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Sexual Orientation and Gender Identity Measures in BJS Survey Data Collections

September 29, 2022 | 1:00pm - 2:30pm

Agenda

1. Sexual Orientation and Gender Identity Measures in the National Crime Victimization Survey
Rachel E. Morgan, Ph.D. and Jennifer L. Truman, Ph.D.
2. Sexual Orientation and Gender Identity in the Survey of Prison Inmates
Lauren G. Beatty
3. Sexual Orientation and Gender Identity in BJS PREA Surveys
Michael B. Field
4. Q&A Session



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Sexual Orientation and Gender Identity Measures in the National Crime Victimization Survey

Rachel E. Morgan, Ph.D. | Jennifer L. Truman, Ph.D.
BJS Statisticians

September 29, 2022 | BJS Webinar

Presentation overview

- Overview of the National Crime Victimization Survey (NCVS)
- Defining sexual orientation and gender identity (SOGI)
- Methodology and cognitive testing of SOGI measures in the NCVS
- Victimization and population estimates from the NCVS



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National Crime Victimization Survey (NCVS)

- Data collected annually since 1973
- The nation's primary source of information on criminal victimization
- NCVS administered to persons age 12 or older from nationally representative sample of U.S. households
- Respondents are interviewed in-person or by telephone, with new households interviewed in-person
- Selected households remain in sample for 3.5 years, and eligible persons in these households are interviewed every 6 months
- NCVS collects information on nonfatal violent and property crimes reported and not reported to police

For more information, see the NCVS page at <https://bjs.ojp.gov/programs/ncvs>



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Terms and definitions: Sexual orientation

- Sexual orientation has three main components
- Sexual identity – how an individual self-identifies as lesbian, gay, bisexual, or straight
 - *BJS survey data collections use sexual identity for measuring sexual orientation to meet the objective of estimating the demographic populations of interest*
- Sexual attraction – an individual's attraction to members of the same sex, the opposite sex, or both sexes
- Sexual behavior – an individual's engagement in sexual activities with members of the same sex, the opposite sex, or both sexes
 - Sexual attraction or behavior does not define a demographic population, and same-sex attraction or behavior does not always coincide with gay, lesbian, or bisexual identity

See National Academies of Sciences, Engineering, and Medicine. 2022. [Measuring Sex, Gender Identity, and Sexual Orientation](#)



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Terms and definitions: Gender identity

- Gender identity – an individual's internal sense or perception of their own gender, which can be the same as or different from their sex assigned at birth
- Cisgender person – an individual whose gender identity is the same as their sex assigned at birth
- Transgender person – an individual whose gender identity is different from their sex assigned at birth
- Sex – a characteristic measured two ways in the NCVS:
 - 1) household respondents are asked to identify each person living in the household as male or female, and
 - 2) respondents age 16 or older are asked to self-identify their sex assigned at birth as recorded on their original birth certificate

See National Academies of Sciences, Engineering, and Medicine. 2022. [Measuring Sex, Gender Identity, and Sexual Orientation](#)



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Background on adding SOGI items to the NCVS

- Federal laws established protections for violent crime victims who identify as lesbian, gay, bisexual, or transgender
 - 2013 Violence Against Women Reauthorization Act
 - 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act
- Research identifies correlates of victimization which include –
 - Sexual orientation
 - Gender identity
 - Veteran status
 - Citizenship
 - Disability (now asked of all respondents and not just crime victims)
 - Expanded income response categories
- In July 2016, BJS added these demographic characteristics to the NCVS
- Measures provide a way to estimate criminal victimization by sexual orientation and gender identity



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Question development: Sexual orientation

- Measuring sexual identity, self-identification
- Question comes from the National Health Interview Survey (NHIS), conducted by the National Center for Health Statistics (NCHS)
- Consistent with recommendations on measuring sexual orientation made by the Sexual Minority Assessment Research Team (SMART)
- Consistent with latest recommendation and other sexual orientation measures being proposed for other federal surveys (See National Academies of Sciences, Engineering, and Medicine. 2022. [Measuring Sex, Gender Identity, and Sexual Orientation](#))
- Question previously tested through cognitive interviews with persons age 18 or older



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Question development: Gender identity

- Questions tested reflected recommendations from the Gender Identity in U.S. Surveillance (GenIUSS) group and the California Health Interview Survey (CHIS)
- Recommended two-step approach
 - Ask sex at birth and current gender identity
- This method has been successful in identifying transgender individuals
- Measures are also consistent with latest recommendations for collecting SOGI data (See National Academies of Sciences, Engineering, and Medicine. 2022. [Measuring Sex, Gender Identity, and Sexual Orientation](#))
- Questions previously tested through cognitive interviews with persons age 18 or older



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Cognitive testing

- Conducted by the Center for Survey Measurement (CSM) (now Center for Behavioral Science Methods) at the U.S. Census Bureau
- SOGI items were tested along with the revised instrument for the 2016 NCVS Supplemental Victimization Survey (SVS), which focuses on stalking victimization
 - N = 60 interviews
 - Respondents were age 16 or older
- Tested item wording, placement of items within the context of the NCVS, clarity and comprehension for respondents, and ease of administration for interviewers
- A small number of respondents identified as something other than straight; no respondents identified as transgender
- Overall, the SOGI items performed well



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Additional monitoring in the NCVS

- Collected feedback from field staff: debriefing survey, focus groups, and targeted interviews
 - The SOGI questions were easy to read, but some interviewers were nervous or embarrassed to ask the SO question
 - Most respondents easily understood the SOGI questions, and were able to easily answer
 - Some respondents were shocked or surprised to hear SO question, more so than GI questions
 - Respondents questioned the relevance of the SOGI questions to a crime survey
- Monitored response distributions and item performance



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Sexual orientation item in the NCVS

83/84. Which of the following best represents how you think of yourself?

- Lesbian or Gay
- Straight, that is, not lesbian or gay
- Bisexual
- Something else
- I don't know the answer
- Refused (coded by interviewer)

See NCVS-1 Basic Screen Questionnaire at
https://bjs.ojp.gov/content/pub/pdf/ncvs22_bsq.pdf



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Gender identity items in the NCVS

85. What sex were you assigned at birth, on your original birth certificate?

- Male
- Female
- Refused (coded by interviewer)
- Don't know (coded by interviewer)

86. Do you currently describe yourself as male, female or transgender?

- Male
- Female
- Transgender
- None of these

(Don't know/Refused coded by interviewer)

87. Just to confirm, you were assigned (male/female) at birth and now (describe yourself as male/ describe yourself as female/ describe yourself as transgender/ do not describe yourself as male, female, or transgender). Is that correct?



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Placement, frequency, and age of administration

- SOGI questions were added to NCVS demographic section
- Asked after any questions about experiences with criminal victimization
- Answered by individual rather than household respondents (no proxy interviews)
- Questions are currently –
 - Administered to all persons age 16 or older
 - Asked at 1st, 3rd, 5th, and 7th interviews, or if there was a change in the household



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SOGI item nonresponse, 2017–20

- Item nonresponse to the SOGI questions is **low**
- **Less than 2%** of respondents refused to answer the **SO** question
- **Less than 1%** of respondents refused to answer the **GI** questions

TABLE 5

Percent of nonresponse to sexual orientation and gender identity items, 2017–20

Item	Refusal nonresponse	Total nonresponse ^a
Sexual orientation	1.91%	2.41%
Gender identity ^b	0.52	0.84

^aIncludes all nonresponse, including refusal, “don’t know,” and in-universe missing (respondents that were eligible, or in-universe, but had a missing response).

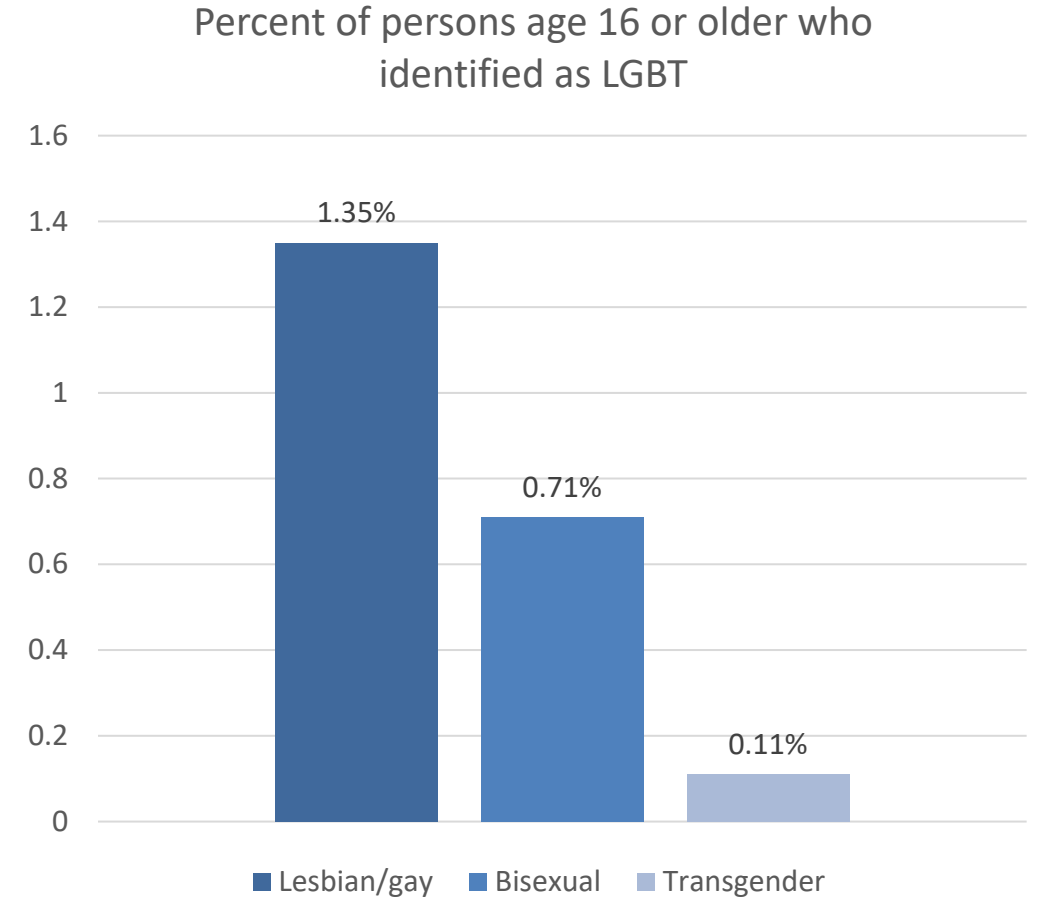
^bIncludes combined responses to sex assigned at birth and current gender identity questions. Nonresponse is based on sex assigned at birth question.
Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2017–20.



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NCVS SOGI population estimates, 2017–20

- 1.4% identified as being **lesbian or gay**
 - 13,044,640 persons age 16 or older
- 0.7% identified as **bisexual**
 - 6,880,800 persons age 16 or older
- 0.11% identified as **transgender**
 - 1,030,730 persons age 16 or older
 - Includes respondents who reported identifying as transgender (54% of all transgender persons) or as a gender different from their sex assigned at birth (46%)



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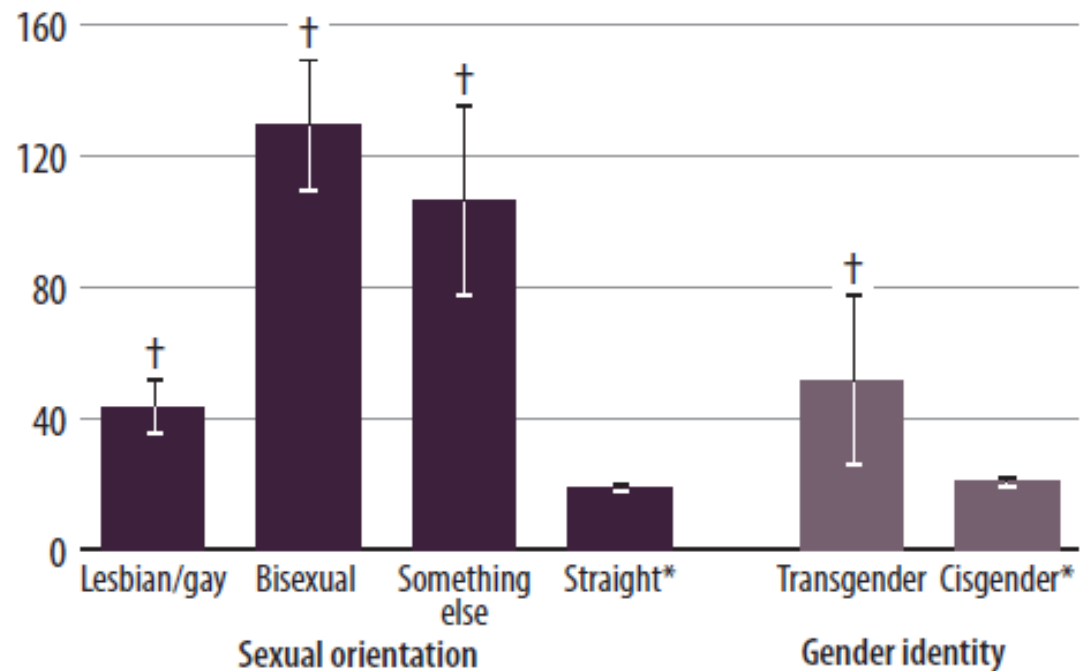
Violent victimization by SOGI, 2017–20

- The rate of violent victimization of lesbian or gay persons was **more than two times** the rate for straight persons
- The rate of violent victimization against transgender persons was **2.5 times** the rate among cisgender persons

FIGURE 1

Rate of violent victimization, by sexual orientation and gender identity, 2017–20

Rate per 1,000 persons age 16 or older



*Comparison group

†Difference with comparison group is significant at the 95% confidence level.



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Rate of violent victimization by SO, 2017–20

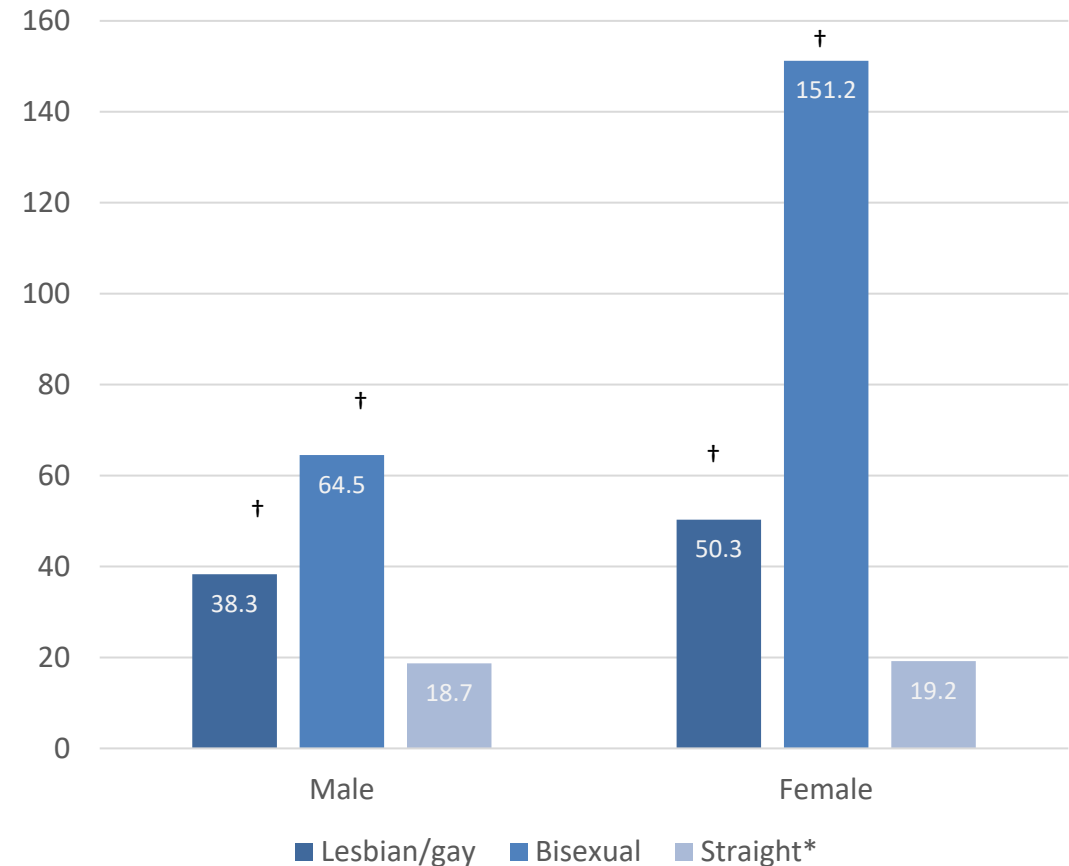
- The rate of violent crime excluding simple assault against **lesbian or gay persons** (14.5 per 1,000) was **two times** the rate for straight persons (6.8 per 1,000)
- For rape or sexual assault, robbery, and total assault, the **rates among bisexual persons and lesbian or gay persons** were **higher** than the rate among straight persons
- Domestic violence was **eight times as high** among **bisexual persons** (32.3 per 1,000) and **more than twice as high** among **lesbian or gay persons** (10.3 per 1,000) as it was among straight persons (4.2 per 1,000)



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Rate of violent victimization, by SO and sex, 2017–20

- **Bisexual females** experienced violent victimization at a rate **eight times** the rate among straight females
- The rate of violent victimization of **gay males** (38.3 per 1,000) was **two times** the rate among straight males (18.7 per 1,000)
- **Bisexual males** had the **highest** rate (64.5 per 1,000) among male victims



*Comparison group

†Difference with comparison group is significant at the 95% confidence level.



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Violent victimization, by SO and race/Hispanic origin and age, 2017–20

- Among Asians, Native Hawaiians or Other Pacific Islanders, American Indians or Alaska Natives, and persons of two or more races, those identifying as **lesbian or gay** had a **higher violent victimization rate** (49.4 per 1,000) than those identifying as straight (20.1 per 1,000)
- For each racial and ethnic group in this report, **bisexual persons experienced violent victimization more often** than straight persons
- The rate of violent victimization of persons ages 18 to 24 was **six times as high** for those identifying as **bisexual** (198.7 per 1,000) as for those identifying as straight (32.8 per 1,000)
- Among persons ages 25 to 34, **lesbian or gay persons** (81.4 per 1,000) and **bisexual persons** (97.2 per 1,000) had **higher rates of violent victimization** than straight persons (24.1 per 1,000)

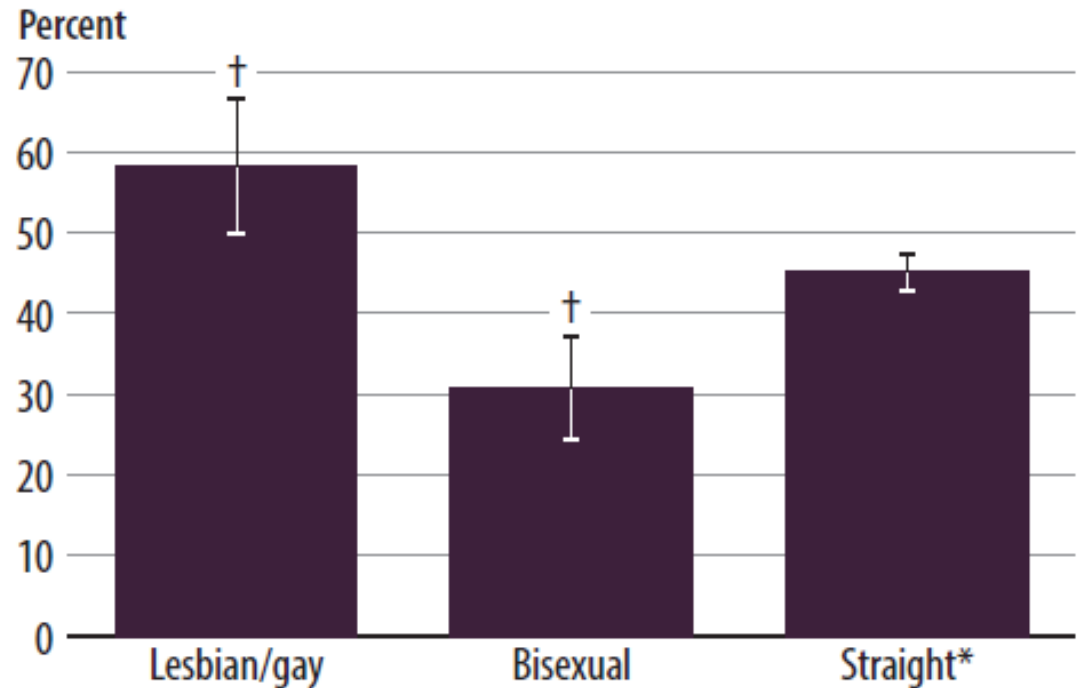


Reporting to police by SO, 2017–20

- About **58%** of violent victimizations of lesbian or gay persons were reported to police
- Violent victimizations of bisexual persons (31%) were **less likely to be reported to police** than violent victimizations of straight persons (45%)

FIGURE 2

Percent of violent victimizations reported to police, by sexual orientation, 2017–20



*Comparison group

†Difference with comparison group is significant at the 95% confidence level.



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SOGI statistical report and data file

- Additional findings and methodological information from the NCVS SOGI measures in the report:
<https://bjs.ojp.gov/library/publications/violent-victimization-sexual-orientation-and-gender-identity-2017-2020>
- The public-use NCVS data files include the SOGI items from 2017 forward and are available through the National Archive of Criminal Justice Data:
<https://www.icpsr.umich.edu/web/NACJD/series/95>
- Also see the *Sexual Orientation and Gender Identity in BJS Data Collections* webpage for additional information:
<https://bjs.ojp.gov/sexual-orientation-and-gender-identity-bjs-data-collections>



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Sexual Orientation and Gender Identity in the Survey of Prison Inmates

Lauren G. Beatty
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Overview

- History and goals of the Survey of Prison Inmates (SPI)
- Content and design of SPI
- Measurement of sexual orientation and gender identity (SOGI)
- Findings
- Access to data



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History and goals of SPI

- Cross-sectional survey of persons incarcerated in adult correctional facilities in the United States
 - Formerly known as the Survey of Inmates in State and Federal Correctional Facilities
- Conducted periodically among a national sample of persons incarcerated in state and federal prisons
 - State: 1974, 1979, 1986, 1991, 1997, 2004, and 2016
 - Federal: 1991, 1997, 2004, and 2016
- Produce national estimates [different than the National Inmate Survey (NIS)]
 - Separate estimates of persons incarcerated in state and sentenced to federal prisons
 - Age 18 or older



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SPI topics and interview

- Variety of topics covered in the 2016 SPI (different than NIS)
 - Demographics
 - Criminal justice
 - Socioeconomic status
 - Health and health care
 - Prison rule violations
 - Prison programs & work assignments
- Interview
 - Mode: Computer-assisted personal interviewing (CAPI) (different than NIS)
 - Average length: 50 minutes



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SPI sample size and response rates (2016)

- Two-stage sample design
- Sample sizes are smaller than NIS

	Total		State		Federal	
	Number	Percent	Number	Percent	Number	Percent
Number of facilities sampled	385	:	324	:	61	:
Ineligible	15	:	12	:	3	:
Eligible	370	100 %	312	100 %	58	100 %
Participated	364	98.4	306	98.1	58	100
Refused	6	1.6	6	1.9	0	0.0
Number of prisoners sampled	37,058	:	30,348	:	6,710	:
Ineligible	1,549	:	1,414	:	135	:
Eligible	35,509	100 %	28,934	100 %	6,575	100 %
Participated	24,848	70.0	20,064	69.3	4,784	72.8
Refused	9,310	26.2	7,755	26.8	1,555	23.7
Other not interviewed	1,351	3.8	1,115	3.9	236	3.6

:Not calculated.



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SOGL measurement in the SPI

- The 2016 administration of SPI was the first SPI to measure SOGL
- Measured the **sexual identity** component of **sexual orientation**:

PH5. Which of the following best represents how you think of yourself?

1. Lesbian or gay,
2. Straight, that is not lesbian or gay,
3. Bisexual
4. Something else, or
5. You don't know the answer?

(DON'T KNOW/REFUSED CODED BY INTERVIEWER)



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SPI used a **two-step approach** to measure **gender identity**

Sex assigned at birth

PH3. What sex were you assigned at birth, on your original birth certificate?

INTERVIEW NOTE: DID THEY TELL YOU THAT THEY WERE BORN MALE OR FEMALE?

1. MALE
2. FEMALE

(DON'T KNOW/REFUSED CODED BY INTERVIEWER)

Current gender identity

PH4. How do you describe yourself?
(SELECT ONE)

1. Male
2. Female
3. Transgender
4. Do not identify as male, female or transgender

(DON'T KNOW/REFUSED CODED BY INTERVIEWER)



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Testing of SOGI measures in SPI

- Pretests
 - SPI pretest administered in 2013 (n= 480) and 2015 (n = 60)
 - Primary goal was to test the functionality of the CAPI instrument
 - Sexual orientation
 - Included in 2013 and 2015 pretests
 - Gender identity
 - Included in 2015 pretest



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Unweighted distributions of SOGI measures in SPI

- These are not official BJS estimates because they are unweighted
- Goal is to show -
 - Item nonresponse of SOGI measures is low (less than 1.0% - 1.5%)
 - Limited power for some categories

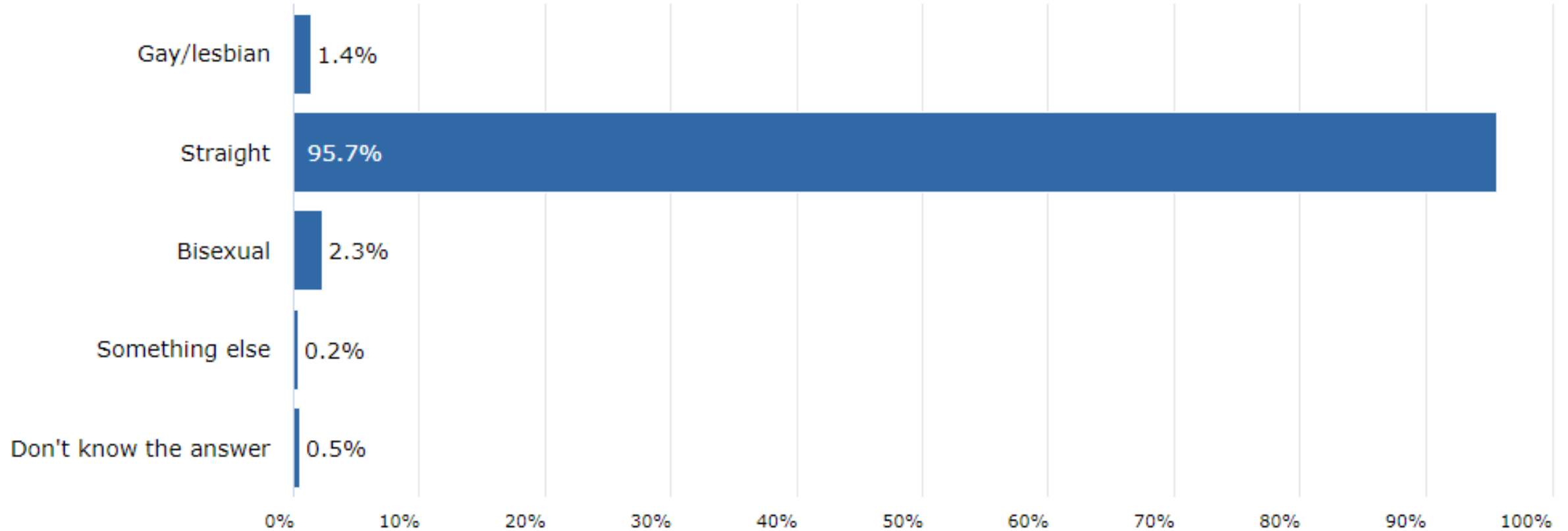
Sexual orientation	Unweighted	
	Number	Percent
Total respondents	24,848	100 %
Lesbian or gay	571	2.30
Straight	22,686	91.30
Bisexual	1,183	4.76
Something else	68	0.27
Don't know the answer	145	0.58
DON'T KNOW	41	0.17
REFUSED	154	0.62

Gender identity	Unweighted	
	Number	Percent
Total respondents	24,848	100 %
Male	18,379	73.97
Female	6,216	25.02
Transgender	72	0.29
Do not identify as male, female, or transgender	23	0.09
DON'T KNOW	5	0.02
REFUSED	153	0.62



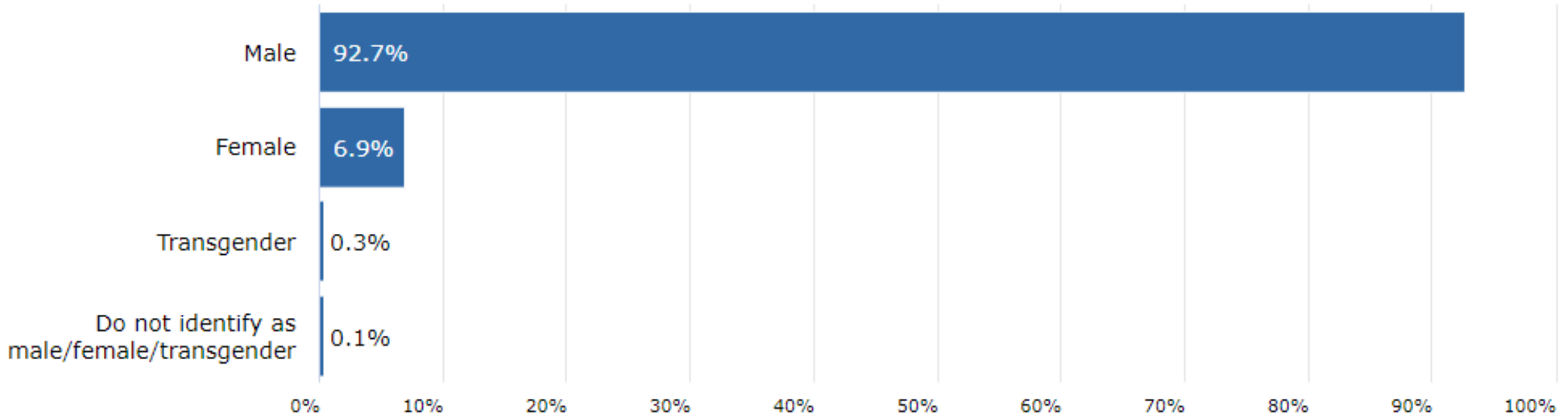
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About 4% of the U.S. prison population identified as LGBTQ+ in 2016



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In 2016, about **0.3%** of the U.S. prison population identified as **transgender**

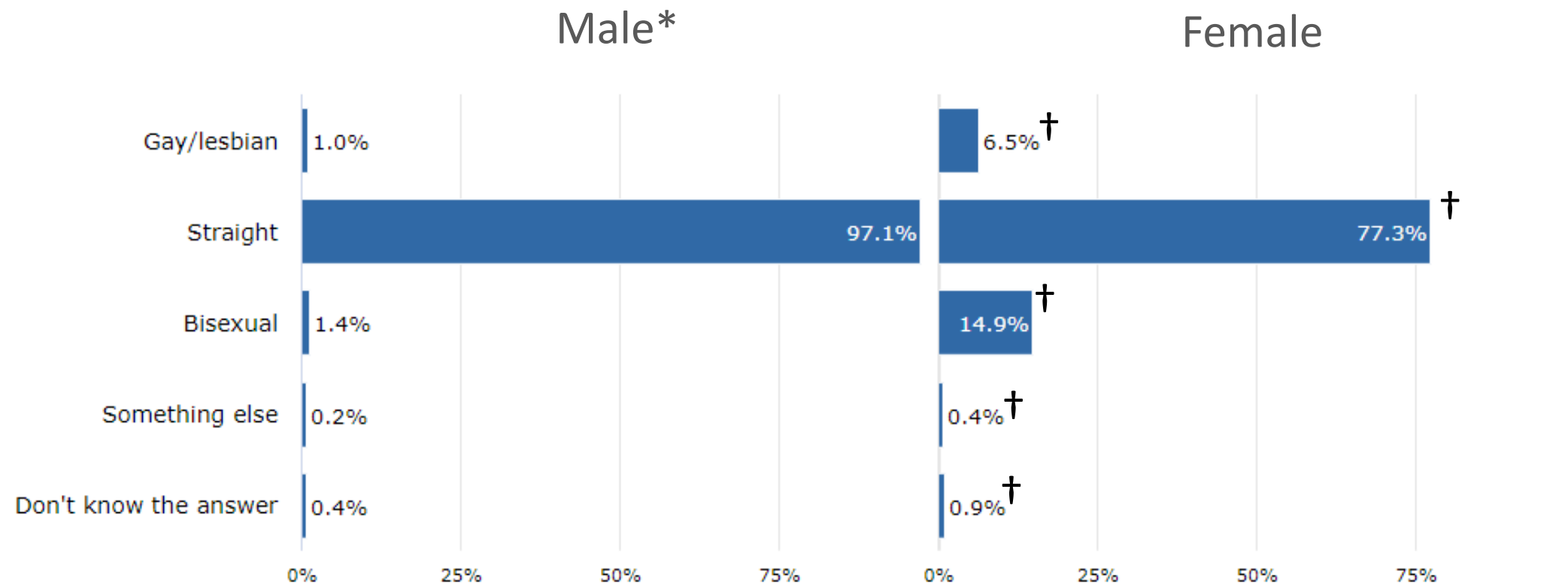


Note: “Transgender” includes persons who reported that they identified as transgender (51%) or with a gender different than their sex assigned at birth (49%).



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Females (sex at birth) in U.S. prisons were more likely than males to identify as LGBTQ+ in 2016



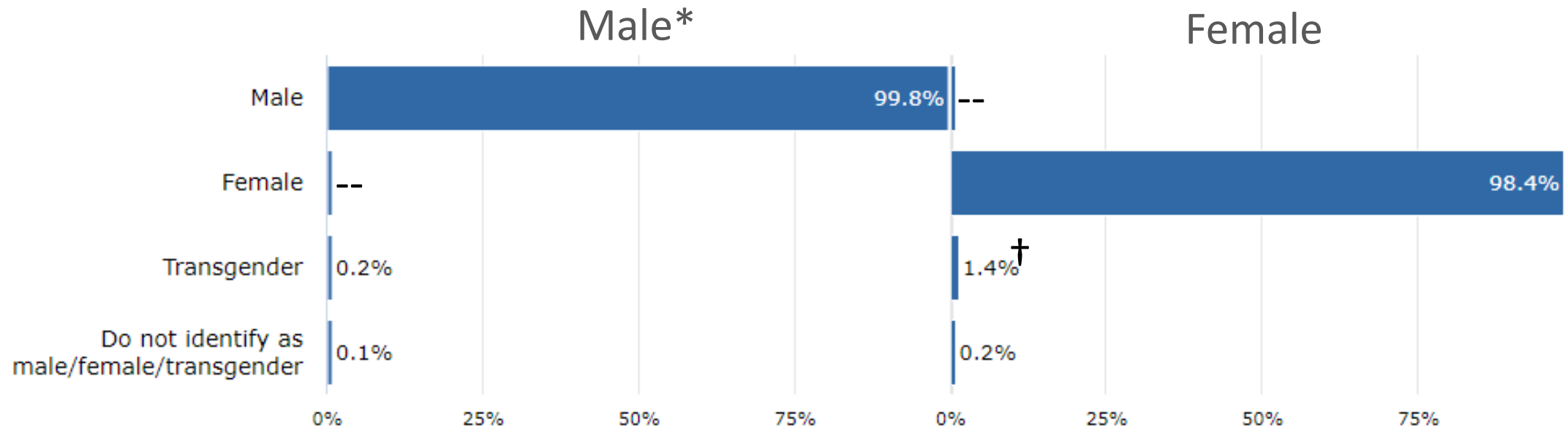
*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.



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In 2016, females (sex at birth) in U.S. prisons were more likely than males to identify as transgender



Note: "Transgender" includes persons who reported that they identified as transgender (51%) or with a gender different than their sex assigned at birth (49%).

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

--Estimate is equal to 0 sample cases.



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More than 5% of white persons and those of two or more races in U.S. prisons identified as LGBTQ+ in 2016

Sexual orientation	Two or more				
	White	Black [*]	Hispanic	Other race	Other race
Gay/lesbian	2.0 %†	1.0 %	1.0 %	1.8 %†	~ %
Straight	94.5 †	97.4	95.8 †	93.4 †	95.4
Bisexual	3.2 †	1.2	2.1 †	3.9 †	2.4
Something else	0.2	0.1	0.2	0.4	~
Don't know the answer	0.3	0.3	0.9 †	0.4	~

Note: “White”, “Black”, “Two or more races”, and “Other race” exclude persons of Hispanic origin (e.g., “White” refers to non-Hispanic whites and “Black” refers to non-Hispanic blacks). “Other race” includes Asians, Native Hawaiians, other Pacific Islanders, American Indians, and Alaska Natives.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

~Estimate is based on fewer than 10 sample cases which is too small to generate a reliable estimate.



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Differences in gender identity by race/ethnicity largely reflect differences in sex (at birth) in U.S. prisons in 2016; no differences in those who identified as transgender

Gender identity	Two or more				
	White	Black*	Hispanic	racess	Other race
Male	89.3 %†	95.7 %	94.0 %†	90.6 %†	92.5 %
Female	10.6 †	4.0	5.5 †	8.8 †	7.0
Transgender	0.1	0.3	0.3	0.4	~
Do not identify as male/female/transgender	~	~	~	~	~

Note: “White”, “Black”, “Two or more races”, and “Other race” exclude persons of Hispanic origin (e.g., “White” refers to non-Hispanic whites and “Black” refers to non-Hispanic blacks). “Other race” includes Asians, Native Hawaiians, other Pacific Islanders, American Indians, and Alaska Natives. “Transgender” includes persons who reported that they identified as transgender (51%) or with a gender different than their sex assigned at birth (49%).

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SPI statistical report and data file

- More information on the 2016 SPI SOGI measures and findings are available at <https://bjs.ojp.gov/content/pub/pdf/ppi16.pdf>
- To access the 2016 SPI public-use data file and documentation at the National Archive of Criminal Justice Data, go to <https://www.icpsr.umich.edu/web/NACJD/studies/37692>
- Also see the Sexual Orientation and Gender Identity in BJS Data Collections webpage for additional information: <https://bjs.ojp.gov/sexual-orientation-and-gender-identity-bjs-data-collections>



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Sexual Orientation and Gender Identity in BJS PREA Surveys

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Re-entry, Recidivism, and Special Projects Unit

Presentation Agenda

1. Prison Rape Background: History and the Role of BJS

2. SOGI Measures and Findings: National Inmate Survey and National Survey of Youth in Custody

3. Next Steps and Closing



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Prison Rape Background

History and the Role of BJS

Prison Rape Elimination Act (PREA) of 2003

To provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.



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What is BJS's role in PREA?

Generate annual statistics on the incidence of prison rape

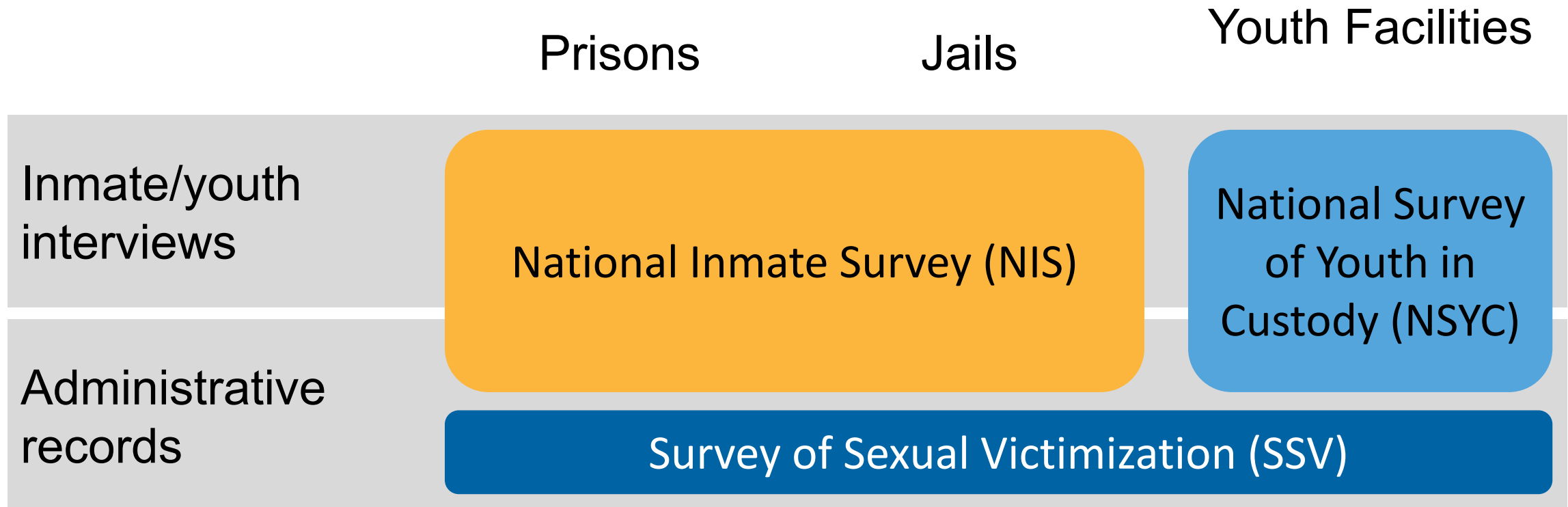
Identify facilities with high- and low-incidence rates

Identify common characteristics of victims, perpetrators, and facilities



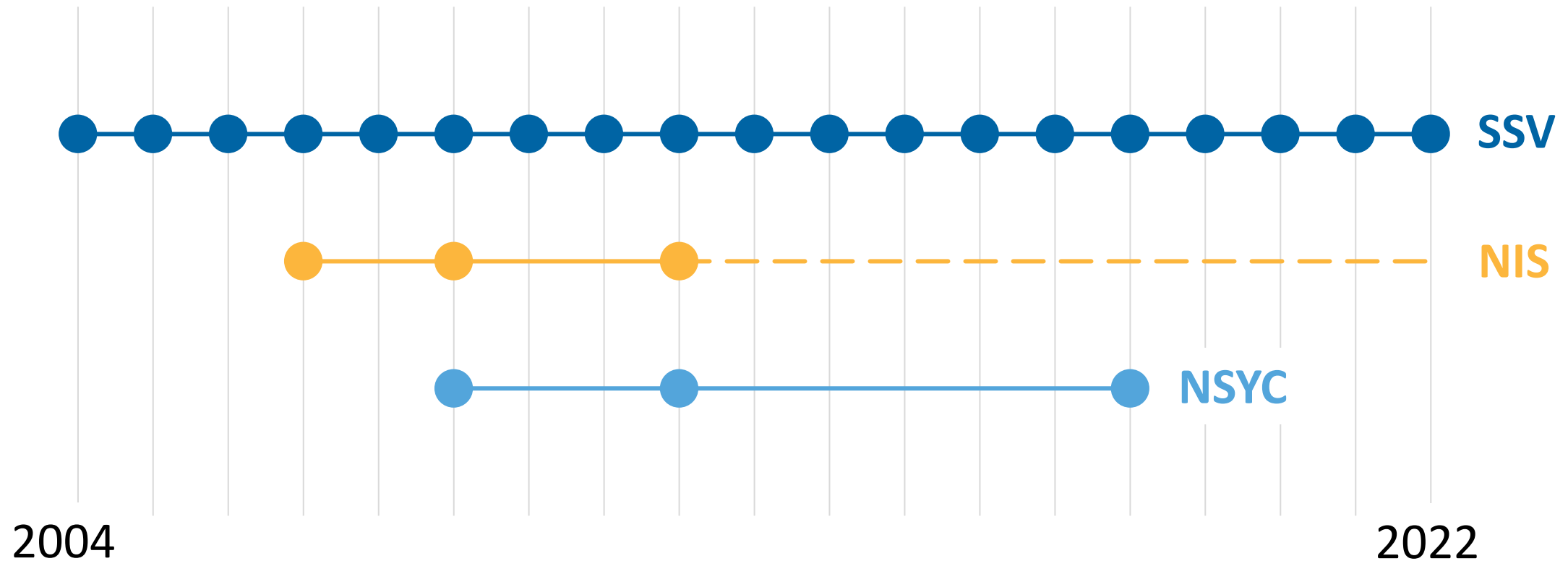
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BJS measures prison rape through several methods



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BJS has collected PREA data annually since 2004



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SOGI Measures and Findings

National Inmate Survey and
National Survey of Youth in Custody

BJS has surveyed over 200,000 adult inmates as part of the National Inmate Survey

	NIS-1	NIS-2	NIS-3
Year conducted	2007	2008-09	2011-12
Number of facilities (total)	428	453	591
Prisons	146	167	233
Jails	282	286	358
Number of respondents (total)	63,817	80,095	91,177
Prisons	23,398	32,029	38,251
Jails	40,419	48,066	52,926



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The first two rounds of NIS in 2007 and 2008-09 included two SOGI questions

Do you consider yourself to be heterosexual or 'straight', bisexual, or homosexual or gay?

1. Heterosexual or 'Straight'
2. Bi-sexual
3. Homosexual, Gay, or Lesbian
4. Other

Are you male, female, or transgender?

1. Male
2. Female
3. Transgender



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The sexual orientation question changed slightly in 2011-12

Do you consider yourself to be heterosexual or 'straight', bisexual, or homosexual or gay?

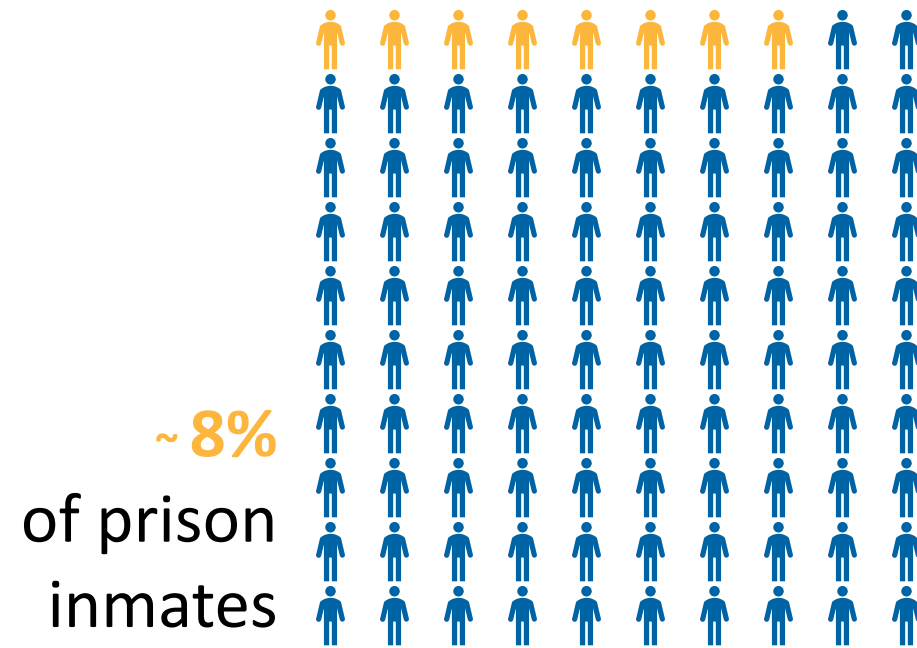
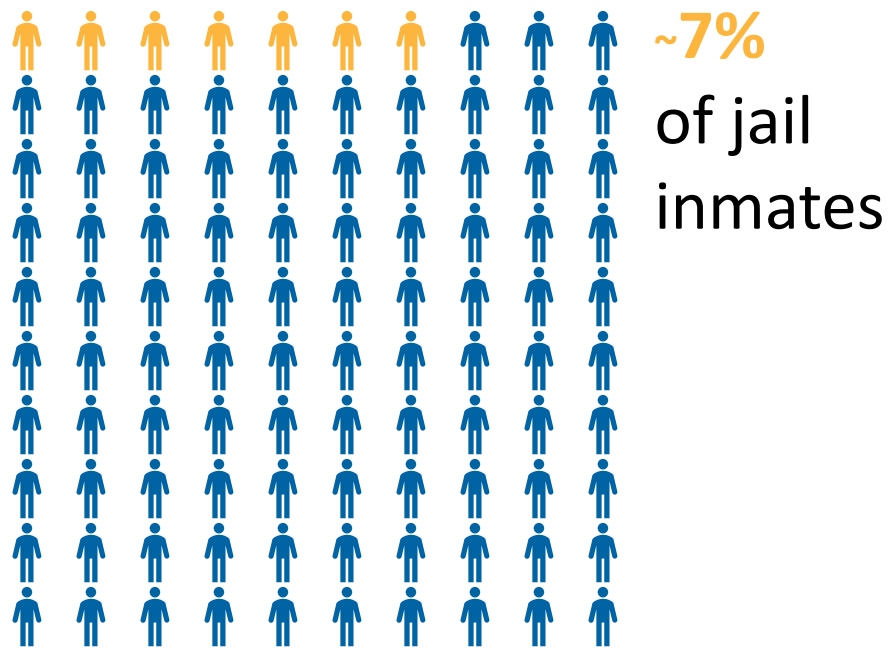
1. 'Straight,' which is also called Heterosexual
2. Bi-sexual
3. Homosexual, Gay, or Lesbian
4. Other

Are you male, female, or transgender?

1. Male
2. Female
3. Transgender

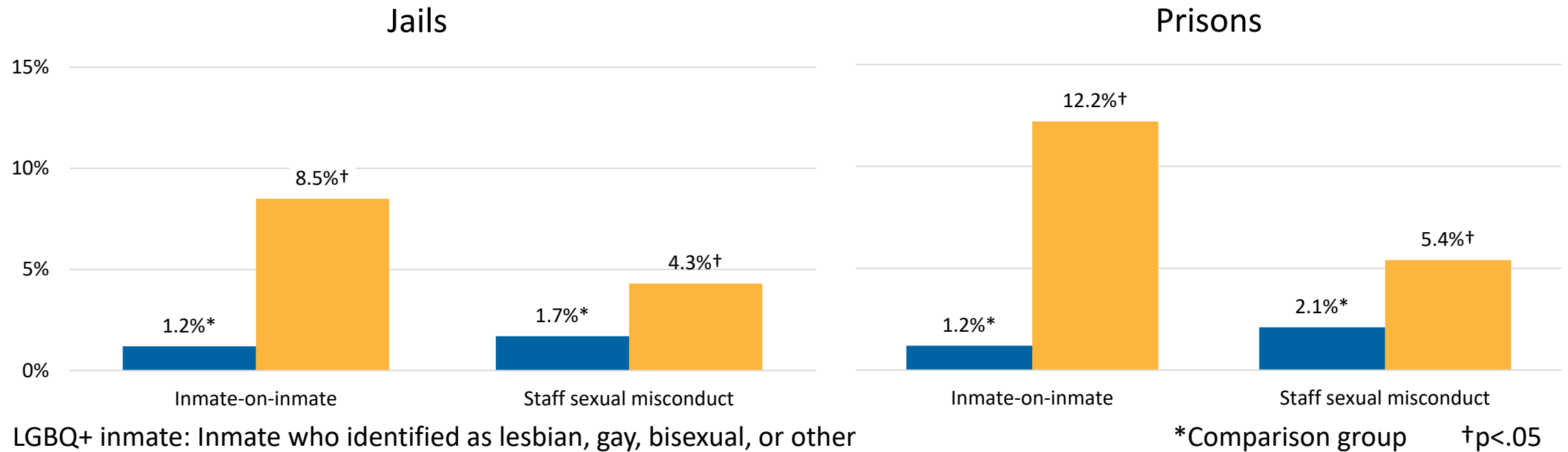


Jails and prisons had similar percentages of **LGBQ+** and **heterosexual** inmates in 2011-12



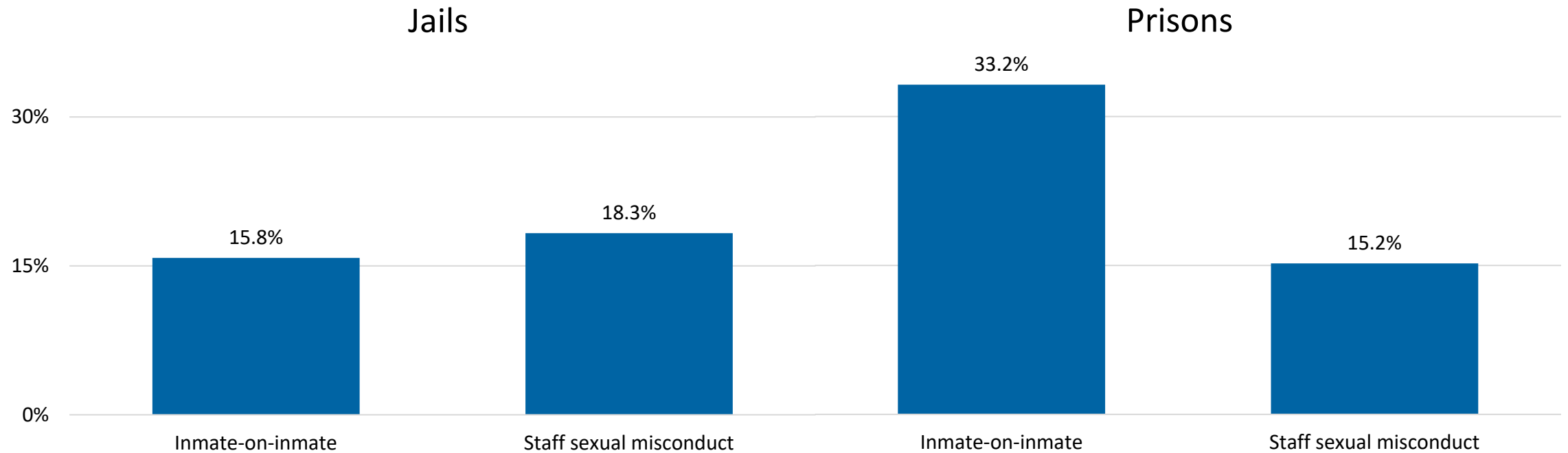
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In 2011-12, **LGBQ+ inmates** reported sexual victimization between two and ten times more often than **heterosexual inmates**



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About one-third of **transgender inmates** in prisons in 2011-12 reported inmate-on-inmate sexual victimization



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BJS has surveyed over 25,000 youth in custody over three waves of NSYC

	NSYC-1	NSYC-2	NSYC-3
Year conducted	2008-09	2012	2018
Number of facilities (total)	195	326	327
Number of respondents (total)	10,263	8,707	6,910



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In 2008-09 and 2012, NSYC included one sexual orientation question on identity and attraction

Which of these best fits how you think of yourself?

1. Totally straight (heterosexual)
2. Most straight but kind of attracted to people of your own sex
3. Bisexual – that is attracted to males and females equally
4. Mostly gay (homosexual) but kind of attracted to people of the opposite sex
5. Totally gay (homosexual)
6. Not sexually attracted to either males or females



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The first two NSYC administrations collected limited information on gender identity

Do you think of yourself as...

1. Male
2. Female
3. Something else



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In 2018, NSYC split out sexual identity and attraction into separate items...

Do you consider yourself?

1. Gay or lesbian
2. Straight, that is, not gay or lesbian
3. Bisexual
4. Something else
5. Not sure

People are different in their sexual attraction to other people. Which best describes your feelings?

1. Only attracted to males
2. Mostly attracted to males
3. Equally attracted to females and males
4. Mostly attracted to females
5. Only attracted to females
6. Something else
7. Not sure



Bureau of Justice Statistics

...and added a two-step gender identity measure

What sex were you assigned at birth, on your original birth certificate?

1. Male
2. Female

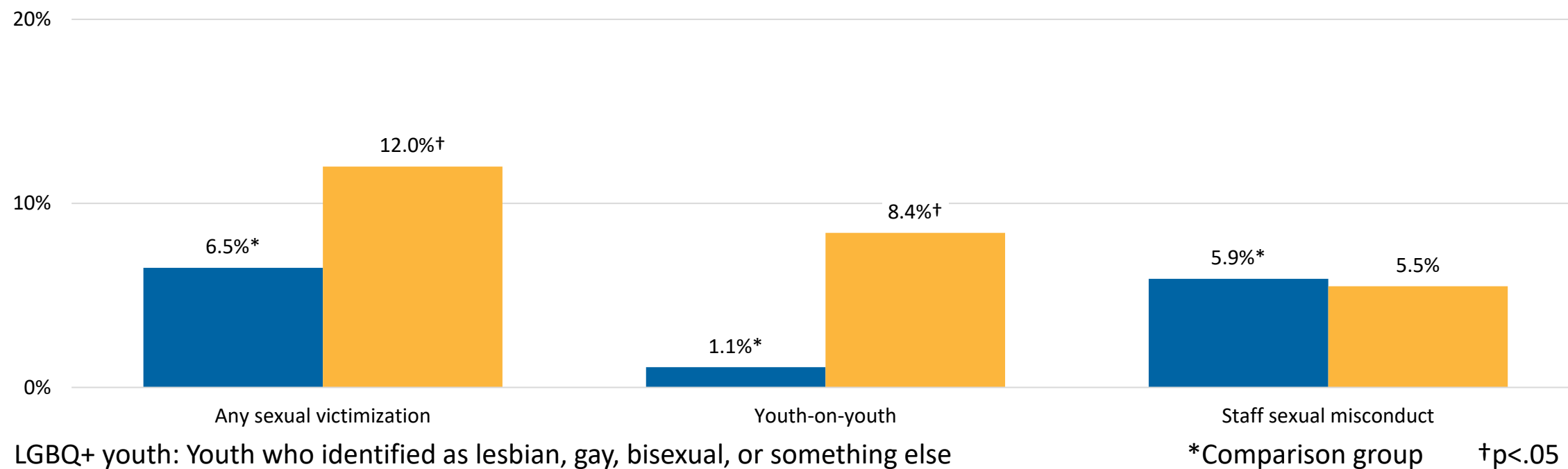
Do you currently describe yourself as male, female, transgender, something else, or are you not sure?

1. Male
2. Female
3. Transgender
4. Something else
5. Not sure



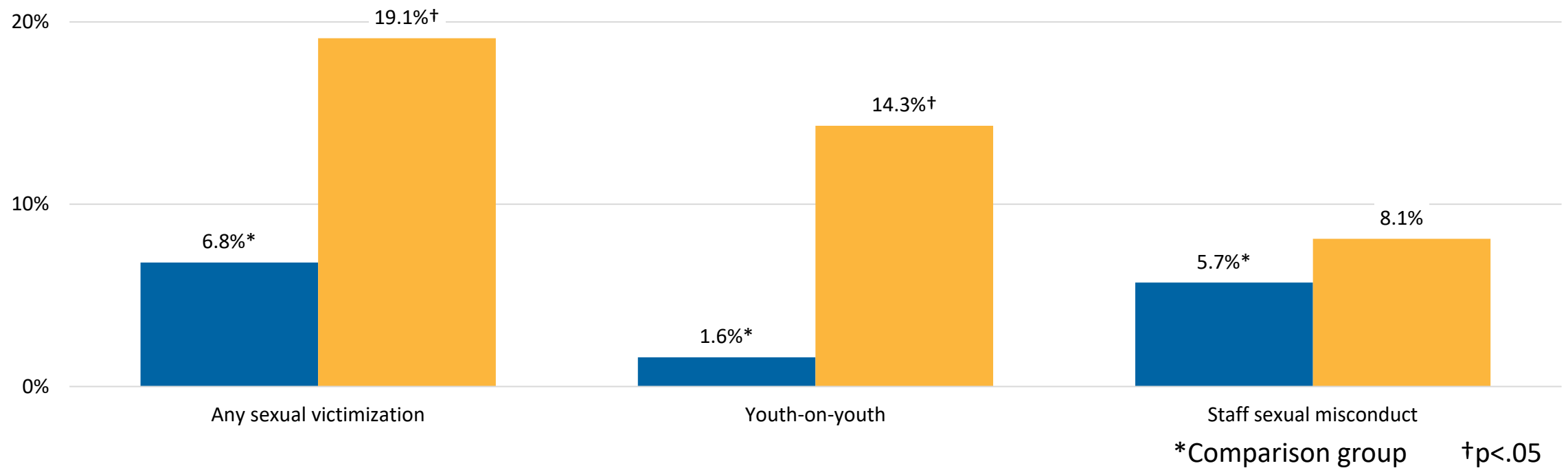
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Almost eight times as many **LGBQ+ youth** reported youth-on-youth sexual victimization than **heterosexual youth** in 2018



Bureau of Justice Statistics

In 2018, nearly nine times as many **transgender youth** reported youth-on-youth sexual victimization as **cisgender youth**



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Next Steps and Closing

The proposed NIS-4 survey features a revised sexual orientation question...

Which of the following best represents how you think of yourself?

1. Lesbian or gay
2. Straight; that is, not lesbian or gay
3. Bisexual; that is, you are sexually attracted to both men and women
4. [Two-Spirit]
5. Something else



Bureau of Justice Statistics

...and a two-step gender identity measure

What sex were you assigned at birth, on your original birth certificate?

1. Male
2. Female

Do you currently think of yourself as...?

1. Male
2. Female
3. Transgender
4. [Two-Spirit]
5. None of these



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Future directions

Field NIS-4 and analyze new SOGI items

Continue monitoring best practices for collecting SOGI information

Collect feedback from stakeholders on SOGI data needs



Bureau of Justice Statistics

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Q&A Session

Please type your questions for the panelists
into the Q&A window



Bureau of Justice Statistics