gender identities publicly. For all of these reasons, BJS’s pure speculation about the “potential sensitivities” of youth cannot justify the proposed action here.

We recognize that sexual orientation and gender identity questions may be sensitive for some people. Importantly, however, there is no reason to believe they are *more* sensitive than

²⁷ Kann et al., *supra* note 15, at 2.

²⁸ *Id.* at 3-4.

²⁹ *Id.* at 2; *see also* Laura Kann et al., Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9–12 — Youth Risk Behavior Surveillance, Selected Sites, United States, 2001–2009, 60 *Morbidity & Mortality Weekly Report* 1, 2-3 (June 6, 2011), <https://www.cdc.gov/mmwr/pdf/ss/ss60e0606.pdf>.

³⁰ Stephen T. Russell et al., Same-Sex Romantic Attraction and Experiences of Violence in Adolescence, 91 *Am. J. of Pub. Health* 903 (2001).

³¹ *See* Anjani Chandra et al., Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth, 36 *National Health Statistics Reports* 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>.

³² *See* Bianca D.M. Wilson et al., Williams Institute & UCLA Center for Health Policy Research, *Characteristics and Mental Health of Gender Nonconforming Adolescents in California* (2017), <http://healthpolicy.ucla.edu/publications/Documents/PDF/2017/gncadolescents-factsheet-dec2017.pdf>.

³³ *See* Bianca D.M. Wilson et al., Williams Institute, *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles* (2014), https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf.

³⁴ Gary J. Gates, Gallup, *In US, More Adults Identifying as LGBT* (2017), <http://www.gallup.com/poll/201731/lgbt-identification-rises.aspx>.

many of the questions on the NCVS. The NCVS, by its very nature, concerns sensitive topics, and respondents provide personal, potentially sensitive information about their race, disability, age, sex, and whether they have been victim to different types of violence, including rape and sexual assault. Indeed, as BJS correctly explained in its March 2018 statement supporting the extension of the NCVS:

The NCVS asks about experiences such as rape and other types of victimization that may be sensitive for some respondents. Given the objective of the NCVS--to estimate the amount of victimization in the Nation--this is necessary as BJS would not be able to provide a complete picture of nonfatal violent victimization without asking about such experiences. NCVS interviewers receive training and guidance on how to ask sensitive questions. The importance of estimating crime levels, as well as the potential value of detailed information about victimization for designing crime prevention strategies, is explained to any respondent who seems hesitant to answer. All respondents have the option of refusing to answer any question.³⁵

There is no rational basis to single out the questions on sexual orientation and gender identity as warranting special concern about “sensitivity.” Indeed, the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys has explained that “[m]ost surveys incorporating SOGI items have not found higher nonresponse rates than other ‘sensitive’ questions, such as personal or household income.”³⁶ Not only that, according to the Working Group, “[the] perceived sensitivity of questions can affect the willingness of survey practitioners to include SOGI questions even when inclusion of these measures would support agency mission and data needs.”³⁷ That appears to be what’s happening here, but that perception is not justified based on the record we have seen.

But single out the sexual orientation and gender identity items for discriminatory treatment is just what BJS is doing. A review of the operative NCVS questionnaire reveals that the *only* items that are *not* asked of 16 and 17 year olds but are asked of adults—besides the sexual orientation and gender identity items, if BJS’s proposal is adopted—relate to active duty

³⁵ NCVS OMB Supporting Statement Part A, at 23 (Mar. 20, 2018), *available at* https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201803-1121-001.

³⁶ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* (2016), https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/WorkingGroupPaper1_CurrentMeasures_08-16.pdf [hereinafter *Current SO/GI Measures*]; *see also* Elizabeth M. Saewyc, et al., Measuring sexual orientation in adolescent health surveys: Evaluation of eight school-based surveys, 35 *J. of Adolescent Health* 345.e1, 345.e12 (2004) (“These studies indicate that orientation items, although sensitive questions, are no more sensitive or more likely to be skipped than other sexual risk behavior questions. This finding can reassure researchers and school administrators who are concerned that such items might be too sensitive for most students to answer, and who worry that nonresponse rates will render the results inaccurate and of limited use.”).

³⁷ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?* (2016), https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/Evaluations_of_SOGI_Questions_20160923.pdf.

military service, but that limitation makes sense given age requirements for active duty service.³⁸ The only other age limitation on the questionnaire also has nothing to with concerns for “potential sensitivity” of the items for youth respondents; rather, the item concerns being able to do errands alone because of a physical or mental condition.³⁹

What is more, even if the sexual orientation and gender identity questions on the NCVS are sensitive for some respondents, the questions are voluntary, so no respondent is forced to answer these questions. These questions also have “don’t know” and “something else” or “none of these” response options, giving respondents options for responding to these questions if they are uncomfortable disclosing or unsure about their sexual orientation or gender identity.⁴⁰ In addition, responses to the questions are highly confidential and are strongly protected under federal law.

Instead of ceasing to ask youth to voluntarily and confidentially disclose their sexual orientation and gender identity on the NCVS, BJS should instead focus on ways to improve data collection and make it easier for youth to respond to these critical questions. Because the NCVS is, moreover, going through a major redesign, we encourage BJS to explore improvements to the administration of the NCVS, such as utilizing common survey practices that provide respondents greater privacy—particularly when asking adolescents questions at home. For example, the NSYC and NSFG are self-administered using a computer to afford respondents privacy.⁴¹ BJS has stated that it is currently “examining the feasibility of using self-administered approaches . . . [which would] increase privacy for respondents.”⁴²

BJS Appears To Be Acting Arbitrarily, Capriciously, and Without a Rational Basis

In light of the foregoing, BJS’s purported justification for its proposed action appears to be arbitrary, capricious, and baseless. The unfolding of this proposal buttresses that conclusion. As noted above, BJS has been collecting sexual orientation and gender identity information on the NCVS since July 2016, following extensive testing. In December 2017, BJS sought public comment on the NCVS, and the version of the instrument at that time included the measures of sexual orientation and gender identity for 16- and 17-year-olds.⁴³ On March 19, 2018, BJS again sought comments on the NCVS, and that version of the survey also maintained the sexual orientation and gender identity measures for 16- and 17-year-olds.⁴⁴ Thus, until at least March

³⁸ See NCVS questionnaire, *supra* note 4, at 8 (Items 88-89).

³⁹ *Id.* at 7 (Item 170b).

⁴⁰ See also SMART Report, *supra* note 1, at 9.

⁴¹ See, e.g., Current SO/GI Measures, *supra* note 36, at 20 (discussing audio computer-assisted self-interviewing and privacy); SMART Report, *supra* note 1, at 17-23, 26-27 (discussing privacy and other administration considerations when asking sexual orientation questions); GenIUSS Report, *supra* note 1, at 19-26 (discussing privacy and other administration considerations when asking gender identity questions).

⁴² NCVS OMB Supporting Statement Part A, *supra* note 35, at 18.

⁴³ See 82 Fed. Reg. 57295 (Dec. 4, 2017).

⁴⁴ See 83 Fed. Reg. 12030 (Mar. 19, 2018); see also NCVS Core Attachments with Table of Contents (Mar. 20, 2018), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201803-1121-001.

19, BJS had no concern about potential sensitivity of the sexual orientation and gender identity items for older adolescents warranting their removal. Indeed, on March 20, 2018, BJS reiterated in its supporting statement to OMB that “it felt that important near term changes [including adding sexual orientation and gender identity items] could be made to improve the relevance and utility of the NCVS without affecting the victimization rates.”⁴⁵

“In response to the federal register submission,” BJS reported on March 20 that it received one comment from the New York State Office of Victim Services “suggesting additional questions related to victim services and expanding response categories for not reporting to police.”⁴⁶ Thus, as of March 20, BJS received no comments raising an issue with the sexual orientation and gender identity items.

Nonetheless, on April 11, 2018, BJS abruptly announced the proposed removal of the sexual orientation and gender identity measures for 16 and 17 year olds. In the mere three weeks between March 19 and April 11, it is implausible that BJS adequately considered the issues based on new, sufficient evidence, and it may have been impermissible for BJS to do so. This timeline further indicates that BJS is acting arbitrarily, capriciously, and without a valid scientific or rational foundation.

If BJS Adopts Its Proposal, It Must Conduct Replacement Research

If BJS adopts its proposal, it should conduct—or fund others to conduct—research about criminal victimization of LGBT youth to replace the information that will go missing from the NCVS. Such research could be done through various methodologies, and the Williams Institute would welcome the opportunity to assist in that effort.

Meeting Request

We respectfully request a meeting with BJS Director Jeffrey Anderson to discuss the scientific foundation of BJS’s proposed action, and to discuss the concerns and issues raised in this comment. To arrange this meeting, please contact Adam Romero at romero@law.ucla.edu.

Conclusion

For all of the reasons above, BJS should continue to collect sexual orientation and gender identity data from respondents to the NCVS aged 16 and over. Should BJS remove these items for 16 and 17 year olds, BJS should conduct or fund replacement research. We request a meeting with BJS Director Anderson to discuss the issues raised herein. Thank you for your consideration. Please direct any correspondence to romero@law.ucla.edu.

⁴⁵ NCVS OMB Supporting Statement Part A, *supra* note 35, at 21.

⁴⁶ *Id.* at 16.

Respectfully Submitted,

Adam P. Romero, JD
Director of Legal Scholarship and Federal Policy, and
Arnold D. Kassoy Scholar of Law
Williams Institute
UCLA School of Law

Clinton W. Anderson, PhD
Interim Executive Director
Public Interest Directorate
American Psychological Association

Akiesha N. Anderson, JD, MPA
Daniel H. Renberg Law Fellow
Williams Institute
UCLA School of Law

Emily A. Arnold, PhD
Associate Professor of Medicine
Center for AIDS Prevention Studies
University of California San Francisco

George Ayala, PsyD
Executive Director
MSMGF (the Global Forum on MSM & HIV)

M.V. Lee Badgett, PhD
Professor of Economics
University of Massachusetts, Amherst
Williams Distinguished Scholar
Williams Institute
UCLA School of Law

Juan Battle, PhD
Professor of Sociology & Public Health
Graduate Center, CUNY

John R. Blosnich, PhD, MPH
Assistant Professor
Division of General Internal Medicine
University of Pittsburgh School of Medicine

Taylor N.T. Brown, MPP
Project Manager
Williams Institute
UCLA School of Law

Sean Cahill, PhD
Director, Health Policy Research
The Fenway Institute

Christopher S. Carpenter, PhD
Professor of Economics, Education, Law, and Medicine
Vanderbilt University

David H. Chae, ScD
Director, Center for Health Ecology and Equity Research
Human Sciences Associate Professor
Department of Human Development and Family Studies
Auburn University

Susan D. Cochran, PhD, MS
Professor of Epidemiology and Statistics,
UCLA Fielding School of Public Health

Kerith J. Conron, ScD
Blachford-Cooper Distinguished Scholar and Research Director
Williams Institute
UCLA School of Law

Andrew R. Flores, PhD
Assistant Professor of Political Science
Mills College
Visiting Scholar
Williams Institute
UCLA School of Law

David M. Frost, PhD
Senior Lecturer in Social Psychology
University College London

Nanette Gartrell, MD
Visiting Scholar
Williams Institute
UCLA School of Law
Guest Appointment
University of Amsterdam

Gary J. Gates, PhD
Retired Research Director and Blachford-Cooper Distinguished Scholar
Williams Institute
UCLA School of Law

Jeremy T. Goldbach, Ph.D., LMSW
Associate Professor
Director, LGBT Health Equity Initiative
Suzanne Dworak-Peck School of Social Work
University of Southern California

Abbie E. Goldberg, PhD
Associate Professor of Psychology
Clark University

Shoshana K. Goldberg, PhD, MPH
Research Assistant Professor
Dept. of Maternal and Child Health
University of North Carolina-Chapel Hill
Research Consultant, LGBT Population Demography
Williams Institute
UCLA School of Law

Emily A. Greytak, PhD
Director of Research
GLSEN

Ann P. Haas, PhD
Professor Emerita, Department of Health Sciences
Lehman College of The City University of New York

Amira Hasenbush, MPH and JD
Jim Kepner Law and Policy Fellow
Williams Institute
UCLA School of Law

Mark L. Hatzenbuehler, PhD
Associate Professor of Sociomedical Sciences and Sociology
Columbia University

Jody L. Herman, PhD
Scholar of Public Policy
Williams Institute
UCLA School of Law

Ian W. Holloway, PhD, MSW, MPH
Assistant Professor
Department of Social Welfare
UCLA Luskin School of Public Affairs

Angela Irvine, PhD
Founder and Principal
Ceres Policy Research

Gail Knudson MD, MEd, FRCPC
President, on behalf of the Board of Directors
World Professional Association for Transgender Health (WPATH)

Nancy Krieger, PhD
Professor of Social Epidemiology
Harvard T.H. Chan School of Public Health

Marguerita Lightfoot, PhD
Professor
Chief, Division of Prevention Science
Director, Center for AIDS Prevention Studies (CAPS)
University of California, San Francisco

Emilia Lombardi, PhD
Assistant Professor
Department of Public Health and Prevention Science
Baldwin Wallace University

Christy Mallory, JD
Director of State and Local Policy
Williams Institute
UCLA School of Law

Nina Markovic, PhD
Associate Professor of Epidemiology
University of Pittsburgh

Ilan H. Meyer, PhD
Williams Distinguished Scholar of Public Policy
Williams Institute
UCLA School of Law

Kate O'Hanlan, MD
FACOG, SGO, FMIG
Laparoscopic Institute for Gynecology and Oncology

Paul Ong
Research Professor
Director, Center for Neighborhood Knowledge
UCLA Luskin School of Public Affairs

Sari L. Reisner, ScD
Assistant Professor
Harvard Medical School
Harvard T.H. Chan School of Public Health

Ellen D.B. Riggle, PhD
Professor of Political Science and Gender and Women's Studies
University of Kentucky

Esther D. Rothblum, PhD
Professor of Women's Studies
San Diego State University

Stephen T. Russell
Priscilla Pond Flawn Regents Professor in Child Development
Chair, Department of Human Development and Family Sciences
Population Research Center
University of Texas at Austin

Joshua Safer MD, FACP
President, on behalf of the Officers
United States Professional Association for Transgender Health (USPATH)
(United States affiliate of the World Professional Association for Transgender Health)

Elizabeth M. Saewyc, PhD, RN
Professor and Director, School of Nursing
Executive Director, Stigma and Resilience Among Vulnerable Youth Centre (SARAVYC)
University of British Columbia

Jocelyn Samuels, JD
Executive Director and Roberta A. Conroy Scholar of Law and Policy
Williams Institute
UCLA School of Law

Randall Sell, ScD
Associate Professor
Dornsife School of Public Health
Drexel University

Lara Stemple, JD
Assistant Dean for Graduate Studies and International Student Programs
Director, Health and Human Rights Law Project
UCLA School of Law

Bianca D.M. Wilson, PhD
Rabbi Barbara Zacky Senior Scholar of Public Policy
Williams Institute
UCLA School of Law

From: David Murphey
To: [Truman, Jennifer \(OJP\)](#)
Subject: National Crime Victimization Survey
Date: Friday, May 11, 2018 4:24:18 PM

I support collecting data on LGBT youth in the National Crime Victimization Survey. We need this information to effectively protect vulnerable youth.

David Murphey, Ph.D. | Research Fellow & Director of the Child Trends DataBank



Research to improve children's lives



May 11, 2018

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

Submitted via email to
Jennifer.Truman@ojp.usdoj.gov

RE: Comments on Revision of National Crime Victimization Survey
OMB Number 1121-0111
83 FR 15634

Dear Ms. Truman,

Equality North Carolina writes today on behalf of the undersigned organizations to comment in response to the revision of information collection regarding sexual orientation and gender identity (SOGI) on the National Crime Victimization Survey (NCVS). Equality North Carolina works to secure equality and justice for lesbian, gay, bisexual, transgender and queer (LGBTQ) North Carolinians. A critical component of meeting our mission entails advocating for policies that would eradicate violence against LGBTQ North Carolinians.

We support the collection of crime data on the NCVS, which surveys survivors of nonfatal crimes such as robbery, aggravated assault, rape and sexual assault. Since July 2016, the NCVS has asked survivors age sixteen and older about their sexual orientation and gender identity. Bureau of Justice Statistics (BJS) now proposes to revise that data collection to only ask SOGI questions of survivors age eighteen and older.

Equality North Carolina states our strong objection to the proposed revision of data collection to eliminate asking 16- and 17-year-old respondents about their sexual orientation and gender identity. We believe that the quality, utility and clarity of the information that BJS receives on crime victimization will be negatively impacted by this change. We do believe that BJS's stated reason that this self-reported data will not be collected is not valid, namely that there are "concerns about the potential sensitivity of these questions for adolescents." For these reasons, we request that BJS reconsider the decision to no longer collect these important data.

More data are needed about the true incidence of violence against LGBTQ people

In general, policymakers need data about LGBTQ people in order to make evidence-based decisions about policy. According to the Williams Institute, "Collecting population-based data on the social,

[Securing equal rights and justice for lesbian, gay, bisexual, transgender, and queer North Carolinians](#)

economic, and health concerns of these communities is essential if federal, state, local, and nonprofit agencies are to adequately serve gender minority people and develop effective strategies for improving the circumstances of transgender and other gender minority people's lives."¹

We know that LGBTQ people are disproportionately likely to be targets of violence.² RTI notes that school-based victimization of LGBTQ+ youth is a special concern, and that many LGBTQ+ youth reported being afraid or feeling unsafe at school.³ The North Carolina State Snapshot from GLSEN's 2015 National School Climate Survey found that most LGBTQ students in North Carolina had been victimized at school, with 70% reporting verbal harassment on the basis of sexual orientation and 54% on the basis of gender expression.⁴ 13% of North Carolina student respondents reported physical assault on the basis of sexual orientation, and 8% on the basis of gender expression.⁵ The North Carolina State Report of the 2015 U.S. Transgender Survey confirms that concern is especially well-placed for transgender youth, with nearly one in five (19%) of transgender North Carolina respondents who were out as transgender or perceived as transgender in a kindergarten-12th grade (K-12) reporting that they were physically attacked in school because they were transgender, and 11% reporting that they were sexually assaulted in school because they were transgender.⁶ Furthermore, 21% of transgender North Carolinians reported that they left school because of the severity of the mistreatment.⁷

However, there are insufficient data volumes to truly understand the impact of violence on LGBTQ people's lives. "We need more research to better understand what policies will provide LGBTQ+ youth with safer school and home environments, what resources provide LGBTQ+ people who are victims of violence the best support and how we can ultimately create a larger societal climate that doesn't tolerate persistent, pervasive, lifelong victimization," according to RTI International.⁸ The irony of RTI International's advocacy for more data is that one of the data sets that their report is based on is the National Crime Victimization Survey.

Whole-person-centered data on survivors leads to better health outcomes

An important step in understanding interpersonal violence is ensuring that survivors have a means of reporting that is safe, confidential, and trauma-informed. Fortunately, the NCVS collection of sexual orientation and gender identity data is already voluntary and confidential. Answering questions about traumatic events such as episodes of interpersonal violence would be difficult for anyone, which is why instruments such as the NCVS should approach survivors with sensitivity.

¹ The GenIUSS Group (2014). Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys. J.L. Herman (Ed.). Los Angeles, CA: The Williams Institute, available at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>

² McKay, T., Misra, S., and Lindquist, C. (2017). "Violence and LGBTQ+ Communities: What Do We Know, and What Do We Need to Know?" Raleigh, NC: RTI, International, available at: https://www.rti.org/sites/default/files/rti_violence_and_lgbtq_communities.pdf

³ Id.

⁴ GLSEN (2017), School Climate in North Carolina (State Snapshot). New York: GLSEN, available at: <https://www.glsen.org/sites/default/files/North%20Carolina%20State%20Snapshot%20-%20NCS.pdf>

⁵ Id.

⁶ 2015 U.S. Transgender Survey: North Carolina State Report (2017). Washington, DC: National Center for Transgender Equality, available at: <http://www.transequality.org/sites/default/files/docs/usts/USTSNCStateReport%281017%29.pdf>

⁷ Id.

⁸ See supra note 2.

There is no scientific basis for the proposition that 16- and 17-year-olds have additional sensitivity about their sexual orientation or gender identity that people age 18 and up do not have.⁹ In fact, having data about their sexual orientation and gender identity allows survivor-based service providers to approach these youth with greater sensitivity than not having the data. It has long been acknowledged that LGBTQ people deal with health disparities that need to be addressed to achieve good health outcomes.¹⁰ Many of these disparities are even greater for LGBTQ youth, LGBTQ elders, and LGBTQ people who are also members of other groups disadvantaged because of their race, ethnicity, primary language, disability, or other aspects of their identity.¹¹ For those reasons, having this additional information is critical to understanding trauma pathways and creating evidence-based treatment.

Survivors of violence should be supported in making decisions for themselves

North Carolina has collected data regarding sexual orientation on the Youth Risk Behavior Risk Survey (YRBS) from respondents as young as age thirteen without any reported additional privacy concerns.¹² However, North Carolina does not collect gender identity data on the YRBS, so policymakers are missing crucial data already, and collecting less information can be expected to further compromise the quality, utility and clarity of data upon which they make policy decisions.

If 16- and 17-year-old youth are reluctant to disclose sexual orientation or gender identity information on the NCVS, they are free to decline to do so, or to choose “don’t know,” “something else,” or “none of these” in response to the questions. Pulling these questions from the NCVS sends a message to LGBTQ youth that this aspect of their personhood is, at best, unimportant in analysis of their survivorhood, and at worst, something that should remain hidden. Government should uphold the rights of survivors, who have already had their freedom to choose taken away during a violent trauma, to disclose what feels appropriate to them. Failing to do so not only deprives youth of an important sense of agency in directing their destiny, it also adds to and reinforces stigma that youth may already be experiencing based on their sexual orientation or gender identity. Government should be part of the solution, not adding to the problem.

Thank you for the opportunity to comment on the proposed revision to the SOGI data collection for the National Crime Victimization Survey. We once again urge BJS to preserve and potentially improve the collection of these data as the most effective strategy to address the root causes of violence against the

⁹ Saewyde, E. “Measuring sexual orientation in adolescent health surveys: Evaluation of eight school-based surveys,” *Journal of Adolescent Health* 35 (4) (2004): 345.e1, available at: <https://www.jahonline.org/article/S1054-139X%2804%2900161-2/fulltext>

¹⁰ U.S. Department of Health and Human Services, *Healthy People 2020: LGBT Health Topic Area* (2015), available at: <http://www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health>.

¹¹ Institute of Medicine, *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding* (2011), available at:

<http://www.iom.edu/Reports/2011/The-Health-of-Lesbian-Gay-Bisexual-and-Transgender-People.aspx>

Center for American Progress, “Health Disparities in LGBT Communities of Color: By the Numbers” (2010), available at:

<https://www.americanprogress.org/issues/lgbt/news/2010/01/15/7132/health-disparities-in-lgbt-communities-of-color>.

¹² Kann, L., Olson, E., McManus, T., 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* (August 12, 2016), available at: <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>

LGBTQ youth community.

If you have any questions about our comments and recommendations, please contact Ames Simmons at ames@equalitync.org.

Sincerely,

Ames Simmons, JD
Director of Transgender Policy
Equality North Carolina

ACLU of North Carolina
Coalition for Health Care of North Carolina
Guilford Green Foundation and Community Center
LGBTQ Center of Durham
LGBT Center of Raleigh
Ministries Beyond Welcome
NARAL Pro-Choice North Carolina
North Carolina Coalition Against Domestic Violence
North Carolina Community Health Center Association
North Carolina Council of Churches
North Carolina National Organization for Women
North Star LGBTQ Community Center
Planned Parenthood South Atlantic
Southern HIV/AIDS Strategy Initiative
Triad Chapter of National Organization for Women

May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: Revisions to the National Crime Victimization Survey [OMB Number 1121–0111]

Dear Ms. Truman:

The National Crime Victimization Survey (NCVS) is a vital source of crime data for our nation. It was designed with three goals in mind: “to develop detailed information about the victims and consequences of crime, to estimate the number and types of crimes not reported to police, and to provide uniform measures of selected types of crime.”¹ The survey collects information from victims of nonfatal crimes such as robbery, aggravated assault, rape, and sexual assault. Respondents provide personal, sensitive information, including age, sex, marital status, and whether they have been a victim of crime. In July 2016, the NCVS began asking victims 16 and older about their sexual orientation and gender identity (SOGI).² The survey is vital for informing policy related to all forms of violence, including the allocation of federal and state funding for crime prevention and crime victim services.

As such, we, the undersigned organizations, are writing to oppose the Bureau of Justice Statistics’ (BJS) proposal to raise the minimum age for respondents of the NCVS to be asked about their sexual orientation and gender identity from 16 to 18, erasing the experiences of LGBTQ youth. As LGBTQ and allied organizations, we are collectively experts on the LGBTQ community and the disparities this population faces. Speaking from both public education and research standpoints, we are well-suited to address the need for increased LGBTQ data collection. Developing high-quality data that more fully explore and facilitate understanding of the circumstances of teenage LGBTQ crime victims in the United States today is essential if federal, state, local, and nongovernmental entities are to adequately and efficiently serve the LGBTQ community. More of these data on the experiences and needs of LGBTQ youth are needed – not less. This is especially true given the increasing LGBTQ American population, as well as increasing crime victimization of that community.³ Plus, having more data allows for a better understanding of crime trends and it can better inform evidence-based policies and practices, shedding light on what new approaches might be needed to combat crime and provide victim services.

We need more data on the LGBTQ community and crime victimization – not less.

Data on the LGBTQ community in general is already lacking. The data that have been collected on SOGI reveal that LGBTQ people face unique challenges. For example, older LGBT people are more likely to suffer from depression, mental distress, smoking, and excessive drinking than are their non-LGBT peers.⁴

They are also more likely to be disabled.⁵ These disparities are exacerbated by the fact that LGBT people are twice as likely to lack health insurance as non-LGBT people.⁶ LGBT people are also more likely to experience food insecurity and rely on government food assistance.⁷ These challenges demonstrate the importance of including sexual orientation and gender identity in federal surveys, so that policymakers can better address the needs of the LGBTQ community.

This need for data is especially apparent in the crime victimization context because LGBT people are at a much higher risk of violence compared to non-LGBT people.⁸ What data does exist, such as data from the 2010 National Intimate Partner and Sexual Violence Survey, suggest that LGB individuals experience sexual violence and intimate partner violence at higher rates than their non-LGB counterparts.⁹ Gay and bisexual men experience sexual violence other than rape at rates double those of heterosexual men.¹⁰ Bisexual women are particularly at risk, with nearly half reporting being raped in their lifetimes.¹¹ There were 1,200 incidents of hate crimes motivated by sexual orientation or gender identity-based bias in 2016 according to FBI statistics.¹² The transgender community is particularly vulnerable to violence. The 2015 U.S. Transgender Survey found that nearly half of respondents reported being sexually assaulted at some point in their lives.¹³

LGBTQ teenagers are also victims of violence. According to GLSEN's 2015 National School Climate Survey, 27% of LGBTQ students reported being physically harassed at school based on their sexual orientation, and about a fifth of LGBTQ students reported being physically harassed based on their gender identity.¹⁴ These percentages were 13% and 9.4% respectively for reporting physical assault.¹⁵ The Youth Risk Behavior Survey (YRBS) found that LGB students were twice as likely to report being threatened by or injured with a weapon on school grounds compared to non-LGB students.¹⁶ It is essential that DOJ understand the demographics of violence against the LGBTQ community as a whole, especially when available statistics show that young members of the LGBTQ community are victims of violence.

The claim that collection of SOGI data from 16 and 17 year-old victims should cease due to “sensitivity of these questions for adolescents” is unfounded.

Studies have shown that for adolescents questions about sexual orientation “are no more sensitive or more likely to be skipped than other sexual risk behavior questions.”¹⁷ Any claims of concern about nonresponse rates rendering data inaccurate or unusable are not grounded in reality.¹⁸ The Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys found that “[m]ost surveys incorporating SOGI items have not found higher nonresponse rates than other ‘sensitive’ questions, such as personal or household income.”¹⁹ A study of Behavioral Risk Factor Surveillance System responses found that refusal rates for sexual orientation questions are actually much lower than refusal rates for questions on income.²⁰ Another recent study at community health centers supports these results, finding that a majority of people agreed that collecting SOGI data is important and will respond to such questions.²¹ Even BJS when conducting cognitive testing to add SOGI questions found that 16 and 17 year-olds were “able to understand and answer these questions without difficulty.”²²

The Interagency Working Group warned of exactly what is occurring here, where the “perceived sensitivity of questions can affect the willingness of survey practitioners to include SOGI questions even when inclusion of these measures would support agency mission and data needs.”²³ The SOGI questions are not unusually sensitive, especially considering the crime victimization disclosures the rest of the NCVS asks for. As noted, the NCVS collects data on rape and sexual assault.²⁴

As mentioned, several other federal surveys already collect SOGI data as well.²⁵ Not only has NCVS successfully collected SOGI data on teenage respondents since 2016, the CDC's National YRBS successfully includes respondents as young as 13 and has included sexual orientation measures since 2015.²⁶ In 2015, more than 15,500 youth from across the country filled out the YRBS survey on their own, anonymously at school.²⁷ Even before that, an increasing number of jurisdictions included sexual orientation measures on their YRBSs since the mid-1990s.²⁸

Furthermore, population-based surveys have shown that younger people are more likely to identify as LGBT than older people at every age group.²⁹ This is probably due to lesser sense of social stigma and greater openness and comfort with sharing sexual and gender identities publicly. As a result, BJS's pure speculation about the "potential sensitivities" of youth cannot justify the proposed action here. Surveys have been voluntarily and confidentially asking adolescents about LGBTQ status for years. Any individual who is not comfortable responding to a question about their sexual orientation has the option to not respond.

There is no burden in asking 16- and 17-year-olds about their SOGI status.

The agency's estimate of the burden of the proposed collection of information is correct. There is "no impact" on the estimated survey burden or the annual number of respondents. However, the claim that the validity of the methodology and the assumptions used in making this revision will have no impact on the results is disingenuous, if not outright hostile to LGBTQ youth. DOJ offers no reasoning or justification for removing the question other than "potential sensitivity." In removing the sexual orientation and gender identity questions for 16- and 17-year-olds DOJ harms the utility of available information and will not be able to reach young LGBTQ people in crime prevention or resolution. LGBTQ victims deserve to be counted.

Collecting these data is feasible. Best practices exist for asking SOGI questions,³⁰ and two reports "Best Practices for Asking Questions about Sexual Orientation on Surveys"³¹ and "Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys"³² reflect expert consensus. BJS already followed those best practices when crafting the current SOGI questions.

Most federal surveys including, for example, the NCVS, ask questions about many other aspects of identity, such as race. SOGI data should be routinely collected as well for all respondents, including teenagers. Gathering data on how their various identities interact provides important information about whether and how programs are appropriately serving people who have experienced multiple and different forms of stigma.³³

In conclusion, instead of removing these questions, BJS could instead focus on ways to improve data collection and make it easier for youth to respond to these critical surveys. Collecting data on sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and safer communities.³⁴ Continuing to collect these data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

Sincerely,

Arizona Coalition to End Sexual and Domestic Violence
Center for American Progress
CenterLink: The Community of LGBT Centers
Charlottesville NOW
Equality California
Equality North Carolina
FORGE, Inc.
Gender Spectrum
GLSEN
Illinois Accountability Initiative
Jacobs Institute of Women's Health
Mazzoni Center
The Montrose Center
National Coalition of Anti-Violence Programs
National Council of Jewish Women
National LGBTQ Task Force
National Women's Health Network
PFLAG National
People For the American Way
Resource Center
Sexuality Information and Education Council of the United States
Trans Pride Initiative
The Trevor Project

¹ ICPSR, "National Crime Victimization Survey (NCVS) Series," available at <https://www.icpsr.umich.edu/icpsrweb/ICPSR/series/95> (last accessed May 9, 2018).

² John Paul Brammer, "Justice Department Wants to Remove Questions for LGBTQ Teens from Crime Survey," *NBC News*, April 23, 2018, available at <https://www.nbcnews.com/feature/nbc-out/justice-department-wants-remove-questions-lgbtq-teens-crime-survey-n865361>.

³ Kellan Baker and Laura Durso, "Filling in the Map: The Need for LGBT Data Collection" (Washington: Center for American Progress, 2015), available at <https://www.americanprogress.org/issues/lgbt/news/2015/09/16/121128/filling-in-the-map-the-need-for-lgbt-data-collection/>. See also Haeyoun Park and Iaryna Mykhyalshyn, "L.G.B.T. People Are More Likely to Be Targets of Hate Crimes Than Any Other Minority Group," *The New York Times*, June 16, 2016, available at <https://www.nytimes.com/interactive/2016/06/16/us/hate-crimes-against-lgbt.html>.

⁴ Karen I. Fredriksen-Goldsen and others, "The Aging and Health Report: Disparities and Resilience among Lesbian, Gay, Bisexual, and Transgender Older Adults," (Seattle: Institute for Multigenerational Health, University of Washington, 2011), available at <http://www.age-pride.org/wordpress/wp-content/uploads/2011/05/Full-Report-FINAL-11-16-11.pdf>.

⁵ Ibid.

⁶ Kellan Baker and Laura E. Durso, "Why Repealing the Affordable Care Act Is Bad Medicine for LGBT Communities," (Washington: Center for American Progress, 2017), available at <https://www.americanprogress.org/issues/lgbt/news/2017/03/22/428970/repealing-affordable-care-act-bad-medicine-lgbt-communities/>.

⁷ Taylor N. T. Brown, Adam P. Romero, and Gary J. Gates, "Food Insecurity and SNAP Participation in the LGBT Community," (California: The Williams Institute at UCLA School of Law, 2016), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.

⁸ Park and Mykhyalshyn, "L.G.B.T. People Are More Likely to Be Targets of Hate Crimes Than Any Other Minority Group." See also Mikel L. Walters, Jieru Chen, and Matthew J. Breiding, "The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation," (Atlanta: National Center for Injury Prevention and Control,

2013), available at https://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf; Federal Bureau of Investigation, “Table 1: Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2016” in 2016 Hate Crime Statistics, available at <https://ucr.fbi.gov/hate-crime/2016/tables/table-1> (last accessed May 9, 2018).

⁹ National Center for Injury Prevention and Control, “NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation,” available at https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf (last accessed May 9, 2018).

¹⁰ Ibid.

¹¹ Ibid.

¹² Federal Bureau of Investigation, “Table 1: Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2016.”

¹³ Sandy E. James and others, “The Report of the 2015 U.S. Transgender Survey” (Washington, DC: National Center for Transgender Equality, 2016), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

¹⁴ Joseph G. Kosciw and others, “The 2015 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s Schools” (New York: GLSEN, 2016), available at <https://www.glsen.org/article/2015-national-school-climate-survey>.

¹⁵ Joseph G. Kosciw and others, “The 2015 National School Climate Survey.”

¹⁶ Lauren Musu-Gillette and others, “Indicators of School Crime and Safety: 2017” (Washington: National Center for Education Statistics and Bureau of Justice Statistics, 2018) available at <https://www.bjs.gov/content/pub/pdf/iscs17.pdf>.

¹⁷ Elizabeth M. Saewyc, “Measuring sexual orientation in adolescent health surveys: Evaluation of eight school-based surveys,” *Journal of Adolescent Health* 35 (4) (2004): 345.e1–345.e15, available at <https://www.jahonline.org/article/S1054-139X%2804%2900161-2/fulltext>.

¹⁸ Ibid.

¹⁹ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, “Current Measures of Sexual Orientation and Gender Identity in Federal Surveys” (2016), available at https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/WorkingGroupPaper1_CurrentMeasures_08-16.pdf.

²⁰ Nicole A. VanKim and others, “Adding Sexual Orientation to Statewide Public Health Surveillance: New Mexico’s Experience,” *American Journal of Public Health* 100 (12) (2010): 2392–2396, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2978164/>.

²¹ Sean Cahill and others, “Do Ask, Do Tell: High Levels of Acceptability by Patients of Routine Collection of Sexual Orientation and Gender Identity Data in Four Diverse American Community Health Centers,” *PLoS ONE* 9 (9) (2014): e107104, available at <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0107104>.

²² Bureau of Justice Statistics, “Testing Sexual Orientation and Gender Identity Questions for the National Crime Victimization Survey” (2013), available at https://paa.confex.com/paa/2016/mediafile/ExtendedAbstract/Paper9224/PAA%202016%20extended%20abstract_Truman.pdf.

²³ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, “Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?” (2016), available at https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/Evaluations_of_SOGI_Questions_20160923.pdf.

²⁴ Bureau of Justice Statistics, “Questionnaires,” in Data Collection: National Crime Victimization Survey (NCVS), available at <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245#Questionnaires> (last accessed May 9, 2018).

²⁵ Baker and Durso, “Filling in the Map.”

²⁶ 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), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

²⁷ *Id.* at 3–4.

²⁸ *Id.*; see also Laura Kann and others, “Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9–12 — Youth Risk Behavior Surveillance, Selected Sites, United States, 2001–2009,” (Atlanta: Centers for Disease Control and Prevention, 2011), available at <https://www.cdc.gov/mmwr/pdf/ss/ss60e0606.pdf>.

²⁹ Gary J. Gates, “In US, More Adults Identifying as LGBT,” *Gallup*, January 11, 2017, available at <http://www.gallup.com/poll/201731/lgbt-identification-rises.aspx>.

³⁰ Kellan Baker, Laura E. Durso, and Aaron Ridings, “How to Collect Data About LGBT Communities” (Washington: Center for American Progress, 2016), available at <https://www.americanprogress.org/issues/lgbt/reports/2016/03/15/133223/how-to-collect-data-about-lgbt-communities>.

³¹ The Sexual Minority Assessment Research Team, “Best Practices for Asking Questions about Sexual Orientation on Surveys” (2009), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf>.

³² The GenIUSS Group, “Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys” (2014), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>.

³³ Baker, Durso, and Ridings, “How to Collect Data About LGBT Communities.”

³⁴ See: Jesse Jannetta and Cameron Okeke, “Strategies for Reducing Criminal and Juvenile Justice Involvement” (Washington: Urban Institute, 2017), available at https://www.urban.org/sites/default/files/publication/94516/strategies-for-reducing-criminal-and-juvenile-justice-involvement_2.pdf.



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May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

As you know, the United States Department of Justice's Bureau of Justice Statistics (BJS) is proposing to increase the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18. I am writing to ask to you to reject this proposed change.

The Skillman Foundation is a private charitable foundation located in Detroit, MI. Since 1960, the Foundation has worked to ensure that Detroit youth have access to high-quality educational and economic opportunities and a strong, broad network of champions that work on behalf of young people's interests. We believe children are our greatest asset, and that the children of Detroit are integral to the city's sustained recovery and growth.

We know that many adolescents who wind up in the justice system have often been victims of crime and exposed to trauma themselves. There are many reasons why LGBTQ youth will avoid reporting a crime to the police. This is why we are concerned by the BJS proposal to raise the age for respondents of the NCVS to be asked about their sexual orientation and gender identity given that LGBTQ youth are particularly vulnerable to violence and other crimes.

By adding the questions regarding sexual orientation and sexual identity, statuses that have been identified as factors affecting victimization risk, policymakers can have a more accurate picture of crime victims and properly allocate funds for crime prevention and victim support. It also provides the opportunity to examine the relationship between LGBTQ status and the nature of their contact with law enforcement, thus providing policymakers with the opportunity to find ways to strengthen these relationships and increase the likelihood that LGBTQ people will report crimes and have access to appropriate victim services.

100 Talon Centre Dr. Suite 100
Detroit, Michigan 48207

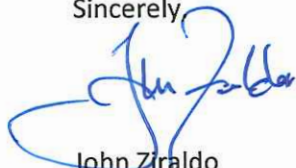
PHONE: (313) 393.1185 URL: www.skillman.org EMAIL: info@skillman.org  [TheSkillmanFoundation](https://www.facebook.com/TheSkillmanFoundation)  [SkillmanFound](https://twitter.com/SkillmanFound)

BJS asserts it is requesting this change due to "concerns about the potential sensitivity of these questions for adolescents." However, these questions are voluntary and any responses received are confidential. Similar questions are asked in other federally-administered surveys and no harm has been done to young people who freely choose to answer these questions.

Stronger data on the sexual orientation and gender identity, particularly from youth, will not only help ensure that the most vulnerable victims have access to the services and supports they need, but it may also lead to reduced crime rates and create safer communities. Continuing to collect this data will also provide a better understanding of crime victimization and aide policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,



John Ziraldo

Vice President of Program and Strategy
Skillman Foundation

From: Amy Haywood
To: [Truman, Jennifer \(OJP\)](#)
Subject: public comment for review and approval of a revision to the National Crime Victimization Survey information collection in accordance with the Paperwork Reduction Act of 1995
Date: Friday, May 11, 2018 5:16:22 PM

Dear Ms. Truman,

I was not sure where to make the public comment, but I wanted to let you know that I fully support rolling back the Obama era requirement of questioning minors for this survey. As a teacher and a parent, I find it entirely inappropriate for minors to be questioned about their sexuality without the consent of parents. This is a health and safety issue.

Thank you,
Amy Haywood

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

May 11, 2018

Re: Agency Information Collection Activities

To the Bureau of Justice Statistics:

The Stop Hate Project of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") writes to offer comments regarding the Department of Justice's proposed revision to the National Crime Victimization Survey (NCVS) information collection.

The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers' Committee is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities. As part of the Lawyers' Committee's mission to secure equal justice under law, the Stop Hate Project works to strengthen the capacity of community leaders, law enforcement, and organizations around the country to combat hate by connecting these groups with established legal and social services resources. We also create new resources in response to identified needs. The Stop Hate project operates a national resource hotline, 844-9-NO-HATE (844-966-4283), to assist people in reporting hate crimes and incidents.

The Lawyers' Committee has several concerns regarding the proposed revision to the NCVS information collection: (1) reports of bias-motivated crimes in relation to gender identity and sexual orientation are on the rise; (2) data is essential as it informs policy; and (3) excluding 16 and 17 year olds from self-reporting data on sexual orientation and gender identity risks sending a message to victims of hate crimes, especially members of the LGBTQ+ community that addressing hate crimes and incidents is not a priority.

LGBTQ+ hate crimes are on the rise. Federal reports, such as NCVS and the FBI's Uniform Crime Reporting program, detail an increase in hate crimes motivated by bias against sexual orientation and gender identity. According to the 2017 NCVS Hate Crime Victimization report, roughly 1 in 5 (22%) of victims believed to be targets of hate crimes motivated by bias against a person associated by sexual orientation.¹ Similarly, approximately 1,215 hate crimes based on sexual orientation-bias have been submitted to the FBI's Uniform Crime Reporting (UCR) program victimizations each year between 2007 and 2016; on average 92 hate crimes based on gender identity-bias have submitted to UCR each year between 2013 and 2016.²

¹ Source: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>

² United States Department of Justice, Federal Bureau of Investigation. (November 2017). Hate Crime Statistics, 2016. Retrieved (May 10, 2018), from (<https://ucr.fbi.gov/hate-crime>).

Research shows that youth who identify as LGBTQ+ disproportionately experience bullying and incidents motivated by bias towards sexual orientation compared to their heterosexual peers.³ Such incidents have adverse outcomes on youth.⁴ By excluding a subset of the population administered the survey, NVCS will fail to provide a comprehensive analysis of the demographic groups whom have been impacted by hate incidents. In such, this threatens the accuracy of the data collected, and allows assumptions to be made in regards to hate crime victimization of individuals who identify in accordance with these demographic groupings.

The data provided by NCVS is crucial in developing an accurate picture of hate crime victimization that is informed by individuals, rather than institutions. As this data is essential in informing policy, it also reaffirms community trust by accounting for individuals whom have gone uncounted by other mechanisms, such as the Uniform Crime Reporting statistics. By not collecting demographic data on sexual orientation and gender identity for 16 and 17 year olds whom have been victims of hate crimes and incidents, NCVS data will not be inclusive of the general population. Such an action will also send a problematic message by ignoring the realities of individuals who identify with these demographic groupings face, thereby missing a chance to affect future policies that are inclusive and reflect an accurate depiction of hate crime victimization in the United States.

Posed by this suggested change, the Lawyers' Committee respectfully suggests that the Office of Management and Budget reject the proposed changes to the National Crimes Victimization Survey information and maintain 16 as the threshold age for collecting hate crime data on the basis of sexual orientation and gender identity.

The Stop Hate Project at the Lawyers' Committee appreciates the opportunity to offer these comments and looks forward to working with the Bureau of Justice Statistics to ensure that hate crime data accurately represents hate crime victimizations.

If you have any questions, please let us know. Thank you for giving our comments your consideration.

Gabrielle Gray
National Coordinator, The Stop Hate Project
Lawyers' Committee for Civil Rights Under Law

³Espelage, Dorothy L., Steven R. Aragon, Michelle Birkett, and Brian W. Koenig. "Homophobic teasing, psychological outcomes, and sexual orientation among high school students: What influence do parents and schools have?." *School psychology review* 37, no. 2 (2008): 202.; Garofalo, Robert, R. Cameron Wolf, Shari Kessel, Judith Palfrey, and Robert H. DuRant. "The association between health risk behaviors and sexual orientation among a school-based sample of adolescents." *Pediatrics* 101, no. 5 (1998): 895-902.; Hatzenbuehler, Mark L., Dustin Duncan, and Renee Johnson. "Neighborhood-level LGBT hate crimes and bullying among sexual minority youths: a geospatial analysis." *Violence Vict* 30, no. 4 (2015): 663-675.

⁴ Almeida, Joanna, Renee M. Johnson, Heather L. Corliss, Beth E. Molnar, and Deborah Azrael. "Emotional distress among LGBT youth: The influence of perceived discrimination based on sexual orientation." *Journal of youth and adolescence* 38, no. 7 (2009): 1001-1014.; Coker, Tumaini R., S. Bryn Austin, and Mark A. Schuster. "The health and health care of lesbian, gay, and bisexual adolescents." *Annual review of public health* 31 (2010): 457-477.; Duncan, Dustin T., and Mark L. Hatzenbuehler. "Lesbian, gay, bisexual, and transgender hate crimes and suicidality among a population-based sample of sexual-minority adolescents in Boston." *American journal of public health* 104, no. 2 (2014): 272-278.

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CALIFORNIA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1247
Facsimile: (510) 622-2270
E-Mail: james.zahradka@doj.ca.gov

May 11, 2018

Jennifer Truman
Statistician
Bureau of Justice Statistics
810 Seventh Street, N.W.
Washington, DC 20531
Via email: Jennifer.Truman@ojp.usdoj.gov

RE: States' comments re Revision to National Crime Victimization Survey, OMB Number 1121-0111

Dear Ms. Truman:

We, the undersigned Attorneys General of California, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New Mexico, Oregon, Virginia, and Washington, write to oppose the United States Department of Justice's (USDOJ) proposal to terminate the collection of data relating to violence against LGBTQ youth aged 16-18.

The National Crime Victimization Survey ("the Survey")—administered by the Census Bureau on behalf of USDOJ—is a critical source of data for us and other law enforcement officials. Leading research institutions on crime describe the Survey as "the primary source of information on the characteristics of criminal victimization and on the number and types of crimes not reported to law enforcement authorities . . . provid[ing] the largest national forum for victims to describe the impact of crime and characteristics of violent offenders."¹ The National Academy of Sciences describes it as "a uniquely valuable source of information on the 'dark

¹ National Archive of Criminal Justice Data, *Resource Guide: National Crime Victimization Survey* <<https://www.icpsr.umich.edu/icpsrweb/NACJD/NCVS/>> (as of April 30, 2018).

figure of crime’—those crimes not reported to police.”² Indeed, the FBI relies on the Survey “to achieve a greater understanding of crime trends and the nature of crime in the United States.”³

Following an extensive process, including years-long studies of methodology relating to the questions at issue,⁴ in July 2016 USDOJ added questions about respondents’ sexual orientation and gender identity to the Survey, specifying that household members 16 and older were to be asked to respond.⁵ On April 11, 2018, USDOJ issued notice of its intention to raise the minimum age of respondents of whom questions relating to sexual orientation and gender identity are asked from 16 to 18.⁶ USDOJ’s only justification for this change is as follows: “The minimum age for these questions will be raised to 18 due to concerns about the potential sensitivity of these questions for adolescents.”⁷ This proposed rollback in data collection would keep parents, schools, law enforcement, and policy experts in the dark about the all-too-common victimization of LGBTQ youth.⁸

While some youth may be sensitive to questions relating to sexuality, including their sexual orientation and gender identity, it is important to note that this is a completely voluntary, confidential survey; further, the survey questions are not intrusive inquiries into respondents’ sexual activity, but rather straightforward questions about how they identify. And many young

² Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys, C. Kruttschnitt, et al., eds., *Estimating the Incidence of Rape and Sexual Assault* (Apr. 7, 2014) <<https://www.ncbi.nlm.nih.gov/books/NBK202265/>> (as of Apr. 30, 2018).

³ FBI Criminal Justice Information Services Division, *The Nation’s Two Crime Measures* <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/resource-pages/nations-two-crime-measures/nations_two_crime_measures> (as of Apr. 30, 2018). The FBI uses the Survey in conjunction with the complementary Uniform Crime Reporting program for this purpose.

⁴ See, e.g., USDOJ Bureau of Justice Statistics, *NCVS Redesign: Survey Instrument Redesign* <<https://www.bjs.gov/index.cfm?ty=tp&tid=912>> (as of Apr. 30, 2018); see also Mandi Martinez, et al., *Cognitive Pretesting of the National Crime Victimization Survey Supplemental Victimization Survey*, U.S. Census Bureau (Feb. 23, 2017) <<https://www.census.gov/srd/papers/pdf/rsm2017-03.pdf>> (as of May 7, 2018).

⁵ USDOJ Bureau of Justice Statistics, *National Crime Victimization Survey, NCVS-1 Basic Screen Questionnaire* <https://www.bjs.gov/content/pub/pdf/ncvs16_bsq.pdf> (as of May 9, 2018).

⁶ 83 Fed.Reg. 15634 (Apr. 11, 2018) <<https://www.gpo.gov/fdsys/pkg/FR-2018-04-11/pdf/2018-07448.pdf>> (as of Apr. 30, 2018).

⁷ *Id.* at 15635.

⁸ See, e.g., Centers for Disease Control and Prevention, *Health Risks Among Sexual Minority Youth* (Aug. 2016) <<https://www.cdc.gov/healthyyouth/disparities/smy.htm>> (as of May 1, 2018) (study showing that LGB students were three times more likely than heterosexual students to have been raped; skipped school far more often because they did not feel safe; were frequently bullied on school property; and were twice as likely as heterosexual students to have been threatened or injured with a weapon on school property).

people are dealing with sexual orientation and gender identity issues,⁹ and experience bullying based on these characteristics,¹⁰ well before they turn 16. The Census Bureau's detailed testing of these questions showed that "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."¹¹ It is irresponsible to halt collection of this data based on the "potential sensitivity" of these questions. Without this data, stakeholders will be denied an important tool to help them address the widespread bullying, threats, and actual violence against students based on these characteristics.¹²

A significant report reflecting these serious problems was recently published by USDOJ and the United States Department of Education. It showed, among other things, that LGB youth were almost twice as likely to be bullied and threatened or injured by a weapon at school; almost twice as likely to be in a physical fight; and were more likely to be offered, sold, or given illegal drugs at school.¹³ A comprehensive 2016 Human Rights Watch report showed not only that such problems were widespread, but that many schools' policies failed to address—and in some cases even exacerbated—these problems.¹⁴ Sadly, studies have also clearly shown that LGBT youth are at elevated risk of adverse mental health outcomes, including depression, anxiety, substance abuse, and suicidality.¹⁵ The Survey is a vital source of national data on violence against LGBTQ youth and a critical tool in combating such violence and reversing these trends, both as a law enforcement matter and on a policy level.

The USDOJ has not pointed—and cannot point—to any new facts or compelling reasons for the proposed regulation. LGBTQ youth count on law enforcement officials like USDOJ and the state Attorneys General to protect them, and depriving us of relevant data will unnecessarily

⁹ See Pew Research Center, *A Survey of LGBT Americans* (June 13, 2013) (median age for LGB survey respondents realizing they might not be "straight" is 12) <<http://www.pewsocialtrends.org/2013/06/13/chapter-3-the-coming-out-experience/>> (as of May 9, 2018).

¹⁰ Ryan Thoreson, "Like Walking through a Hailstorm": Discrimination against LGBT Youth in US Schools, Human Rights Watch (Dec. 7, 2016) (discussing bullying of LGBT students as young as 8 years old) <https://www.hrw.org/sites/default/files/report_pdf/uslgbt1216web_2.pdf> (as of Apr. 30, 2018).

¹¹ *Cognitive Pretesting*, supra note 4.

¹² See *id.* (stating that "[i]ncluding the respondents' sexual orientation and gender identity . . . provides more accurate and detailed data that can be used to inform public policy debates and funding decisions regarding this vulnerable population").

¹³ Lauren Musu-Gillette, et al., *Indicators of School Crime and Safety: 2017*, USDOJ Bureau of Justice Statistics (Mar. 29, 2018) <<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6206>> (as of Apr. 30, 2018).

¹⁴ *Hailstorm*, supra note 10.

¹⁵ Centers for Disease Control and Prevention, *LGBT Youth* (Nov. 12, 2014) <<http://www.cdc.gov/lgbthealth/youth.htm>> (as of Apr. 30, 2018); Youth.gov, *Behavioral Health* <<http://youth.gov/youth-topics/lgbtq-youth/health-depression-and-suicide>> (as of Apr. 30, 2018).

Jennifer Truman
May 11, 2018
Page 4

constrain our efforts to do so. For all the reasons discussed above, we call on USDOJ to continue to fulfill its responsibilities to LGBTQ youth and withdraw its proposal to terminate the collection of data relating to violence against them.

Thank you for your consideration of our views.

Sincerely,



XAVIER BECERRA
California Attorney General



LISA MADIGAN
Illinois Attorney General



TOM MILLER
Iowa Attorney General



BRIAN FROSH
Maryland Attorney General



MAURA HEALEY
Massachusetts Attorney General



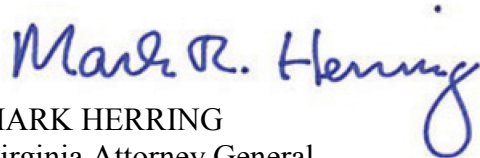
GURBIR S. GREWAL
New Jersey Attorney General



HECTOR BALDERAS
New Mexico Attorney General



ELLEN F. ROSENBLUM
Oregon Attorney General



MARK HERRING
Virginia Attorney General



BOB FERGUSON
Washington State Attorney General



3220 Mission Ave. #2
Oceanside, CA 92058
www.ncresourcecenter.org
760-994-1690



12463 Rancho Bernardo Rd. #218
San Diego, CA 92128
www.transfamilyosos.org
858-382-9156

May 11, 2018

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

Submitted via email: Jennifer.Truman@ojp.usdoj.gov

RE: 83 FR 15634, Revision of National Crime Victimization Survey (NCVS)

Dear Ms. Truman,

Re: Public Comment on [OMB Number 1121-0111] Agency Information Collection Activities: Revision of a currently approved collection; National Crime Victimization Survey (NCVS)

The undersigned groups respectfully request that the Department of Justice reconsider its decision to stop collecting information from minors on gender identity and sexual orientation. Having less information is never a good thing. From previous surveys, we are well aware that our LGBTQ+ youth as well as those perceived to be LGBTQ+ are sometimes targeted by peers, community and families for abuse that can cross over into criminal conduct, this rate increases for [youth who are also transgender or of color](#) (Office for Victim of Crime, June 2014). This includes a higher rate child abandonment and all the dangers that ensue from that as well as sexual predation by family members ([Judge, 2015](#)). Meanwhile, studies (National Sexual Violence Resource Center [Research Brief, 2012](#)) have amply documented the negative effects on the victims and by extension our entire society. Talking with youth at any homeless center, you will hear stories that break your heart, many of them from LGBTQ+ teens forced out of their homes and currently surviving by trading sex for food and shelter. At LGBTQ+ centers, you hear the other side of the story, children living in unsupportive homes and contemplating suicide, an extreme solution that they attempt and die from with alarming frequency ([The Trevor Project, 2017](#)).

There are also many innovative programs seeking to reduce victimization of LGBTQ+ youth. We need to know if those programs are succeeding and document the need for more support. We need data. The National Crime Victimization Survey helps us track rates of violence and victimization among LGBTQ+ youth , looking for areas of need as well as areas of improvement.

We recognize that the Department of Justice is concerned about requesting and tracking sensitive data, particularly where minors are involved. This information is already voluntary, which is one important protection. Other ways to protect youth are to ask not just about gender identity and sexual orientation but also about perceived LGBTQ+ status. Youth who may not want to identify themselves as LGBTQ+ may still be able to identify cases where their perceived LGBTQ+ status was a factor in victimization. Please continue to collect this very important data. Instead of reducing the data available, we urge you find better ways to collect it.

Thank you,

Max Disposti
Executive Director
North County LGBTQ Resource Center

Kathie Moehlig
Executive Director
TransFamily Support Services

Dear Dr. Jennifer Truman,

We are pleased to present you with this petition affirming this statement:

"The National Crime Victimization Survey, which is both confidential and voluntary, is essential to understanding how the criminal justice system is responding to young LGBTQ victims. Sign our petition to make sure they remain included in the survey."

Attached is a list of 176 individuals who have added their names to this petition, as well as additional comments written by the petition signers themselves.

Sincerely,
Zaina Awad
Beth Ann Hamilton

https://petitions.moveon.org/sign/stop-the-doj-from-erasing?source=c.em.cp&r_by=20101707

Bhavesb Shah
Kensington, CA 94530
May 11, 2018

Creed
Eagle Point, OR 97524
May 11, 2018

Erik Streeter
Salem, MA 01970
May 11, 2018

Sarah Job
Johnson City, TN 37604
May 11, 2018

Stephen Johnston
Eugene, OR 97405
May 11, 2018

Holly Dowling
Pope Valley, CA 94567
May 11, 2018

Raul Colunga
San Jose, CA 95126-3471
May 11, 2018

Amelia Littlefield
Columbia, MO 65203-1939
May 11, 2018

Viviane
Palm Coast, FL 32137
May 11, 2018

Brian Ternamian
Hurst, TX 76054
May 11, 2018

Kirk Imoto
Streamwood, IL 60107
May 11, 2018

Emory Erker-Lynch
Chicago, IL 60626
May 11, 2018

Mike J Vanlandingham
Shawnee, KS 66203
May 11, 2018

david bradbury
santa fe, NM 87501
May 11, 2018

George Pappas
Chicago, IL 60618-5602
May 11, 2018

Gregory W Ross
San Leandro, CA 94577
May 11, 2018

Erik Green
Oakland, CA 94603
May 11, 2018

P D Israel
Tower Lakes, IL 60010
May 11, 2018

Tracey Aquino
VIRGINIA BEACH, VA 23452
May 11, 2018

Samuel Simon
South Nyack, NY 10960
May 11, 2018

Sondra Boes
Campbell, CA 95008-5123
May 11, 2018

Ken Mauney
Durham, NC 27703
May 11, 2018

DAYNA BLASER
NINE MILE FALLS, WA 99026
May 11, 2018

Robbie Leatham
Boise, ID 83705
May 11, 2018

Deb Michaels
Eugene, OR 97402-4733
May 11, 2018

Jill Lampson
Eugene, OR 97401
May 11, 2018

MICHAEL VAUGHAN
SPRINGFIELD GARDENS, NY 11413
May 11, 2018

Nancy Wrench
Jefferson, WI 53549
May 11, 2018

Gordon Parker III
Albuquerque, NM 87105-7082
May 11, 2018

Dirk Reed
Soquel, CA 95073
May 11, 2018

Richard Donnelly
Bellingham, WA 98229
May 11, 2018

Jeff Nibert
Pleasanton, CA 94588
May 11, 2018

Kevin Estes
Woodland, CA 95776
May 11, 2018

Marilyn Palermo
Pine Valley, CA 91962
May 11, 2018

Dave Woerner
SEATTLE, WA 98103
May 11, 2018

Denise White
Lewis, KS 67552
May 11, 2018

judy schilling
longmont, CO 80503
May 11, 2018

Taylor Smith
New Carlisle, OH 45344
May 11, 2018

Stephanie Scupholm
Belleville, MI 48111
May 11, 2018

Dr. Aaron J. Blashill
San Diego, CA 92120
May 11, 2018

Diane Hulser
BRADENTON, FL 34209-4519
May 11, 2018

Stardust Doherty
San Francisco, CA 94110
May 11, 2018

john weaver
Fremont, CA 94536
May 11, 2018

Terri Coppersmith
Westminster, MD 21158
May 11, 2018

Pamela Genge
New York, NY 10021
May 11, 2018

Susanna Ward Saltini
South Jamesport, NY 11970
May 11, 2018

MR. & MRS. BRUCE REVESZ
Overbrook, NJ 07009
May 11, 2018

Francesca Gaiba
Chicago, IL 60625
May 11, 2018

Yanni Maniates
Morrisville, PA 19067
May 11, 2018

Barbara Hirt
Sedona, AZ 86351
May 11, 2018

Therese Ryan
Palmdale, Fa 93550
May 11, 2018

Kerri-Lyn Coyne
OLD SAYBROOK, CT 06475
May 11, 2018

Jeane Harrison
Des Moines, IA 50321
May 11, 2018

Daniel Fauth
Shawano, WI 54166
May 11, 2018

Marty
Oklahoma City, OK 73134
May 11, 2018

Gwen Gushee
Brighton, UT 84121
May 11, 2018

Michael E Ross
El Portal, CA 95318
May 11, 2018

Clayton Burford
Salem, OR 97303
May 11, 2018

Nina Rollow
Portland, OR 97202
May 11, 2018

Judy Bierbaum
abq, NM 87106
May 11, 2018

Patricia Legacy
Sherwood, OR 97140
May 11, 2018

Aida Bound
Wenatchee, WA 98801
May 11, 2018

J.S. Marks
San Jose, CA 95123
May 11, 2018

Kortney Adams Martin
Hyde Park, MA 02136
May 11, 2018

Sitaram Jaswal
Lincoln, NE 68502
May 11, 2018

Elouise Mattern Binns
Hillsboro, OR 97123
May 11, 2018

Angela Roquemore
Belleville, IL 62220
May 11, 2018

Anyone who is a victim of crime should be included. Anything else is hypocrisy and dangerous.

Jon Krueger
Jackson, MI 49201
May 11, 2018

MICHAEL BROWN
SAN MIGUEL, CA 93451
May 11, 2018

Blase Gallo
Pipersville, PA 18947
May 11, 2018

Emma Houseman
Chelmsford, MA 01824
May 11, 2018

Lainnie Gregg
Portland, OR 97217

May 11, 2018

Julie Clark
Portland, OR 97267
May 11, 2018

Mary Bichell
Shawondasse, IA 52001
May 11, 2018

Steven Dorst
Richmond, CA 94804
May 11, 2018

Ted Neumann
Altamont, NY 12009
May 11, 2018

Rachel Marro

May 11, 2018

Nicole Larry

May 11, 2018

Parks Dunlap

May 11, 2018

Kelly Benkert
Oak Park, IL 60302
May 11, 2018

Maggie Matson
Chicago, IL 60611
May 11, 2018

Becki Randall
il, IL 60062
May 11, 2018

Elizabeth McConnell
Chicago, IL 60625
May 11, 2018

Dr. Kiffer G. Card
Vancouver,
May 11, 2018

Craig Sias
Pleasant Ridge, MI 48069
May 11, 2018

J Michelle Dark
Oak Park, MI 48237
May 11, 2018

Dan Fridberg

May 11, 2018

Lisa Currie
Skokie, IL 60076
May 11, 2018

John Linton
Los Angeles, CA 90045
May 11, 2018

Balint Neray

May 11, 2018

Jacob Broschart
Chicago, IL 60613
May 11, 2018

Ada
Chicago, IL 60614-1526
May 11, 2018

Elli Krandel
Chicago, IL 60640
May 11, 2018

Gary Thaler
Revere, MA 02151
May 11, 2018

Robert Duckson
Hemet, CA 92543
May 11, 2018

Emily Meadows

May 11, 2018

Julie and Kelvin Dixon
Oakland, CA 94605
May 11, 2018

Chuck Franks

May 11, 2018

Darnell Motley

May 11, 2018

Michael Spagat
Oak Park, IL 60302
May 10, 2018

Judith A. Bucci
GAITHERSBURG, MD 20877
May 10, 2018

harriet shane
northumberland, PA 17857
May 10, 2018

Retain LGBTQ questions on the National Crime Victimization Survey. Our criminal justice system must understand all victimized segments of the population in addressing virulent hate crimes.

Ann Cotter
Cincinnati, OH 45229
May 10, 2018

Mia Bloom

May 10, 2018

Cynthia Graham
Horspath,
May 10, 2018

Amy Luetngen
Wauwatosa, WI 53213
May 10, 2018

Haunani V. Kawanakoa
Littleton, CO 80120
May 10, 2018

C. E. Rozea
GRANITE FALLS, NC 28630
May 10, 2018

Natalie Hardy
Livonia, MI 48150
May 10, 2018

Rende Lazure
Napa, CA 94559
May 10, 2018

Lee Margulies
Stony Brook, NY 11790
May 10, 2018

Kate Banner
Chicago, IL 60611
May 10, 2018

Removing this category from the survey will only serve to make the survey itself inaccurate, erase the experience of some of our most vulnerable and continue to erase the realities of our heterosexist society. Please continue to include these populations in your survey. We can only make policies that help us all with accurate information.

Madison Unsworth
Denver, CO 80218
May 10, 2018

Kathryn Macapagal

May 10, 2018

William fickes
Medford, MA 02155
May 10, 2018

Arielle Zimmerman
Chicago, IL 60640
May 10, 2018

Kevin Moran
Lombard, IL 60148
May 10, 2018

Christopher Garcia
Chicago, IL 60640
May 10, 2018

geesch, I had no idea. Thanks to those who put this petition together.

Paul Fickes
Missou, MT 59802
May 10, 2018

Shawna Davis
Meadville, PA 16335
May 10, 2018

Dianne Carty
Medford, MA 02155
May 10, 2018

Kathleen Buehler

May 10, 2018

Mark Metz
Des Moines, IA 50311
May 10, 2018

Emily Bettin
CHICAGO, IL 60657
May 10, 2018

Ryan Coventry
Chicago, IL 60613
May 10, 2018

Eva Winckler

May 10, 2018

Megan Baxter
Denver, NC 28037
May 10, 2018

Rachel Hinde

May 10, 2018

Matt
Chicago, IL 60601
May 10, 2018

Kelly Cerier
Redondo Beach, CA 90277

May 10, 2018

Gregory Phillips II
Chicago, IL 60611
May 10, 2018

Susan Windmiller
Miami, FL 33176
May 10, 2018

Mike Oboza
Park Ridge, IL 60068
May 10, 2018

Jack Novotny

May 10, 2018

P Ryan Uttz
Nashville, TN 37216
May 10, 2018

Lauren Beach
Chicago, IL 60610
May 10, 2018

Lauren Gaynor

May 10, 2018

Brian Feinstein

May 10, 2018

Please protect the rights of LGBTQIA Youth victims and help keep sanctions in place to protect the rights of various members of the LGBTQIA community that have been under attack within the Trump Administration.

Augusto Rodriguez
Chicago, IL 60639
May 10, 2018

Jared Armatis
Wyandotte, MI 48192
May 10, 2018

Valerie Lenz

May 10, 2018

Joan
Chicago, IL 60608-4606
May 10, 2018

Emma Zblewski
Evanston, IL 60201
May 10, 2018

Hannah Kay

May 10, 2018

Christine Lindeman

May 10, 2018

Rachelle pavelko
Youngstown, OH 44514
May 10, 2018

Heather

May 10, 2018

Molly Grzesik

May 10, 2018

Rikki Malhotra
Chicago, IL 60618-3004
May 10, 2018

Grace Grimes

May 9, 2018

Molly Lindeman

May 9, 2018

Samantha Hageman
Grosse Pointe Park, MI 48230
May 9, 2018

Vinay Malhotra

May 9, 2018

Emily Wallace
Seattle, WA 98104-4252
May 9, 2018

Courtney Stephenson
Las Vegas, NV 89101
May 9, 2018

Kelsey Stephenson
Minneapolis, MN 55405
May 9, 2018

Rachel Krampe

May 9, 2018

Rachel pike

May 9, 2018

Sierra Petersen
East Lansing, MI 48823
May 9, 2018

Kai Korpak
CHICAGO, IL 60614
May 9, 2018

Kim Kaiser
East Lansing, MI 48823
May 9, 2018

Katie Grimes

May 9, 2018

Kyra Stephenson
Minneapolis, MN 55408
May 9, 2018

Blair Turner
Chicago, IL 60611
May 9, 2018

Reema Malhotra

May 9, 2018

Eric Carty-Fickes
Wilmette, IL 60091
May 9, 2018

Phyllis Maierle
Dearborn, MI 48128
May 9, 2018

Katelyn Rosen

May 9, 2018

Ethan Morgan
Chicago, IL 60611
May 9, 2018

Dylan Felt

May 9, 2018

Hannah Badal
Decatur, GA 30033
May 9, 2018

Emma Reidy
Chicago, IL 60611
May 9, 2018

Peter Lindeman
Chicago, IL 60642
May 9, 2018

ashley kraus
chicago, IL 60610
May 9, 2018

Beth Ann Hamilton
IL, IL 60642
May 9, 2018

Zaina Awad
Chicago, IL 60618
May 9, 2018

From: LEE Moore
To: [Truman, Jennifer \(OJP\)](#)
Subject: Spastics on LGBT youths
Date: Friday, May 11, 2018 11:34:54 PM

I support the gathering of statistics to continue to understand the violence in this group of youths.

Sent from my iPad

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. Parker

/s/ [Signature]

Alan Lowenthal

MARK D. S. C.

Ted W. Leen

Frank Pullman Jr.

[Signature]

Jamie Raski

Julian Brunley

L. O. C. L.

Michelle Lujan Grisham

Daniel T. Kildee

[Signature]

[Signature]

A. Donald McEathen

Charlie Crist

[Signature]

Mark A. Cohen

Lisa Blunt Rocker

Pete Aguirre

Debbie Wasserman Schultz

Nanette Diaz Bauman

Bill Foster

Ami Ben

Zm G

Leah Hall

Katherine M. Clark

Mark Warner

Rail M. Hryciuk

Debbie Stabenow

Carol Shea-Porter

Robert W. Byrd

John P. ...

Niki Bangas

W. H. ...

...

...

Al

Steve DeLotto

Chad

Hank Johnson

Andrew Lee

Jimmy McHenry

Jim Schabig

Bob Schiff

John Weber

Neta McHenry

Art

Mr. V. [Signature]

Mike Quigg

And Dated

Jo Taramendi

Paul D. Santos

Jackie Speier

Shirley Jackson Lee

David H. Ciallerie

From: Kyle Bullock
To: [Truman, Jennifer \(OJP\)](#)
Subject: LGBT youth and national survey
Date: Friday, May 11, 2018 1:28:14 PM

I support collecting data on LGBT youth in the National Crime Victimization Survey. We need this information to effectively protect vulnerable youth.

Please keep this.

Thanks you.

- Kyle Bullock



DEPARTMENT OF PSYCHOLOGY
(530) 752-1880
FAX: (530) 752-2087

ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8686

May 11, 2018

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

via email: Jennifer.Truman@ojp.usdoj.gov

Dear Ms. Truman:

I am writing to express my strong opposition to a proposed change to the National Crime Victimization Survey (NCVS) that would exclude 16- and 17-year old respondents from being asked questions that assess sexual orientation and gender identity. The rationale provided for the proposed change is not evidence-based, and the resultant loss of data would impair the Justice Department's ability to monitor and address the disproportionate risk for criminal victimization currently faced by sexual and gender minorities. I elaborate on these assertions below.

My opinion about the proposed change is informed by a large and growing body of social science research on the nature and impact of prejudice, discrimination, and violence against sexual minority (i.e., lesbian, gay, bisexual) and gender minority (transgender and gender nonconforming) individuals. I am intimately acquainted with that body of knowledge, having myself made extensive empirical and theoretical contributions to it over the past 35 years. These include numerous scholarly articles published in peer-reviewed academic journals and books.

In addition, I have considerable experience communicating research findings in this area to legislators and policy makers. In 1986, for example, I testified on behalf of the American Psychological Association, American Psychiatric Association and several other national scientific and professional organizations at the House Criminal Justice Subcommittee's hearings on antigay violence. I was an invited participant in the 1997 White House Conference on Hate Crimes. In 2010, I was a member of the National Institute of Medicine's Committee on Lesbian, Gay, Bisexual, and Transgender Health Issues and Research Gaps and Opportunities.

Particularly relevant to my comments in this letter, I have served as a member of the Office of Justice Programs (OJP) Scientific Advisory Board (SAB) since 2016.

I provide this information as evidence of my research background and expertise. I do not wish to suggest, however, that I am speaking on behalf of any other individuals or groups. The opinions expressed in this letter are entirely my own.

As stated above, the principal reasons for my objection to the proposed change are twofold. First, there is no factual support for the sole justification given for the proposed change, namely, “concerns about the potential sensitivity of these questions for adolescents.” Although information about an individual’s sexual orientation and gender identity can reasonably be labeled “sensitive,” so can the information yielded by many other questions in the NCVS and other federal surveys, such as personal and household income as well as traumatic experiences such as criminal victimization. As with those other topics, NCVS respondents are free to skip the sexual orientation and gender identity questions. However, post-survey analysis of response patterns does not indicate that these questions are skipped with greater frequency than questions about other sensitive topics. Nor did careful pretesting of the sexual orientation and gender identity questions indicate that respondents found them difficult to answer.¹

These patterns are consistent with the experiences of other government and academic researchers. For example, the Youth Risk Behavior Survey (YRBS), which is conducted by the Centers for Disease Control and Prevention with a large sample of students in grades 9-12, includes a question about sexual orientation. The CDC has not reported any adverse consequences associated with answering that question, even among respondents younger than 16. Similarly, numerous other surveys of adolescents conducted by government agencies and academic researchers have asked questions about sexual orientation and gender identity without any problems or negative consequences.

Thus, the assumption that questions about sexual orientation and gender identity are too sensitive for 16- and 17-year olds is just that: an assumption, one that is contradicted by the available scientific data.

Whereas there are no data to justify the elimination of these questions, ample research findings point to the importance of collecting sexual orientation and gender identity information in the NCVS. Research dating back more than three decades consistently shows that, compared to their age-mates, lesbian, gay, bisexual, transgender, and gender nonconforming adolescents are at disproportionate risk of harassment, discrimination, and violence.

For example, the CDC’s analyses of the 2015 YRBS and other data reveal that sexual minority students report experiencing substantially higher levels of physical and sexual violence and bullying than other students.² These and similar findings in other studies³ are consistent with data showing that sexual and gender minority youth are disproportionately at risk for physical and psychological health problems, largely because of the stigma associated with their sexual orientation and gender identity.⁴

¹ e.g., Dahlhamer et al. (2014).

² Kann et al. (2016).

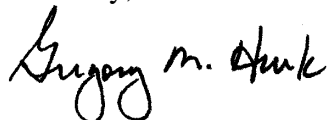
³ e.g., California Safe Schools Coalition, & UC Davis 4-H Center for Youth Development (2004); Grant et al. (2011); Krebs et al. (2016); McGuire et al. (2010).

⁴ For reviews of this research literature, see, e.g., Institute of Medicine (2011); Russell et al.

It was in recognition of the scientific and policy significance of data about sexual and gender minorities that the OJP Scientific Advisory Board unanimously recommended in 2016 that questions about sexual orientation and gender identity be routinely included in DOJ-sponsored surveys that collect demographic data from individual participants. Retaining such questions in the NCVS for 16- and 17- year old respondents will help to shed light on the criminal victimization experiences of sexual and gender minority youth. Removing them is contrary to the SAB's recommendation and will deny policy makers, lawmakers, and the American public access to important information.

For these reasons, I strongly urge the Justice Department to retain the sexual orientation questions in the NCVS for all respondents who are 16 years of age or older.

Sincerely,



Gregory M. Herek, Ph.D.
Professor Emeritus

Sources Cited:

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From: Ellen Andersen
To: [Truman, Jennifer \(OJP\)](#)
Subject: National Crime Victimization Survey
Date: Saturday, May 12, 2018 12:02:26 AM

I am writing to address on a proposed revision to the National Crime Victimization Survey (NCVS) that would raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18 (OMB Number 1121-0111). I speak both as a professor of political science who uses NCVS survey data in my teaching and as a member of the Board of Directors of Outright Vermont, Vermont's only statewide nonprofit organization focused on serving lesbian, gay, bisexual, and transgender (LGBT) youth.

At the risk of stating the obvious, I note that the NCVS is a major source of information about crime victimization and the contexts of crime victimization in the United States. The survey instrument is administered to all people 12 years or older living in sampled households. Since July 2016, the NCVS has asked all respondents 16 years or older to self-report their sexual orientation and gender identity. The Bureau of Justice Statistics recognized at the time that LGBT youth (and adults) are disproportionately victims of crimes, and that better data collection was needed to assess incidence rates. The proposed revision addresses neither of these substantive claims (the disproportionate likelihood of victimization and the need to assess incidence rates). Instead, the basis of the proposed revision is the potential sensitivity of questions related to sexual orientation and gender identity for youths aged 16 and 17. I'd like to address both the reasons for the 2016 change and the reason for the proposed 2018 change.

On the disproportionate likelihood of LGBT youth to be victims of crimes. Existing data, while relatively sparse, strongly indicates that being LGBT is a risk factor for crime victimization, and that risk levels vary within the LGBT population. For example, in August 2016, the Centers for Disease Control released the first nationally representative study on the health risks of U.S. lesbian, gay, and bisexual (LGB) high school students. A comparison of the findings of that report to the 2015 National Youth Risk Behavior Survey revealed that, when compared to their heterosexual peers, LGB youth were more than three times as likely to report being raped (18% of LGB students reported being physically forced to have sex as opposed to 5% of heterosexual students). They were more than twice as likely to report experiencing other forms of sexual violence (23% of LGB students versus 9% of heterosexual students).

The University of Minnesota's College Student Health Survey Report (2007-2011) contained similar findings. Like the CDC study, the Minnesota study randomly sampled students, in this case students enrolled at 40 two- and four-year colleges over the five-year period from 2007 to 2011. The study found that lesbian respondents were *nearly twice as* likely as heterosexual female students to report experiencing sexual assault during the course of their lifetimes (45% vs. 24.5%). Bisexual female students reported *even higher* rates of sexual assault than their lesbian peers (54% vs. 45%). Gay and bisexual male students were *roughly five times more*

likely than heterosexual male students to report experiencing sexual assault during their lifetimes (22% vs. 4.5%).

The reported incidence of sexual assault varies considerably between the two studies, but that, in and of itself, makes some sense. The CDC study examined high school students, whose lifetime risk of sexual assault was, by definition, smaller than the lifetime risk of college students. The CDC and Minnesota studies surveyed sexual assault differently; the CDC study differentiated rape from other types of sexual assault, while the Minnesota study did not.

If anything, the differences between the two studies indicate that we need *more and better data about incidence rates*. We are unlikely to capture that information from police reports. There is no standard requirement that police crime reports break down data based on the sexual orientation and gender identity of the victim. And even if they did, LGBT youth—particular youth not out to their families or youth of color—might well be unlikely to report a crime to the police. Better data on rates of violence against LGBT youth would be useful to academics like me and also to organizations like Outright Vermont that work with youth. But this information is essential to the goal of preventing crime. Data from the NCVS is used to allocate federal and state funding toward crime prevention. Removing questions about sexual orientation and gender identity in the context of 16- and 17-year old respondents thus poses serious harms.

The Bureau of Justice Statistics claims that they are removing questions about sexual orientation and gender identity for respondents younger than 18 out of concerns about the potential sensitivity of those questions. This rationale seems absurd on its face. The federal government *already* asks questions about sexual orientation and gender identity to youth: the CDC study discussed above asked children as young as 14 about their sexual orientation and gender identity. Asking youth about their sexuality and gender identity in a context where their answers are private poses little ethical concern; youth who are uncomfortable about the questions are always free to skip them, just as they can skip any question they do not wish to answer. Moreover, sexual orientation and gender identity are discussed widely in society today, even among youth.

I strong urge the Bureau of Justice Statistics to abandon its quest to raise the minimum age for respondents to be asked about their sexual orientation and gender identity from 16 to 18. Such a change would negatively affect the quality of the information gathered about crime victimization rates, by removing information we know to be a factor in crime victimization rates. It will negatively impact public officials and private organizations engaged in harm reduction. It will remove valuable information from academics studying both crime victimization and LGBT youth.

Thank you very much for your attention to this matter. Please do not hesitate to contact me if

you have any questions or concerns. I can be reached via email at (ellen.andersen@uvm.edu).

Very truly yours,

Ellen Ann Andersen

Associate Professor of Political Science

University of Vermont

Member, Board of Directors

Outright Vermont

Ellen Ann Andersen

Associate Professor

Department of Political Science and

Gender, Sexuality, and Women's Studies Program

522 Old Mill

University of Vermont

Burlington, VT 05405

Ellen.Andersen@uvm.edu

May 9, 2018

CenterLink
P O Box 24490
Fort Lauderdale, FL 33309

Jennifer Truman
Bureau of Justice Statistics
810 Seventh Street NW
Washington, DC 20531
Jennifer.Truman@ojp.usdoj.gov

**Re: OMB Number 1121-0111; Agency Information Collection Activities: Proposed eCollection
eComments Requested; Revision of a currently approved collection; comments requested:
National Crime Victimization Survey (NCVS)**

Dear Ms. Truman,

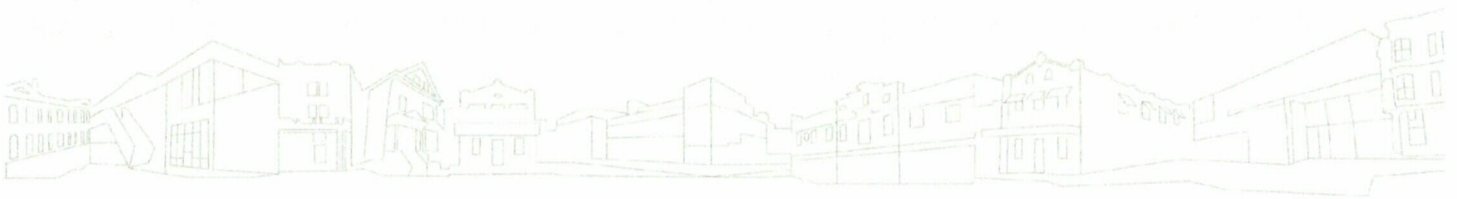
On behalf of CenterLink, we write in opposition to the Department of Justice's Bureau of Justice Statistics' (BJS) proposal to raise the minimum age for respondents of the National Crime Victimization Study (NCVS) to be asked about their sexual orientation and gender identity from 16 to 18.

CenterLink exists to support the development of strong, sustainable LGBT community centers and to build a unified center movement. Founded in 1994, a fundamental goal of CenterLink's mission is to help build the capacity of centers to meet the social, cultural, and health needs of LGBT community members across the country. CenterLink also acts as the voice for LGBT community centers in national grassroots organizing, coalition building, and social activism.

There are roughly 250 LGBT community centers in 45 states, Puerto Rico, and the District of Columbia, with new centers forming on a regular basis. These centers serve a vital and multifaceted role in many communities across the country. They are often the only staffed non-profit LGBT presence in the area and the first point of contact for a young person who has been a victim of abuse or violence.

As advocates in the anti-domestic and sexual violence field, we advocate for data collection systems that are safe, confidential, and sensitive to the experiences of survivors. We recognize that answering questions about traumatic events can be difficult for survivors, no matter their age. We also know that data collection systems that are inclusive of a survivor's whole selves, including questions about sexual orientation and gender identity, both give us a more accurate understanding of the prevalence and impact of domestic and sexual violence and validates survivors' experiences.

P O Box 24490
Fort Lauderdale, FL 33307-4490
954.765.6024; Fax 954.765.6593
WWW.lgbtcenters.org



The NCVS already adheres to national standards of sensitivity and raising the minimum age for questions regarding sexual orientation and gender identity would do nothing to make the survey more sensitive to the needs of survivors. The questions regarding sexual orientation and gender identity are voluntary and the responses are confidential, ensuring survivors both choice and privacy. Similar questions are asked in other federally-administered surveys, including the Youth Risk Behavior Survey and the National Survey of Family Growth, both of which include respondents younger than 16.ⁱ

Data collection that is inclusive of LGBTQ identities is paramount for our work in ending and responding to domestic and sexual violence. The inclusion of sexual orientation in the National Intimate Partner and Sexual Violence Survey demonstrated that lesbian, gay, and bisexual survivors experience high rates of intimate partner and sexual violence.ⁱⁱ The results from that survey and others were used to pass historic non-discrimination provisions for LGBTQ survivors in the 2013 reauthorization of the Violence Against Women Act.ⁱⁱⁱ According to the 2015 Youth Risk Behavior Survey, 18% of lesbian, gay, and bisexual students had experienced physical dating violence and 18% had been forced against their will to have sexual intercourse at some point in their lives.^{iv} Collecting data on sexual orientation and gender identity, particularly from youth, will ensure that the most vulnerable victims have access to the services and supports they need. It will also provide a better understanding of crime victimization and help policymakers and systems providers in designing evidence-based policies and interventions to protect victims and prevent further crime.

We urge BJS not to raise the minimum age for respondents to be asked about their sexual orientation and gender identity and to continue to collect this critical data.

Sincerely,



Lora Tucker
CEO

ⁱ Anjani Chandra et al., Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth, 36 NATIONAL HEALTH STATISTICS REPORTS 1 (Mar. 3, 2011), <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>; Kann L, Olsen EO, McManus T, et al. [Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 – United States and Selected Sites, 2015](#). MMWR Surveill Summ 2016; 65(9): 1-202.

ⁱⁱ Center For Disease Control and Prevention. National intimate partner and sexual violence survey: 2010 findings on victimization by sexual orientation. Retrieved from https://www.cdc.gov/ViolencePrevention/pdf/NISVS_FactSheet_LBG-a.pdf

ⁱⁱⁱ 18 U.S.C. § 249(2); 34 U.S.C. § 12291(b)(13)(A)).

^{iv} Kann L, Olsen EO, McManus T, et al. [Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 – United States and Selected Sites, 2015](#). MMWR Surveill Summ 2016; 65(9): 1-202.

