

FRN responses to the proposal to increase the minimum age for SOGI questions from 16 to 18 in the National Crime Victimization Survey

BJS introduced new socio-demographic measures to the NCVS beginning July 1, 2016, including items on veteran status, citizenship, sexual orientation, and gender identity. These items were added for all respondents over a particular age, not just for those who were victimized. At the same time, items on disability status, which previously had been asked only of those who were victimized, were also added for all respondents over a particular age, whether or not they were victimized. These new socio-demographic measures were approved by OMB in 2016, through a non-substantive modification to the NCVS under the existing clearance (OMB No. 1121-0111).

The modifications included questions pertaining to sexual orientation and gender identity asked of persons age 16 or older. Due to subsequent concerns about the potential sensitivity of these questions for adolescents, BJS determined that the minimum age at which these questions are asked should be raised to age 18. Comments on this proposed revision as part of the overall review and approval process were solicited through a 30-day notice in the Federal Register. (See, 83 Fed. Reg. 15634-02, April 11, 2018.) In response, BJS received a total of 87 comments on the proposed revision.

Some overarching themes emerged from the comments. Among them—

- Removal of the questions for youth (those ages 16 or 17) will hamper the ability to collect adequate data on correlates with victimization for this population, diminishing the utility of the NCVS.
- The NCVS is already sensitive to the needs of victims in making SOGI questions voluntary and confidential.
- There are alternatives to raising the minimum age to 18 that address the potential concerns with collecting the data.

Upon review of these responses, BJS weighed the concern over potential sensitivity of the questions with the goal of preserving the overall utility of the data. BJS determined that the sexual orientation questions will be retained on the instrument but will only be administered to victims age 16 or older. In addition, these questions will only be asked once of all victims during the time they remain in sample, rather than asking at their first, third, fifth, and seventh interview. With these revisions to the data, BJS will still be able to produce victimization estimates (counts and percentages of victims) by sexual orientation and gender identity. Where suitable alternate data sources exist, BJS will use other federal data collections to produce rates of victimization by sexual orientation.