

Sexual Orientation and Gender Identity Measures in BJS Survey Data Collections

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DARYL FOX: Good afternoon everyone, and welcome to today's webinar, Sexual Orientation and Gender Identity Measures in BJS Survey Data Collections, hosted by the Bureau of Justice Statistics. At this time, it's my pleasure to introduce Kevin Scott, Deputy Director of Statistical Operations within the Bureau of Justice Statistics for some welcoming remarks and to introduce our presenters. Kevin?

KEVIN SCOTT: Thanks, Daryl. Welcome to Sexual Orientation and Gender Identity Measures in Bureau of Justice Statistics Survey Data Collections. We appreciate you taking the time today to join us and look forward to the opportunity to share information on how we measure sexual orientation and gender identity and our efforts to better understand the impact of a person's sexual orientation and gender identity on their experience in the criminal justice system. BJS has long worked with our colleagues in other federal statistical agencies to understand and model best practices in the measurement of these important parts of peoples' identity. We take proper measurement seriously because we heartily agree that the first step to addressing inequities is understanding these inequities. Today's presentations offer discussions both of measurement of sexual orientation and gender identity and the differential experiences by both sexual orientation and gender identity of people in the criminal justice system. Before the presentation starts, I'd like to introduce our presenters.

Rachel Morgan is a Statistician in the Victimization Statistics Unit at BJS. Her research interests and work focus on criminal victimization, stalking, financial fraud, and the intersection of race and crime using data from the National Crime Victimization Survey. She is also involved in the BJS' Victim Services Statistical Research Program, which includes the first ever national data collections on victim service provider provision in the United States. She has authored many BJS statistical reports, including Criminal Victimization 2020, Services for Crime Victims 2019, Race and Hispanic Origin of Victims and Offenders 2012 Through 2015, and Violent Victimization by Sexual Orientation and Gender Identity 2017 to 2020. She received a PhD in sociology from the University of Central Florida.

Jenna Truman is a Statistician in the Victimization Statistics Unit at BJS as well. Her current research interests and work focus on stalking victimization, firearm violence, and the measurement of demographic characteristics and the redesign of the National Crime Victimization Survey instrument. She has authored many BJS statistical reports, including Violent Victimization by Sexual Orientation and Gender Identity, 2017 to 2020,

Stalking Victimization 2019, and Trends and Patterns in Firearm Violence 1993 to 2018. She holds a PhD in sociology from the University of Central Florida.

Lauren Beatty has been a Statistician with the Corrections Statistics Unit of BJS for almost 25 years. Her work is focused primarily on institutional and community corrections as well as special topics and corrections such as incarcerated parents and mental illness among correctional populations. She has served as the BJS project manager on a variety of projects covering both community and institutional corrections, including redesigning and fielding BJS' National Omnibus Survey of Persons Incarcerated in U.S. Prisons. She has analyzed a variety of correctional data and published and presented on multiple topics related to correctional populations. She received her BA in criminology and criminal justice from the University of Maryland College Park and her MS in survey methodology also from the University of Maryland College Park.

Michael Field is a Statistician in the Reentry, Recidivism, and Special Projects Unit at BJS, where his work focuses on tribal crime and justice systems and sexual victimization in correctional facilities. Prior to joining BJS, he led research and evaluation projects for the Department of Commerce, Defense, Homeland Security, and Justice, as well as state and local governments on topics such as victim services, forensic science, and emergency preparedness. He received a BA in history and an MS in criminology from the University of Pennsylvania.

We view today's webinar as an opportunity for conversation. We look forward to sharing what we've learned and what we are doing, but we also look forward to hearing from you. For that to work, we need to have your questions. Feel free to enter questions into the Q&A box throughout the presentations, and I will catalog them and then read them to the panelists after all the presentations are complete. And thank you for joining us today.

DR. RACHEL E. MORGAN: Thank you, Kevin for that introduction. I'm going to start with Sexual Orientation and Gender Identity Measures in the National Crime Victimization Survey.

So this presentation is going to give a quick overview of the NCVS, or the National Crime Victimization Survey, defining sexual orientation and gender identity, and then talking about the methodology and the cognitive testing to add these SOGI measures to the NCVS. And then I'm going to turn it over to Jenna to talk about victimization and population estimates in our recently released BJS statistical report.

The NCVS, or National Crime Victimization Survey, has been collected annually since 1973. It's the nation's primary source of information on non-fatal criminal victimization, and it's administered to persons ages 12 or older from a nationally representative sample of households in the United States. Respondents are interviewed in person or by telephone with new households being interviewed in person. And selected households remain in our sample for three and a half years and are interviewed seven times every 6 months over those three and a half years. The NCVS collects information on nonfatal violent crimes, which includes rape or sexual assault, robbery, aggravated assault, and simple assault, and then property crimes including burglary and trespassing, motor vehicle theft, and other types of household theft. And one advantage of the NCVS is that it collects information on crimes that are reported and not reported to the police. For more information feel free to see the NCVS page on the BJS website.

So, terms and definitions for sexual orientation. Sexual orientation has three main components, the first being sexual identity or how an individual self identifies as lesbian, gay, bisexual, or straight. And in BJS survey data collections we're collecting information on sexual identity because we want to meet the objective of estimating a demographic population of interest. So, the second component of sexual orientation is sexual attraction, is an individual's attraction to members of the same sex, the opposite sex, or both sexes. And then the third component is sexual behavior or an individual's engagement and sexual activities with members of the same sex, the opposite sex, or both sexes. And sexual attraction and sexual behavior don't define a demographic population. And same sex attraction or behavior does not always coincide with someone's identity as lesbian, gay, or bisexual. And for more information on sexual orientation and these components please check out the recently released NASEM report, National Academies of Sciences, Engineering and Medicine, that was released earlier this summer.

For gender identity: gender identity is 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. A cisgender person is an individual whose gender identity is the same as their sex assigned at birth. And a transgender person is an individual whose gender identity is different from their sex assigned at birth. And then we have sex as a biological construct, and it's measured two ways in the NCVS. The first being that household respondents are asked to identify each person living in the household as male or female, and then the second being respondents ages 16 or older are asked to self-identify their sex assigned at birth as recorded on their original birth certificate. And, again, I'm going to refer you to the NASEM report for more information on gender identity if you're interested in that.

So now, turning to the impetus and the background for adding SOGI measures to the NCVS. Federal laws like the 2013 Violence Against Women Reauthorization Act, and then the 2009 Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, include protections for violent crime victims who identify as lesbian, gay, bisexual, or transgender. And additionally, there's empirical research that identifies sexual orientation, gender identity, veteran status, citizenship, disability, and household income as correlates of victimization. And in July 2016, BJS added sexual orientation, gender identity, veteran status, and citizenship to the NCVS as demographic characteristics. And then we changed the universe of respondents for the disability questions that we already had on the survey, which mirror the American Community Survey's disability questions. Instead of just asking these questions to crime victims, we now ask them of all respondents, ages 16 or older. And then finally we expanded the higher household income response categories. These measures provide a way to estimate criminal victimization by sexual orientation and gender identity.

So question development. The NCVS sexual orientation question measures sexual identity. It comes from the National Health Interview Survey's question, which is conducted by the National Center for Health Statistics. And this question is consistent with the 2009 recommendations on measuring sexual orientation that were made by the Sexual Minority Assessment Research Team, or SMART Team. And more recently they're consistent with the latest recommendations for sexual orientation measures in the NASEM report, and measures that are being proposed for other federal surveys. And prior to these being included on the NCVS, they were previously tested through cognitive interviews with persons ages 18 or older.

And then for the gender identity, the questions tested reflected recommendations from the Gender Identity in U.S. Surveillance group or the GenIUSS group, and then the California Health Interview Survey. And both of these documents recommended a two-step approach. So first asking people about their sex assigned at birth on their birth certificate, and then their current gender identity. And this method has been successful in identifying transgender individuals. And again, more recently, these measures are consistent with the latest recommendations for collecting gender identity data and were previously tested through cognitive interviews with persons ages 18 or older.

So the NCVS cognitive interviewing for these SOGI items were conducted by the Census Bureau. And real quick, in case folks aren't familiar with cognitive testing, this is the process of understanding the cognitive process of survey respondents and how they think about questions. And it's primarily used to identify issues with question wording, comprehension, and measurement, and to improve data quality and measurement. Of course, it's important to get feedback from respondents and your target population,

especially with sensitive topics. So, the SOGI measures on the NCVS survey were tested along with the revised instrument for the 2016 Supplemental Victimization Survey, which is a supplement to the NCVS that focuses on stalking victimization. And 60 cognitive interviews were conducted with persons ages 16 or older. And things that were tested were item wording, the placement of these items within the context of the NCVS in the crime survey, clarity and comprehension for respondents, and then the ease of administration for interviewers and administering these questions to respondents. A small number of respondents identified as something other than straight, and we didn't have any respondents that identified as transgender. But overall, the SOGI items performed well during cognitive testing.

After the items were added to the NCVS in July 2016 and were starting to be administered to respondents, the NCVS team at the Census Bureau used several methods to monitor data collection and performance of these items. They collected feedback from field staff via a debriefing survey, focus groups, and then targeted interviews. A debriefing survey is a questionnaire that assesses the interviewer's experience with new questions, and it asks about instrument problems and negative reactions from respondents to the questions. The focus groups were conducted with interviewers as well and were comprised of two interviewers from each region for a total of 12 interviewers. And then finally we completed, or Census completed, targeted interviews with interviewers who had collected data from LGBT individuals. And the summary of findings from all of these feedback methods included that the SOGI questions were easy to read but some interviewers were nervous or embarrassed to ask the sexual orientation question. Most respondents easily understood the SOGI questions and were able to answer them easily. Some respondents were shocked or surprised to hear a sexual orientation question, more so than the gender identity questions. And respondents questioned the relevance of these SOGI questions to a crime survey. We continue to monitor response distributions and item performance for these items out there in the field.

The sexual orientation item in the NCVS is, "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." And then the interviewer has the option of coding "refused," if the person refused to answer the question. And these questions are included on the NCVS-1, which is a basic screener questionnaire and is available on the BJS website.

And then the gender identity items in the NCVS. Sex at birth is, "What sex were you assigned at birth on your original birth certificate?" So male, female, and then there's a "refused" and "don't know" that the interviewer can code. Followed up with, "Do you

currently describe yourself as male, female, or transgender?” And again, “don't know,” “refused” can be coded by the interviewer. And then for discordant responses there is a confirmation question. So it's, “Just to confirm, you were assigned [...] at birth. And now, you describe yourself as [...], is that correct?” Just to make sure there were no issues with the programming or anything was transcribed incorrectly, just giving the respondents one more chance to make sure those responses are correct.

The SOGI questions were added to the NCVS demographics section and they're asked after any questions about experiences with criminal victimization. They are answered by individuals rather than household respondents, and we do not allow for proxy interviews for these questions. And as I mentioned before, the NCVS is a panel survey. So these questions are asked at the first, third, fifth, and seventh interviews, or if there was a change in the household, and they are administered to all persons ages 16 or older.

And then we are monitoring item nonresponse for these questions. So as we can see, item nonresponse to these questions is very low. Less than 2% of respondents refused to answer the sexual orientation question, and less than 1% refused to answer the gender identity questions. And in comparison, about 26% of NCVS respondents did not know the answer or refused to answer our household income question. So clearly, very low nonresponse for this question. And now, I am going to turn it over to Jenna to talk about our recent report.

DR. JENNA L. TRUMAN: Thanks, Rachel. As she just mentioned, we released a report recently, in the last few months. And what I'm going to present next is the findings from this report. We looked at some more things disaggregated, we aggregated some years of data. So these are talking about data from 2017 to 2020. And as Rachel mentioned, one of the things about the NCVS, because it is a national sample, we are able to make population estimates from the NCVS because we are asking everyone about these questions. So here you'll find the SOGI populations from the NCVS. And so in 2017 to 2020, we found that 1.4% identified as being lesbian or gay. So that's about 13 million persons. And again, these are age 16 or older, so the remainder of these are all of those persons that are asked these questions. And then about 0.7% identified as bisexual, so that's about 6.9 million people. And then for the transgender population, we found that 0.11% identified as transgender, and that's just over a million persons aged 16 or older. And one thing to note that's really important here, as Rachel pointed out, we're using a two-step measure. So this allows us to identify respondents who either reported as identifying as transgender or as gender different from their sex assigned at birth. And we find that it's about 54% of persons who identified themselves as transgender and 46% that identified as a gender different from their sex assigned at birth. So we feel that these findings in particular emphasize the need for that two-step

measure because not everyone who is transgender necessarily identifies as such, they just identify as male when they were born female. So this allows us to look at those data and have this total population estimate.

For the rest of this, I'll be looking at violent victimization. In the NCVS, we define violent victimization as rape or sexual assault, robbery, aggravated assault, or simple assault. Our estimates exclude homicides since we are a victimization survey and we're talking to victims of violent crime. So looking at these rates of violent victimization by sexual orientation and gender identity, we see some pretty different results. Overall, the theme here is that there were significantly higher rates for those persons who identified as lesbian or gay, bisexual, and transgender compared to the other populations. Particularly, the rate of violent victimization of lesbian or gay persons was more than 2 times the rate of straight persons. And then the rate of violent victimization against transgender persons was 2.5 times the rate among cisgender persons.

As you saw with the population, we only had about 0.11% of the population identified as transgender. So unfortunately, the sample is pretty limited when you start disaggregating by characteristics and in particular looking at things like violent victimization, which is still rare. So, the rest of the report and these remaining findings that I'm going to discuss here is focused on looking at it by sexual orientation because the sample was too limited to kind of disaggregate more for the gender identity measures. When we're looking at violent victimization by specific types of crime, we found that the rate of violent crime, that is excluding simple assault, against lesbian or gay persons was about 2 times the rate for the straight persons, so that's 14.5 per thousand compared to 6.8 per thousand persons, again, aged 16 or older. And then looking at rape or sexual assault, robbery, and total assault, both the rates for among bisexual persons and lesbian or gay persons were significantly higher than the rates compared to among straight persons. And domestic violence, which in the NCVS, we're defining as violent victimization that's committed by either intimate partners or other family members was 8 times as high among bisexual persons, so that's 32.3 per thousand persons and more than twice as high among lesbian or gay persons. So their rate was 10.3 per thousand as it was among compared to straight persons, so that rate was only 4.2 per thousand.

And when looking at both sexual orientation and other demographic characteristics, in particular sex, as we're looking at in this slide. And as Rachel pointed out earlier, there are two measures of sex now in the NCVS, one that is looking is at the household roster. So, the household respondent identifies the sex of the persons in the household, and that's the measure we're using here in these findings and in this table that's in the report. For females, we see that bisexual females experience violent victimization at a

rate that was 8 times the rate among straight females. And among males, the rate of violent victimization for gay males was 2 times the rate among straight males. And bisexual males had the highest rate among all male victims. So, you see that that population in particular is at high risk for violent victimization.

Looking at, again, another demographic, or a couple more demographics, specifically race and Hispanic origin and age, when we look among Asians, Native Hawaiians or Other Pacific Islanders, American Indians or Alaska Natives, and persons with two or more races, those who are identifying within these populations as lesbian or gay had a higher violent victimization rate than those identifying as straight. Their rate was 49.4 per thousand persons aged 16 or older compared to 20.1. And then for all of the racial and ethnic groups that we looked at in this report, bisexual persons, again did experience violent victimization more often than compared to straight persons. When looking at the rates by age, for persons ages 18 to 24, their rate was 6 times as high for those identifying as bisexual as compared to those identifying as straight. And then for persons 25 to 34, both lesbian or gay persons and bisexual persons had higher rates of violent victimization than straight persons.

Again, one of the really important things of the NCVS is for us to be able to look at both reported and not reported crime. And so we did that here, looking at reported to police to whether or not the victim had reported their victimization to police. And we found that about 58% of violent victimization for lesbian or gay persons were reported to police. And when you look at bisexual persons, their violent victimizations were less likely to be reported than compared to violent victimization to straight persons. So they reported about 31% compared to 45% for straight persons. And the percentages are relatively consistent with the percentages overall. We see about 50% or less of overall violent crime as reported for all persons as well.

As I mentioned, we did just release this report and the findings that are presented here and additional findings, and the methodological information as well as all the population estimates are available on our webpage. The data are also publicly available, so we encourage you to use the data. The SOGI items are in the data from 2017 forward. And we also just recently created a specific Sexual Orientation and Gender Identity webpage that focuses not only on the NCVS, but also the two other collections that both Lauren and Michael will be presenting here as well. So please see that webpage for more information. I will put up our contact information.

And thank you all for listening to us. We look forward to answering any of your questions, and I will pass this over to Lauren.

LAUREN G. BEATTY: Thanks, Jenna. I appreciate it. And thank you everyone for joining us today for this webinar.

I'm just going to give you a quick overview of my presentation. I'm going to be talking about BJS' Survey of Prison Inmates. I'm going to first give you a little bit of background on the survey, talk a bit about the content and design of the study, and then talk more about our measures of Sexual Orientation and Gender Identity, I'll be referring to that as SOGI. And for the Survey of Prison Inmates, I'll be using the acronym SPI. Your government agencies, they love acronyms. And then I'm going to turn our attention to briefly profile the U.S. prison population and provide some top line findings. And then I'll summarize at the end and provide you with some more information, kind of like Jenna just did now, including some of the BJS reports and where you can access the 2016 SPI data if you're interested in doing your own analysis.

First, in terms of the background of SPI, SPI represents a national cross-section of the U.S. prison population at a point in time. It's a national sample and the target population are inmates housed in state and federal correctional facilities, both community-based and confinement-based, both public and private facilities. The most recent iteration of the SPI was in 2016, and with that BJS renamed it the Survey of Prison Inmates. If some of you are familiar with this study, it was previously known as the Survey of Inmates in State and Federal Correctional Facilities. BJS conducts this study periodically, given the scale, costs, and burden placed on the correctional field. We've been conducting the state portion of the study since the early seventies and the 2016 study was the seventh iteration among the state portion. And then we started the federal portion in the early nineties. The 2016 was the fourth iteration of SPI among the federal sample. And since 1991, the survey, both portions, have been conducted using the same administration with the same survey and research protocols. And then lastly, I think it's important to point out that the SPI is designed to produce national estimates, including separate estimates of state and federal prisoners given the substantive differences in the populations themselves, and also separate estimates of persons in state and federal prison by sex, given the differences in persons confined in prisons by sex. And that's important to point out, I think, because I just want to briefly mention another national study of persons in prisons and the National Inmate Survey. There's also a portion of that national study of persons in jails. And I'm not going to get into it too much because Michael is going to talk about that in his next presentation, but I just wanted to point out, and it's going to come up a little bit throughout my presentation that the SPI and the NIS, while they're national studies of persons in prison, they're vastly different surveys. They have different purposes, and NIS is mandated. They have different designs, different content, different modes. And I'll bring that up a little bit because I think it's important when we look at some of the findings that I'm going to

show you in a few minutes. And lastly, I just wanted to point out that SPI was restricted to adults or persons 18 or older who were incarcerated in prison.

In terms of the content of SPI, I think one of the advantages of the study is it covers a variety of topics. I haven't listed them all here. I condensed them into these six sections. One of the limitations we hear from the users in the field a lot is it doesn't necessarily cover any one topic in detail. We have to make some choices about the content that's going to be covered. We cover a variety of topics to maximize response and data quality and minimize burden. We have to make some decisions and keep this interview in a reasonable length. But in terms of demographics, we collect basic demographic information in SPI and we also collect information on prior military service. In the criminal justice section, we're collecting information on the offenses for which persons are incarcerated, sentencing information about those offenses, collecting information about the incidents surrounding that offense, the incidents surrounding the circumstances that led to the crime. We're also collecting information about their criminal history and weapons and firearms used during the commission of the crime, as well as sources of those firearms that they used. For SES, that's a big section, we're getting information on pre-prison employment, pre-prison education, getting some information about housing and living status prior to incarceration and also characteristics of the household persons in prison were living in while they were minors. We also have questions about whether they had children and minor children and some information about their contact with those children since being incarcerated. The health and healthcare section covers a number of topics: disabilities, physical health, mental and emotional health, substance use and abuse, and treatment for those conditions. There's a section about prison rule violations, about the types of rules violations committed while incarcerated and the numbers, to try to get a sense of behavior and risk while incarcerated. And lastly, there's a section about prison programs and work assignments persons in prison participated in while incarcerated. And we didn't just ask about programs they participated in, or the types of programs, but also why they may have not participated in those programs, their motivation to participate in those programs, and their perceived value or use of that training and those programs upon their release from prison. The SPI interview is conducted via a CAPI mode, Computer-Assisted Personal Interviewing, so an interviewer is present with a respondent and the interviewer is using a laptop to read the questions aloud and type the respondents' answers directly into the computer. So respondents are meeting face to face with the interviewer. You see my note about that's different than the NIS. The NIS, for some sections and for some parts, I think uses a mixed mode design, but mostly uses ACASI, Audio Computer Assisted Self-Interviewing, to collect more of the sensitive information. And I'm sure Michael will talk a little bit about that, but I wanted to point that out because it may come up later. And lastly, the average length of the SPI interview is about 50

minutes. It's about 2 minutes for the consent process and about 48 minutes for the survey. Of course, that is going to vary. And persons with longer criminal histories, for example, are going to take a little bit longer to complete the study.

I just want to give you a little bit of background on the SPI sample and the response rates, at least this is from the 2016 SPI. The SPI is designed to be, it's a two-stage sample design in which we select facilities at the first stage and then inmates within facilities at the second stage. So, if you look at the "participated" row under number of facilities sampled, you see that in 2016, 364 participated. And that's about 98% response rate at the first stage. When we make the request for the survey, we go to department of corrections and they are statewide agencies. So, typically once the department of corrections agrees to participate, all the facilities sampled in that state will participate as well. So high first stage response rates. And then if you look at the number of respondents sampled, you look at the "participated" line, you can see we have about 25,000 completed interviews. The response rate was about 70% at the second stage, which was consistent with earlier rounds of NIS at the time. And you can see that we have separate samples for persons in state and federal prisons, as I previously mentioned. One of the things I want to say is while we do have 25,000 completed interviews, and that's about an increase of about 10,000 completed interviews from the prior SPI, BJS invested in increasing the sample size for the last round of the SPI. It's still a significantly smaller sample than from the NCVS that Jenna was talking to you about, and from NIS that Michael will talk about in a while. And that really will affect the power when analyzing some of these results and trying to disaggregate like Jenna said by particular characteristics.

Now, I'm going to turn our attention to the SOGI measures in the 2016 SPI. The 2016 SPI was the first iteration of SPI that measured sexual orientation and gender identity. And you can see from the question, like the NCVS, measured the sexual identity component of sexual orientation, similar to what Rachel already explained. And the sexual orientation question in the 2016 SPI was modeled after the NCVS, which, of course, was modeled after the NHIS. So specifically for SPI, and how this question was administered, first of all, it's slightly different than the NCVS. The SOGI items were included in section five of the SPI questionnaire. Section five was about health rather than section one about demographics. We didn't do testing about the best placement at the time and we were concerned about the potentially sensitive nature of these questions, in addition to the CAPI mode being used. We figured, you know, section five is about the middle of the survey and by then, the interviewer would have established more of a rapport with the inmate or the respondent. So we included these SOGI items in section five of the questionnaire. Of course, moving forward in future iterations, we will likely move them to the demographics section given the findings from NCVS and

other federal agencies. So, the SOGI, the sexual orientation, question was asked immediately after the gender identity questions. And in terms of administering this specific question, the question and all response options were read aloud to respondents by the interviewer, and their responses were coded by the interviewer. Now, for every SPI question, there was always an interview coded "don't know" or "refused" option, even though this question has a self-reported "don't know" response. And just important to point out, any text in capital letters that you see here is really instructions for the interviewer.

And like the NCVS, we use a two-step approach to measure gender identity. Again, it's modeled after the NCVS. And again, these questions were asked in section five and the gender identity questions followed questions on the height and weight of prisoners and directly preceded the sexual orientation question. So, with the two-step approach, respondents were asked to report their sex assigned at birth and then their current gender identity. Again, the text in capital letters is not read aloud to respondents. For sex assigned at birth, the question was read aloud, but the response options weren't, and instead were coded by the interviewer. You'll also see that interviewer note. After some testing, we added that in case interviewers needed help, in case respondents seemed to be slightly confused by the question about being assigned a sex. So we added that interview instruction to help them code the responses. For the gender identity item, the question and response options you can see were read aloud by interviewers to the respondents and interviewers were instructed to code only one response. And, again, as with all SPI questions, both questions included the interviewer codes for "don't know" and "refused." Now, one thing that is missing from this slide that the NCVS folks had on their slide is the CAPI instrument was programmed to verify the responses entered for these two questions. So the interviewers were trained to verify that they recorded the respondents' responses correctly to the first and second question for the gender identity measure. So slightly different than the NCVS. We asked the interviewers to do this, where the NCVS actually presented the question to the respondents to have them verify their responses.

I know Jenna and Rachel talked a little bit about the testing that they conducted for the NCVS. So, the SPI was designed over several years and the SOGI items were actually added late in the design process. The SPI questionnaire was finalized in 2015. We went into the field in 2016, so that meant there was some limited testing of the measures for the SPI. By the time these measures were added, we had already completed cognitive testing, although we know these items, just as Jenna and Rachel presented, were cognitively tested through other federal surveys, including the NCVS. But in addition to the cognitive testing, BJS did conduct two pretests of the SPI, the first one in 2013 on a sample that was made of about 480 respondents in both state and federal prisons. And

then BJS also conducted a smaller pretest, an “n” of 60 in 2015 right before fielding the national study to do a final test of the questionnaire, especially the programming. The sexual orientation question was included in both pretests, but the gender identity items were not added until after the 2013 pretest, so they were only included in the 2015 pretest. And while the primary goal of those pretests was to test the questionnaire, including the routing, for the SOGI items, the interviewers were trained to closely observe respondents' reactions during the administration of the questions. And Rachel explained some of the debriefings that were conducted through the NCVS. We did the same through the SPI with some of the interviewers from the pretest. And that revealed that respondents did not react negatively towards the questions and answered the questions, and similar to the NCVS results for item nonresponse you can see that—I'll explain a lot more in a second—but the item nonresponse rates were low for both measures in the SPI as well.

Let me take a step back and just mention these are not official BJS statistics. These are unweighted distributions of the SOGI measures in SPI. And I did that for two reasons. One, the goal is to show item nonresponse rates. And two, I want to demonstrate what I was talking about earlier about this limited power for some of these categories. So first, when I talk about item nonresponse, I calculated it based on the blue interview coded responses, as you see, the "don't know" and "refused" responses. And for those measures, if you calculate it that way, you're looking at less than 1%, which is promising. If we're trying to be consistent with how Jenna and Rachel did it in the NCVS, you could include the self-reported "don't know" response for sexual orientation, and you're still looking at an item nonresponse rate of less than 1.5%. And, of course, if you're looking at just the refusal rates, you're looking at 0.6%. So, very promising. I said secondly, I wanted to talk a little bit about the power, especially for the gender identity measure and specifically folks who identify as transgender. These distributions include persons in state and federal prisons combined. Again, I said the SPI is designed to produce nationally represented estimates of both state and federal prisoners, separately. The state prison population represents about 80% of the sample because they're much larger. It accounts for prisoners in the 50 states, whereas the federal prison population accounts for about 20% of the sample. And so it means we have more power when combining the populations. But some research may warrant splitting them out. Obviously, there are substantive differences between the two populations. And if so and you focus on the federal population only, obviously you're going to have less power. So if you look at the gender identity distribution, you're seeing that unweighted, you see about 72 respondents identified as transgender. And that includes respondents who identified as transgender or identified with a gender that was different than their sex assigned at birth. You're talking about a total of 72 cases. If you look at it separately for federal inmates, you're looking at five cases unweighted, which is too small for BJS

standards to report any reliable estimates. I just wanted to point that out, because the ability to produce reliable national estimates will be limited when disaggregating by certain characteristics. And while the SPI sample sizes are not the size of the NCVS and SPI—or excuse me, NCVS and NIS, including the questions in the SPI was obviously important and allowed BJS and the public to better understand the demographic diversity of persons incarcerated in prisons and the different experiences or outcomes of sexual minorities in the criminal justice system.

Now let's look at some of these findings. Again, the SPI findings that I'm presenting are intended to provide a little bit of context, especially prior to Michael's presentation, that's going to focus more on sexual victimization rate. I don't mean to steal, Mike, I don't mean to steal your thunder, Michael, but I'm just providing a brief profile here. First, it's also worth noting that I am using the acronym LGBTQ+ for the purposes of this presentation. However, given the questions that we asked, we're not necessarily able to measure the Q+ because the "something else" response item was a closed-ended item. And likely we know in some of the testing that's been done, we're not quite sure unless you're asking respondents to specify what they mean by something else. You're not quite sure exactly what is within that item. And we know responses from prior testing that some respondents use it to refuse. However, for the purposes of this presentation, I am including something else with bisexual and gay/lesbian too as a combined measure for LGBTQ+. And we're finding that about 4% of the U.S. prison population identified as LGBTQ+ in 2016. If you exclude the "something else" category, you're still looking at about 4%. And I'm pointing out that, I said that I was going to talk a little bit about the NIS and the differences. This is important because you're going to see in a minute, Michael has slightly higher estimates from the NIS. And again, given all the different design features and goals, we can talk a little bit about it more if folks are interested in it after Michael's presentation. You can also see on this slide that that persons in U.S. prisons were more likely to identify as bisexual than gay/lesbian, which is slightly different than the results from the NCVS. Obviously, the general population and prison population have different characteristics and I haven't controlled for them. And it's just something that I found interesting and figured I would point out here.

This slide shows that 0.3% of the U.S. prison population identified as transgender in 2016. As you saw from the NCVS presentation, about 0.11% of the general population identified as transgender. Of course, that's 2017 to 2020 data aggregated. And, again, the 0.3% of persons who identified as transgender includes those who identified as transgender and those who identified as a gender that was different from their sex, you can see 51% of the respondents identified as transgender and another 49% identified as a gender that was different from their sex at birth. And both are coded as transgender in this analysis. And as Jenna stated, that is the advantage of the two-step

approach to measure gender identity. It's also worth noting here that the large majority of the U.S. prison population is male. Ninety-three percent of persons in prison are male compared to about 7% of female. So this distribution largely reflects the distribution of sex in the U.S. prison population. By sex, I mean sex assigned at birth.

Now, if we look at sexual orientation by sex defined at birth, you can see that we do observe some differences in sexual orientation by sex assigned at birth. In the U.S. prison population, females are more likely than males to identify as LGBTQ+. If you look at the combined estimate for LGBTQ+, that's gay/lesbian, bisexual, something else, 22% of females in U.S. prisons identified as LGBTQ+ compared to about less than 3% of males. It's about 7 times women, 7 times more likely to identify in LGBTQ+ than men in prison.

Here, I'm looking at gender identity by sex assigned at birth, which is slightly different. And I just wanted to see if there were the differences by sex assigned at birth and the identification of transgender. So, the graphs, the labels at the top, the male and female labels at the top, represents sex assigned at birth. And what you can see is that females in U.S. prisoners are about 7 times more likely than male respondents to identify as transgender. Do note the double dashes in each of the graphs to note there are no cases in these categories. And I just explained that's because if respondents reported that they identified with a gender different than their sex assigned at birth, we coded them as transgender.

I also wanted to look at sexual orientation by race and ethnicity in this table. I use black as a comparison group because that group represents the largest percentage and number of persons in prison when looking at the distribution by race. And this graph shows that persons in U.S. prisons who are white or two or more races are more likely to identify as LGBTQ+ than black persons. So you see more than 5% of white persons and those of two or more races identified as LGBTQ+ compared to less than about 2.5% of black persons in prison.

And the last slide, a graph that I'm showing here. Again, looking at the gender identity by race and ethnicity. And again, it's worth mentioning that the large majority of persons in U.S. prisons are male. The differences you see in persons who identified as male or female across race largely reflect the differences in sex assigned at birth by race and ethnicity among the prison population. When you look at specifically those who identified as transgender, the percentage of persons who identified as transgender by race, there are no statistically significant differences in the percentage--in the percentage again, like what I showed earlier, likely due to power and limited sample size of transgender respondents.

I just want to end like Rachel and Jenna did, provide a little bit more information. The first bullet here, a lot of the information that I talked about today is included in a report that BJS already released in December 2021, titled The Profile of Prison Inmates in 2016. And that URL is in the first bullet. The second bullet provides the URL of where users can go to access the 2016 SPI data files and documentation. And I just want to note that BJS spends a lot of time and resources to collect these national data, and we have limited capacity to report on all of the SPI topics, the questionnaire on paper that's a hundred and fifty, a hundred and sixty pages long. Including when we're constrained by sample size because obviously we have data quality standards that we must abide by. So we typically report on the top line statistics like you'll see in that SPI profile report in the first bullet. And we also address key topics in corrections in more detail. But we do not have the capacity to report on all of the SPI topics in depth. So it isn't necessarily that BJS is kind of overlooking issues though. But we do depend on researchers and other users to use these public-use files and SPI data to conduct more in-depth research and studies that we really encourage that and get excited when we see those papers released. And lastly, as Jenna mentioned, BJS developed a SOGI webpage that is now live on the BJS website where interested parties could go to obtain additional information about some of the topics we discussed today.

And here is my contact information in case anybody wants to reach out and thank you. And I am now going to turn it over to Michael.

MICHAEL FIELD: Thanks, Lauren. Hi, everyone. My name is Michael Field. I'm going to be walking you through this presentation on Sexual Orientation and Gender Identity in BJS' PREA Surveys.

Before we dive into it, let me show you what's in store. First, I'll provide some background on PREA and BJS' role in PREA. Then I'll go into more detail on SOGI measures and findings in the National Inmate Survey and National Survey of Youth in Custody. And lastly, I'll close this off with some next steps.

So, let's get started by talking about PREA. Congress passed the Prison Rape Elimination Act, or PREA, in 2003 unanimously. You can see some of the text of PREA here on the screen. But the overall goal of PREA is to end prisoner rape in all types of correctional facilities in the country. Prison rape includes sexual acts you might think about when thinking about rape, such as penetrative sex. It also includes sexual harassments and other sexual activity, such as kissing, being shown something sexual, and engaging in some other sexual act that doesn't involve touching. And prison rape is not just inmate on inmate. While many commonly think of forced or otherwise not

consensual activity between inmates, it also includes any sort of sexual acts or activity between staff and inmates, as there is no way for staff and inmate relations to be consensual.

So what's BJS' role in PREA? PREA mandates the BJS carry out, every calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The three main aspects of this you can see here on the screen are identifying annual statistics on the incidence of prison rape; identifying facilities with high and low incidence rates; and identifying common characteristics of victims, perpetrators, and facilities.

BJS currently administers three data collections that measure prison rape. These collections cover three general buckets of facility types, and that's prisons, jails, and youth facilities. And gather information through inmates in these interviews and also through administrative records. The National Inmate Survey, or NIS, collects inmate interview data in prisons and jails, but also some administrative records in the facilities themselves. The National Survey of Youth in Custody, or NSYC, does the same with juvenile facilities. The Survey of Sexual Victimization collects administrative records from all types of facilities. The SSV and NIS-NSYC split is very similar to how the Uniform Crime Reporting program, or UCR, and National Crime Victimization Survey, or NCVS, are set up. Where the UCR measures only crime recorded by police and the NCVS measures crime reported and not reported to police. Likewise, SSV measures only sexual victimization reported to the facility, while NIS and NSYC measure sexual victimization both reported and not reported to the facility. We collect these different types of data using different methods as altogether the complementary information they produce, provide a more comprehensive understanding of the issue than any of them can produce alone.

BJS has been collecting PREA data annually since 2004, right after the passage of PREA. You can see SSV has been conducted every year since then. NIS has been conducted three times and the dotted line represents that we were planning on launching the fourth iteration in 2020. That was delayed, however, due to COVID, and we are now anticipating launching the survey in 2023. And then NSYC, you can see here, has been conducted three times, most recently in 2018.

Before I get into the surveys, a little bit of background, NIS and NSYC both sample at least 10% of all facilities and at least one from each state. It's important to note that as a sample, these numbers are estimates, while I've presented numbers here, be sure to look back at their actual reports themselves to see how statistically significant some differences are as sampling naturally has some error associated with it. As Lauren

briefly mentioned, these surveys use a touchscreen ACASI, that is Audio Computer-Assisted Self-Interviewing instrument in both English and Spanish. With this method, respondents have the option of reading the questions themselves on a computer screen or having the computer read the questions and answers aloud to them. Additionally, this ACASI format means that while we do use onsite interviewers to confirm respondent identity and administer consent protocols, no one but the respondent knows what question they're answering at any given time or how they're answering it. This self-administration procedure helps ensure the confidentiality of the respondents and encourages fuller reporting of victimization.

As I mentioned earlier, the NIS even conducted it three times, most recently in 2011 and 12. Across these three administrations, BJS had surveyed over 200,000 adult inmates in prisons and jails. I use those specifications "adult inmates in prisons and jails" because NIS-3 did include juveniles in its facilities. But they're not included in the analysis I'm covering today. And then NIS-2 and NIS-3 included ICE facilities, military jails, and Indian country jails, none of which I'm presenting on today.

The NIS has included items on Sexual Orientation and Gender Identity since the first administration. The NIS-1 and NIS-2 surveys included these single item measures for sexual orientation using sexual identity and gender identity with the options you see here. I'll note that item three in the sexual orientation question here, actually varies slightly depending on self-reported gender of the inmate. And that type of variation continues across NIS and NSYC administrations. Throughout these slides, however, I'm only showing the most all-encompassing item, just for the sake of readability. But you can refer to the questions on BJS' website for this specific survey logic. All the items I'm presenting on today also allowed respondents to answer "don't know" or "refused" but I haven't shown those options on any of these slides. The only change in these items in NIS-3 was the rewording of the heterosexual option in the sexual orientation question. Now, the survey items you've seen so far here obviously don't align with our current understanding of best practices. But it's important to note that even these NIS-3 items were developed more than 15 years ago. In developing the original NIS survey, BJS consulted with corrections administrators, as well as representatives from professional organizations, prisoner rights advocates, former inmates, specialists in prison rape research, practitioners, and survey methodologists and we convened expert panels in 2003, 05, and 06 to review draft questionnaires. But the surveys also were tested in facilities in the first half of 2006.

Now, looking just at the most recent administration of NIS in 2011 and 12, we can estimate the total number of jail and prison inmates by sexual orientation. With this data, we see an estimated 7.1% of jail inmates and 7.9% of prison inmates identified as

lesbian, gay, bisexual, or other. Additionally, about 0.2% of inmates in both jails and prisons identify as transgender and these numbers have remained largely consistent across administrations of NIS. In NIS-3, in both jails and prisons, a higher percentage of inmates who identified as lesbian, gay, bisexual, or other reported sexual victimization than heterosexual inmates. In jails, LGBQ+ inmates were approximately seven times more likely to report inmate-on-inmate victimization than heterosexual inmates. In prisons, they were about 10 times more likely. In both jails and prisons, LGBQ+ inmates were about two and a half times more likely to report staff sexual misconduct than heterosexual inmates.

Transgender inmates also reported higher rates of sexual victimization. More than 15% of transgender jail inmates in 2011 and 12 reported inmate-on-inmate victimization, 15.8%, or staff sexual misconduct, which was reported by 18.3%. Again, about 15% of transgender prison inmates reported staff sexual misconduct. About one-third of transgender prison inmates reported inmate-on-inmate sexual victimization.

The National Survey of Youth in Custody or NSYC fulfills the requirements of PREA in juvenile facilities. Across all three waves of NSYC, BJS had surveyed over 25,000 youth in custody. In the most recent administration, NSYC-3, in 2018, BJS surveyed nearly 7,000 youth in 327 facilities.

As you've seen in the presentations today, accurately measuring SOGI is complex, right? And doubly so for adolescents who are still developing and changing both biologically and cognitively. NSYC-1 and 2 back in 2008, 09, and 2012 combined the ideas of sexual identity and sexual attraction into one question on the survey. This question was based on research at the time, 2006, but the response categories here were later found to be kind of overly wordy, posing a cognitive burden on youth to listen to all of them before selecting a response. Additionally, because the categories combined sexual identity and attraction, youth who don't identify with the labels of gay or straight might have had difficulties selecting the appropriate response category. The frequency of nonresponse for this question was much higher than the nonresponse for other demographic questions in this section of the survey and higher than the sensitive questions on sexual victimization that immediately followed it.

The first two administrations of NSYC also collected pretty limited information on gender identity as shown here. A response, you could select male, female, or something else. It was difficult to interpret the meaning of something else as youth might have selected this to indicate they are transgender or non-binary or maybe the youth giving a non-serious response by selecting an option they find to be surprising or silly.

BJS conducted cognitive testing of new items in 2016 though with 20 youth and juvenile facilities and then 15 LGBT youth in the general population, with additional testing of Spanish language items in 2017 with Spanish-speaking youth. You can see here the two final sexual orientation questions that were used in NSYC in 2018. One key consideration here is the inclusion of "not sure" options in both questions. These are appropriate for adolescents, especially younger adolescents, who may still be questioning their sexual orientation. Another is we continued inclusion of sexual attraction in the survey as opposed to just identity, as some youth might be aware of their attraction without having adopted specific labels.

We also added a two-step gender identity question to match best practices in the field, first asking about sex assigned at birth and then how the respondent currently describes themselves. These questions were based on the NCVS items you saw earlier, with a change there from "none of these" to "something else" in the second item based on our cognitive testing. Cognitive testing also reveals the importance of including "not sure" for youth, similar to the sexual orientation questions.

Looking at the latest version of NSYC in 2018, we see some notable differences in recorded sexual victimization when it comes to the sexual orientation of youth. A higher percentage of youth who identified as lesbian, gay, bisexual, or something else reported sexual victimization than heterosexual youth. These differences almost entirely driven by youth-on-youth victimization where LGBTQ+ youth were between 7 and 8 times more likely to report victimization than heterosexual youth. The nominal difference here in staff sexual misconduct wasn't shown to be significant. Youth who responded not sure when asked about their sexual orientation also recorded higher rates of youth-on-youth victimization than heterosexual youth but similar rates in staff sexual misconduct.

A similar story plays out when looking at the gender identity of the youth just to an even larger degree. Youth who identify as transgender or something else other than their sex assigned at birth are nearly 3 times as likely as cisgender youth to report any sexual victimization, nearly 9 times as likely to report youth-on-youth sexual victimization. And just like the previous slide on sexual orientation, youth who responded not sure when asked about their gender identity reported even higher rates of sexual victimization and youth-on-youth victimization but similar levels of staff sexual misconduct to cisgender youth.

And with that, I'll go over next steps and then wrap things up.

BJS is planning on launching a new administration of the National Inmate Survey in 2023. And as you can see, we've updated our questions to better align with current best

practices in the field. You can see here the question on sexual orientation, we are planning on using, pending final OMB approval for both prisons and jails. Some notable changes from the past NISs include a reordering of response options to now begin with lesbian or gay, then straight, then bisexual. And then the addition of a Two-Spirit response option for inmates who identify as American Indian or Alaska Native.

The NIS is also getting a two-step gender identity measure using sex assigned at birth and current identification. And just like in the sexual orientation question, Two-Spirit will only show up as a response option for American Indian, Alaska Native respondents. We tested new items for the NIS in preparation for surveillance in 2020. As I mentioned before, that launch was delayed due to COVID, but that delay did allow us to make some additional edits, particularly in response to the National Academy of Sciences recommendations published in early 2022.

So what's next for PREA surveys and SOGI? The immediate next step is building and analyzing the next NIS, producing new estimates on sexual victimization in prisons and jails. We're going to continue to monitor best practices for collecting SOGI information to see how future surveys can be improved, although it's important to keep in mind that the target audience for these surveys are jail and prison inmates for the NIS and youth in juvenile facilities for NSYC, not the general population, so there may be some differences moving forward. And we'll continue to conduct outreach and work with stakeholders in the field to determine what PREA-related data on SOGI is most useful and most needed.

Oh, and this is my contact information and then a link at the bottom to the BJS website where you can find published reports on NIS and NSYC and links to data. Please reach out to me if you have any questions, and thank you for watching.

KEVIN SCOTT: All right. I want to thank Rachel and Jenna and Lauren and Michael all for their presentations. And I want to encourage those of you who have waiting patiently for the past hour to go ahead and start, or continue, to type your questions into the Q&A box and we'll get them referred to the panelists in order. And thank you to those who entered questions in while we were doing the presentation. That's what I'd do, based on what we have, is I'll start with questions that speak kind of across the surveys and then I'll field some questions that are survey-specific to the different presenters, all right. So I think for all of you, the question is they're curious about the three categories in the sexual orientation questions. Why is the list of straight category between the LGBTQ category? So I'll start with that part of the question and if you want to answer...

DR. JENNA L. TRUMAN: I can take that one. So as Rachel mentioned regarding sexual orientation, the measure comes from the National Health Interview Survey. So NHIS is where we took that question from. They did the work. So kind of shoutout to that work. My understanding from that initial cognitive testing was that the categories of gay and lesbian are more salient to that population and less salient to the non-lesbian, gay, and non-minority population. And so when they did the cognitive testing, I think they tested using heterosexual but that was confusing and why it landed on the terminology straight. But how adding the "straight that is not gay or lesbian" helps with that understanding. And so by adding that, it has to be second in the list. So that's kind of the ordering reasoning there. But, again, those questions are kind of well-established in the field and where we were able to take this from and we tested them, we've all tested them and they have all continued to work well and respondents are able to understand them as is.

KEVIN SCOTT: Okay. All right. Lauren or Michael, do you want to weigh in or amplify? Okay.

MICHAEL FIELD: No. I think Jenna covered it. It's going to be the same reason across. I mean, the only thing I was going to expand on is that I think the research has showed that particularly heterosexual respondents don't know the terms necessarily as well. And so by putting gay or lesbian first and then defining straight as not gay or lesbian, helped the respondents who kind of didn't know the terms as opposed to putting heterosexual first or straight first and then they wouldn't select that and would go all the way down and say, "Oh, I don't know because I don't know any of these terms." And that's why it's second there.

KEVIN SCOTT: Okay. So I'll turn to a second measurement question and this relates to the transgender category. Is it possible that the way that question/these questions are asked, it seems like this might miss folks who don't identify as trans but might fit in an umbrella definition? So if they're non-binary, for example, they do not identify themselves as transgender.

DR. JENNA L. TRUMAN: I can address that too and let everyone else kind of weigh in. So I think there's a couple pieces here. So for the two-step measure that we're using in the NCVS, there is "none of these" categories. So if someone didn't—when we're asking about their gender identity, it's male, female, transgender, or none of these. So if someone does identify as none of those, they can choose that. In the NCVS currently we're not collecting other-specify there so we don't have the information about what actually is in the "none of these" category. But the other I think is important, and I know sometimes these can be confusing is that because we're asking them both sex at birth

and gender identity. Someone doesn't have to identify as transgender. So they can identify as male—as their current gender identity as male or female and we are still able to measure them and include them in the transgender estimate by doing that, by combining the sex at birth and the current gender identity. So if someone was born a male and now identifies as female, we can collapse those and kind of combine that measure and know that they are, in our estimates, counted as the transgender population. I'll let others weight in too.

MICHAEL FIELD: I think I got it. Yeah.

KEVIN SCOTT: Go ahead.

MICHAEL FIELD: Fully answered.

KEVIN SCOTT: All right. A couple kind of related questions. The first I think is has there been any testing on intersex in these populations? Jenna, you want to answer that one too or...

DR. JENNA L. TRUMAN: We have not. So we have not added, tested that in our questionnaire in the NCVS. I'll kind of defer to maybe, not sure if Michael if you, or not.

MICHAEL FIELD: Yeah. No, we haven't in—and I'm sure NSYC either. This came up recently. I think most of us were attending the Joint Statistical Methodology Conference in DC in August and this issue came up, right, where this recommendation doesn't capture that. And part of the problem, particularly with our sample surveys, is that it also—because it's such a small portion of the population, even if we were able to accurately capture that, in these samples, it would come in as maybe one person and we wouldn't be able to really report on that data anyway, but I don't think it's where we're at currently with that.

KEVIN SCOTT: All right. And then I think one last kind of measurement question that I think is probably pretty closely related. Is there a reason for the lack of some sort of non-binary, gender nonconforming, or something similar for a response option for these kinds of questions?

MICHAEL FIELD: I mean, any of us can take this one. I'll jump in here. Yeah, I think this is really where the National Academy—a report from earlier this year is really a helpful read, because I know all of us, I know, are getting pretty close to that where in a survey of the general population, where the main goal is to measure sexual orientation or gender identity or in surveys specifically of those populations, there are a lot of terms

people use, right, that might be appropriate to use. But we have kind of some specific populations, we're looking at, with specific goals that aren't mainly focused on SOGI certainly I think we want to keep an eye the thing we want to include, but those questions, at least, have to be easily understood by everyone. And so, for example, I speak for NIS, but, I mean, if we're talking about prison and jail inmates, all of a sudden if you add a list with half a dozen or 10 terms, while it certainly might help some respondents who use those exact terms, the vast majority of respondents might end up confused, might get frustrated at this many terms and might break off of the survey. So the recommendation for surveys like these are to limit it to the terms you see here and then kind of that "something else" option for other people to indicate that none of the terms represented are what they use.

KEVIN SCOTT: All right. And then one—there's always one last question. So the last question right now—this has kind of come up in some context, is the verification question for transgender respondents. And so I'm curious if you have any thoughts on, or have testing, or if you've done any work. Do you mind talking about any work that we've done on that?

DR. JENNA L. TRUMAN: I've looked on it and I was just pulling up the NCVS, we do the verification question for those that identified as, you know, different than their sex at birth and their current gender identity. We do have a table in the report. It's table four that's in the methodology, where we actually looked at the percent responses for that confirmation question. And so there's about 8.9% where they have responded that, "No, that wasn't correct." And so it was an error and so it was corrected. And so the vast majority are confirming that that information is correct but we're finding, you know, with 8.9% that we do feel that it's important to maintain that and so have maintained that confirmation question in the NCVS, but that's kind of the extent of what we've look at from there.

KEVIN SCOTT: Okay. All right. And so turning now to some questions that tend to be a little bit specific to some of the survey and we can kind of work out from there. For the NCVS, the population estimates differ for LGBT population, differ somewhat from other surveys. And so I'm curious, Jenna or Rachel, if you want to address, what might explain some of the difference that we see that might be--from what might be observed in the other surveys?

DR. JENNA L. TRUMAN: So I'll take that one because we had decided ahead. I mean, there are multiple reasons that they will different. I think there's the Gallup estimate. There's an estimate, I believe we talked about when we looked at comparisons to the NHIS since we're using the same sexual orientation measure. And we're a lot closer I

think. The lesbian, gay population from their most recent is at 1.6%. We're at 1.4%. So it's closer there when you're looking at similar methodologies and similar questions. I certainly think that methodology plays in, you know, the type of survey, how the survey is collected but also how the questions are being asked. If there are different questions being asked, that may, you know, result in different results. And also the populations, who's answering, who's providing this information, the context of the survey. Like all of that kind of plays into why you might see differences in our estimates compared to other estimates that are out there.

KEVIN SCOTT: All right. In this field, there's kind of a series of comments in the Q&A. We are recording this session and once we've processed this session and we're sure that it's fully accessible, we will post this session on our webpage. So all of this material will be provided and you're welcome to watch it as many times as you want to. All right. Turning back to the NCVS, are the SOGI questions being asked of all respondents over 16 currently or is it only victims and, well, let's go with, let's ask the question that way.

DR. RACHEL E. MORGAN: Yes. So in July 2016, when we put these questions on the survey, we asked them to all persons, ages 16 or older. And then we just asked them of victims in 2020, I believe, or in 2019. And then again in January 2022, we started asking them of everybody again. So if you look in the methodology of our statistical report, it does lay out the details about that.

KEVIN SCOTT: Okay. All right, Michael, a question related to PREA. Are you aware or have you taken into consideration that some facilities use PREA to target couples who are incarcerated and how has this informed what would be considered a consensual relationship?

MICHAEL FIELD: Yeah, I think that it's important to note the type of differences between our PREA surveys, right? So I think what you're talking about might be what is reported by the facility or what the facility is talking about. We're talking to the inmates directly and getting information from them. And so specifically for inmate-on-inmate, it doesn't include consensual relationships. It only includes relationships where inmate is reporting they were force or coerced to carry out any activity.

KEVIN SCOTT: Okay. All right. Has BJS surveyed LGBTQI+ and Two-Spirit youth in this collection, NCVS, SPI, etc., other than the National Survey of Youth in Custody, NSYC?

DR. RACHEL E. MORGAN: I can take this since Jenna had a lot of questions she's answered. No. We've not asked youth lower than 16-year-old and we have not asked

about Two-Spirits. So one of the challenges with a big federal survey is that it takes a lot to change questions and it takes a lot to change response options. So, you know, we stuck with the questions that have been tested in the field and continued to be, you know, some of the best ways to ask these questions and measure these concepts. And so, to date, we have not lowered our ages beyond 16 or tested Two-Spirits.

KEVIN SCOTT: All right. I'm going to ask a question that I think, in a way, kind of applies to all of you but it may require some bit of clarification. The question is, in the kind of context of sexual orientation and gender identity, has there been discussion of the benchmark or denominator issue. For race and ethnicity research related to policing outcomes, there's ongoing discussion about what is the best benchmark needed to determine disparities. Any kind of comments or any insight about the same kind of question in this particular context, in the SOGI context?

DR. JENNA L. TRUMAN: Not particularly. I don't think it's really come up or something that we've looked into, in this context, at least for the NCVS yet.

KEVIN SCOTT: All right. And then I have a question that none of the participants have asked but I have warned the panelists that they're going to have to answer. So they claim that they're ready. So, Lauren and Michael, the Survey of Prison Inmates and the National Inmate Survey produced pretty different results. And I didn't do a statistical test to confirm this, but the estimates of the population that's LGBTQ+ population in prison is different between the two surveys. Now, the two surveys are conducted at different times, are conducted by different modes, and so there are a number of possible different explanations, but I wondered if there's kind of any thoughts about why that might be the case?

LAUREN G. BEATTY: Yes, Kevin, we talked about this when Michael and I were working on our slides and how basically it wasn't necessarily in the direction that we expected. The SPI was done in 2016. The NIS estimates that are presented are 2011 and 2012. So we did discuss it, and I know that Jenna and Rachel have a lot of background on this. I mean, one of the things, and Jenna spoke about this in terms of the NCVS and other general population studies by federal agencies, the questions are different. You know, the questions in the 2016 SPI align more with the more recent recommendations, including the NCVS. The NIS questions include those terms heterosexual, homosexual, straight is the first option provided. Jenna had talked a little bit about that. The other issue is, and, Jenna, was making this point too, it's really the point about the modes, ACASI. The NIS is focused on sexual victimization, a specific topic, where SPI is focused on, I explained, a variety of topics. So NIS is done via ACASI and obviously we know the research out there indicates that generally it would

elicit higher reports of sensitive items, which is why, again, we were concerned a little bit with the SOGI items in the SPI and administering them through a CAPI mode, which is why we moved back to the middle of the survey, at least for the 2016 administration. But in the preparation of this, and we are in the very, very preliminary stages of thinking about the next SPI and whether we have any ability to do any testing. And if we do, there's some preliminary discussions, as you know, Kevin. If you find us enough money, Kevin, we can do these mose tests. And I really do think it would be beneficial to BJS if we can do that in the next SPI to be able to test these items across different modes to better understand some of those differences. But it is interesting. It was interesting to see and we did delve a little bit into it.

MICHAEL FIELD: Yeah, the only thing I'll—I mean—that certainly everything Lauren and I discussed about this topic, and I think it really make sense that kind of all of these things combined to be the reason. The thing that I sort of thought of, as I was watching Lauren give her presentation, and if I had thought of it earlier, I may have looked up some actual numbers, Is that, I mean, we both could be right, right? I mean, the prison population could have changed in this time. And we know that sexual orientation and identification really varies depending on age, and maybe there are changes in policy that led to a much older prison population in 2016 than even just four or five years earlier and having an older population would have led to having like fewer self-identified LGBTQ+ folks. You have to look to see if that would have been a big enough swing, but, I mean, probably like a combination of all of it, yeah.

KEVIN SCOTT: All right. I think the last question I have is back to the NCVS one last time. The NCVS is a panel survey. So we encounter respondents multiple times over their time with—I would say with us, but in their time in the NCVS. And the presentation indicated that the SOGI questions were asked on the first, third, fifth, and seventh interviews, which means they're asked about once a year of the respondents. So the question is, due to the fluidity of sexual orientation and gender identity, are you all thinking about how frequently to ask these questions? And part of the answer to that question, maybe why the decision was made to ask it basically once a year and if there's been any additional thought about, you know, revisiting that decision?

LAUREN G. BEATTY: I mean, I can speak for the SPI. The SPI is a periodic survey. So the SPI is not done annually like the NCVS and now we have a competing priority with the NIS. So I don't know if you saw it in one of my earlier slides, but before NIS, SPI was being done every six to seven years. Then NIS came along and we actually had a long delay in fielding the next SPI because we were fielding multiple rounds of NIS, which are large samples that places a significant burden on the correctional field and BJS cannot necessarily be in the field with both of those studies at the same time or

even closely after one another. So the SPI will always be done periodically, again, given the scale and cost and the burden. And as we move forward, we will be looking at, you know, the recommendations at the time, because we do understand it's fluid, and at that point in time, we will implement, I think, what the current recommendations are and we will use, you know, our sister survey, the NCVS as a model because I know they're on top of it. But there are going to be situations where we're using the SPI data and it's, you know, three, four years later and the measurement recommendations have in fact changed potentially.

DR. JENNA L. TRUMAN: Yeah, and I think when we added these questions back in 2016, we had that discussion about how often they should be asked because it is a panel survey and we're going back to the same household. You know, we can confirm information or we can re-collect it again. And, you know, when we are asking them to complete seven interviews with us, you know, getting the information that we need and not asking again. But we did, because of the fluidity of these measures and because of those conversations that we had, we did make the decision that once a year was about enough and not asking every 6 months because, you know, those folks that haven't changed or the minority of population that may have, you know, we kind of want to continue to reduce burden, but recognize that it is important to ask these questions more than once throughout that panel. So once a year was the kind of cadence that we came up with, so every other interview is what it turns into and that's what we're continuing to do at the moment and plan to do.

DR. RACHEL E. MORGAN: And I would just follow up real quick with this is a great research question for somebody. If someone wanted to download the data and like look at the person IDs and look at people over time and see if their SOGI status is changing.

KEVIN SCOTT: All right. Well, I think with that dissertation topic in hand, we would like to thank—I would, first, like to thank the participants for listening to us and sharing your time with us and asking us some challenging and thoughtful questions. And I also want to thank the panelists for their time. And I really enjoyed this. I had the best job. All I had to do is ask the questions. I didn't have to answer them. But I had a great time. And, as I said, we will post the recording from this presentation on the BJS webpage. And I guess—we also have a BJS YouTube channel, so you will find this presentation there. And feel free to use it and to share it. And, again, thank you for your time.