

September 22, 2025

Rachel Morgan
Chief, Victimization Statistics Unit
Bureau of Justice Statistics
999 N Capitol Street NE
Washington, DC 20531

Re: OMB Control Number 1121-0111: National Crime Victimization Survey (NCVS)

Submitted in Response to Federal Register Notice 89 FR 58219 (July 24, 2025)

The undersigned organizations submit this comment to express serious concern regarding the Bureau of Justice Statistics' (BJS) decision to remove gender identity demographic questions from the National Crime Victimization Survey (NCVS). Although BJS has reversed its decision to remove questions documenting hate crimes motivated by anti-transgender bias,¹ the exclusion of voluntary gender identity demographic questions undermines the ability of the Department of Justice (DOJ) and other federal agencies to meet statutory obligations, enforce civil rights protections, and make evidence-based policy decisions.

The NCVS is uniquely designed to measure both reported and unreported experiences of victimization, making it a critical tool whose collection method relying on victim responses allows for the capture of data from communities who may have a historically strained relationship with law enforcement. The removal of demographic measures of gender identity from this survey creates a significant data gap and weakens the federal government's ability to accurately estimate the prevalence and characteristics of victimization in transgender and gender-diverse populations, to monitor compliance with federal nondiscrimination laws, and to direct resources and enforcement actions to where they are most needed.

1. Federal Law Requires Comprehensive Data Collection on Gender Identity

Congress has made clear that the collection of demographic information—including gender identity—is integral to DOJ's work to prevent hate crimes and enforce civil rights protections:

- **Hate Crimes Statistics Act (HCSA), 34 U.S.C. § 41305:** The Attorney General is required to “acquire data...about crimes that manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity.” Although BJS has reinstated the NCVS question on anti-transgender hate crimes, removing demographic questions about respondents' gender identity prevents BJS from accurately estimating the

¹ See Bureau of Justice Statistics, “Non-substantive change request for the National Crime Victimization Survey (OMB Control No. 1121-0111)” available at <https://omb.report/icr/202504-1121-001/doc/156323001>

risk profile for transgender and gender-diverse people, a key element of fulfilling HCSA's mandate.

- **Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA), Pub. L. No. 111-84, Div. E:** The HCPA explicitly expanded federal jurisdiction over crimes motivated by gender identity bias, recognizing the historic vulnerability of transgender communities. To operationalize this statute, DOJ requires baseline demographic data to understand prevalence, trends, and geographic distribution of targeted violence.

2. Gender Identity Data Are Critical to Civil Rights Enforcement and Public Safety

Gender identity demographic data collected through the NCVS have been indispensable in revealing disparities in victimization rates. Analyses of these data demonstrate:

- **Fiffold higher risk of violent victimization** for LGBTQ people compared to non-LGBTQ respondents,
- **Ninefold higher rates of violent hate crimes**, and
- **Stark intersectional disparities**, with Black transgender and gender-diverse respondents facing the highest rates of victimization.²

Without this data, DOJ cannot enforce civil rights and ensure public safety. For example, DOJ will be unable to:

- Assess whether federal funds distributed through programs such as the Office for Victims of Crime (OVC) Victim Assistance Formula Grants or the STOP Violence Against Women Formula Grants are reaching the most vulnerable populations; or
- Monitor disparities in law enforcement response to gender identity–related crimes, a core objective of the HCSA and DOJ's Hate Crimes Enforcement and Prevention Initiative.

Notably, these demographic questions on the NCVS are not duplicative of Federal Bureau of Investigation (FBI) reporting through the National Incident-Based Reporting System (NIBRS). While NIBRS captures incidents reported to law enforcement, NCVS data are uniquely valuable because they measure victimizations regardless of reporting status, providing a statistically sound understanding of barriers to justice, law enforcement distrust, and disparities in victim services. The 2021 CRS Report on Federal Data on Hate Crimes emphasized that NIBRS cannot serve as a substitute for NCVS data due to persistent underreporting and inconsistent law enforcement classification of hate crimes.³ Allowing transgender people an opportunity to voluntarily provide information in a privacy-protected survey like the NCVS dramatically increases the value and quality of data that DOJ uses to meet its statutorily mandated responsibilities to respond to hate violence.

² Ilan H. Meyer & Andrew R. Flores, Williams Inst., Anti-LGBT Victimization in the United States (Feb. 2025), <https://williamsinstitute.law.ucla.edu/publications/anti-lgbt-victimization-us/>

³ Emily J. Hansen & Nathan James, Cong. Rsch. Serv., Federal Data on Hate Crimes in the United States (March 22, 2021), <https://www.congress.gov/crs-product/R46318>.

3. Federal Statistical Policy and Case Law Support Comprehensive Data Collection

The federal government has consistently recognized that high-quality demographic data are foundational to civil rights enforcement:

- In *United States v. Maricopa County*, 915 F. Supp. 2d 1073 (D. Ariz. 2012), demographic data were pivotal in proving patterns of discriminatory policing.
- In *United States v. City of New York*, 717 F.3d 72 (2d Cir. 2013), demographic data were central to demonstrating disparate impact in firefighter hiring practices.

Similarly, robust demographic data on gender identity is necessary to detect systemic discrimination and disparities in victimization. Federal statistical directives also emphasize this point. For example, OMB Statistical Policy Directive No. 1 affirms that federal statistical data must be relevant, accurate, and accessible to inform policy and law.⁴ The removal of gender identity questions from NCVS contradicts these legal frameworks and represents a step backward in the modernization of federal data collections.

4. Request for Action

In light of statutory mandates and the overwhelming evidence of the necessity of gender identity demographic data, the undersigned respectfully request that BJS:

1. **Immediately reinstate voluntary gender identity demographic questions** in the NCVS and commit to their inclusion in future collection cycles; and
2. **Publicly disclose the rationale for removing these questions**, including any internal review or justification, to restore trust in DOJ's commitment to unbiased, scientifically valid data collection.

The NCVS is the only nationally representative survey capable of accurately quantifying the victimization experiences of transgender and gender-diverse individuals. Its demographic measures are essential for DOJ's enforcement of hate crime laws and civil rights protections. Removing these voluntary questions undermines statutory compliance, reduces transparency, and risks eroding the credibility of the federal statistical system.

Thank you for your attention to this critical issue.

Arab American Institute

Asian Americans Advancing Justice | AAJC

Association of Population Centers

Association of Public Data Users

⁴ Office of Management and Budget. (2014, December 2). Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units. Federal Register, 79(231), 71610–71616.

Autistic Self Advocacy Network (ASAN)
Autistic Women & Nonbinary Network
California Pan-Ethnic Health Network
CenterLink
Coalition for a Healthier Frederick County
Coalition on Human Needs
CTData
Desiree Alliance
District Attorney's Office, 20th JD (Boulder County)
Equality California
Equality Florida
Equality Illinois
Equality New Mexico
EqualityMaine
Fair Wisconsin
Family Equality
Government Information Watch
Human Rights Campaign
Impact Fund
Japanese American Citizens League
League of Women Voters of the United States
Maryland Center on Economic Policy
Movement Advancement Project
National Asian Pacific American Bar Association (NAPABA)
National Health Law Program
National Partnership for Women & Families
Oasis Legal Services
OutFront Minnesota
Phoenix Transition Program
Population Association of America
Rocky Mountain Equality
SAGE
Silver State Equality
The Leadership Conference on Civil and Human Rights
The Sikh Coalition
The Trevor Project
Union of Concerned Scientists

Unitarian Universalist FaithAction New Jersey
Western States Center