Testing Sexual Orientation and Gender Identity Questions for the National Crime Victimization Survey

Abstract
The NCVS collects information on nonfatal personal and property crimes both reported and not reported to police. As part of the ongoing redesign efforts for the NCVS, the Bureau of Justice Statistics is adding sexual orientation and gender identity (SOGI) questions to the survey’s demographic section. Sexual orientation and gender identity have been identified in other research as correlates of victimization, and the Violence Against Women Reauthorization Act of 2013 explicitly bars discrimination based on actual or perceived SOGI status ensuring access to key services for this population. The inclusion of these measures will provide important national-level estimates on victimization of LGBT people and allow researchers to understand victimization risk and access to victim services. In the fall of 2015, cognitive testing of the proposed SOGI questions was conducted. This presentation will discuss the results of the research to test these questions, including wording, placement, frequency of administration, and other considerations.

Extended abstract

Background
There is a growing interest in understanding the national status of the lesbian, gay, bisexual, and transgender (LGBT) population across key indicators of social and economic well-being. Historically, few national surveys have collected data on sexual orientation and gender identity. Research on LGBT persons has been developing in the health field, specifically in the federal statistical system with the addition of sexual orientation measures to the National Health Interview Survey. However, sexual orientation and gender identity have been identified in other research as correlates of victimization, and national-level data are needed on the criminal victimization experiences of LGBT people.

Existing research has shown that LGBT persons are at risk of experiencing certain types of victimization at a disproportionately higher rate or the same rates as their heterosexual peers. In particular, for both women and men, LGBT persons have reported intimate partner violence and sexual violence equal to or higher than heterosexuals (Walters, Chen, & Breiding, 2013; Krebs et al., 2016). Transgender persons have also been found to have experienced intimate partner and sexual violence at higher rates than those who did not identify as transgender (Krebs et al., 2016; National Coalition of Anti-Violence Programs, 2015). Sexual minority youth have also disproportionately experienced health risks, including violence; and are at risk of peer victimization related to their sexual orientation and gender identity or expression (Centers for Disease Control and Prevention, 2011; Collier, et al., 2013).

Recently, there have been some important changes in federal laws as it relates to protecting LGBT survivors of violence. Specifically, the Violence Against Women Reauthorization Act (VAWA) of 2013 sought to improve care and access to victim services for LGBT victims. VAWA now explicitly prohibits discrimination of victims or survivors of violence based on actual or perceived sexual orientation and gender identity status, which works to ensure access to key services (Violence Against Women and Department of Justice Reauthorization Act of 2013). VAWA also included LGBT victims as an underserved community, which allows organizations to receive more funding to focus on LGBT victims of domestic violence, dating violence, sexual assault, and stalking.
The National Crime Victimization Survey (NCVS) currently provides a detailed picture of crime incidents, victims, and trends in the United States. The NCVS is the primary source of information on the nature of criminal victimization incidents. The inclusion of sexual orientation and gender identity measures in the NCVS will provide important national-level estimates on the victimization experiences of LGBT people. These estimates would help researchers and policy makers better understand the types of victimization experienced by the LGBT population and their access to victim services. Measuring sexual orientation and gender identity on the NCVS would also provide data on other types of victimization experienced by LGBT people, including identity theft and stalking; and their interactions with law enforcement from the NCVS supplemental surveys that are collected. Overall, the inclusion of sexual orientation and gender identity will provide more accurate and detailed data that can be used to inform public policy regarding this vulnerable population.

This paper presents a preliminary discussion of the cognitive testing of sexual orientation and gender identity measures for the NCVS. For the purposes of this research, sexual orientation is being defined as a person’s sexual identity or thinking of oneself as lesbian, gay, bisexual, or heterosexual. This research did not test other dimensions of sexual orientation, such as sexual behavior or attraction. Gender identity is referring to a person’s internal sense of gender. The results of the research conducted to test the wording of these items are discussed. Other methodological considerations such as item placement, frequency of administration, and minimum age for administration are also discussed.

**Data and methods**

*National Crime Victimization Survey (NCVS)*

The NCVS is an annual data collection conducted by the U.S. Census Bureau for the Bureau of Justice Statistics (BJS). The NCVS is a self-report survey in which interviewed persons are asked about the number and characteristics of victimizations experienced during the prior 6 months. The NCVS collects information on nonfatal personal crimes (rape or sexual assault, robbery, aggravated and simple assault, and personal larceny) and household property crimes (burglary, motor vehicle theft, and other theft) both reported and not reported to police. In addition to providing annual level and change estimates on criminal victimization, the NCVS is the primary source of information on the nature of criminal victimization incidents.

Survey respondents provide information about themselves (e.g., age, sex, race and Hispanic origin, marital status, education level, and income) and whether they experienced a victimization. The NCVS collects information for each victimization incident about the offender (e.g., age, race and Hispanic origin, sex, and victim–offender relationship), characteristics of the crime (including time and place of occurrence, use of weapons, nature of injury, and economic consequences), whether the crime was reported to police, reasons the crime was or was not reported, and victim experiences with the criminal justice system (Bureau of Justice Statistics, 2015).

The NCVS is administered to persons age 12 or older from a nationally representative sample of households in the United States. Once selected, households remain in the sample for 3 years, and eligible persons in these households are interviewed every 6 months either in person or over the phone for a total of seven interviews. Interviews are conducted either in person or by phone. New households rotate into the sample on an ongoing basis to replace outgoing households that have been in the sample for the 3-year period. The sample includes persons living in group quarters, such as dormitories,
rooming houses, and religious group dwellings, and excludes persons living in military barracks and institutional settings such as correctional or hospital facilities, and persons who are homeless.

**Cognitively testing sexual orientation and gender identity in the NCVS**

In the fall of 2015, the Center for Survey Measurement (CSM) at the U.S. Census Bureau conducted cognitive testing of the proposed sexual orientation and gender identity questions for the NCVS. Cognitive testing is a process that involves intensive, one-on-one interviews with respondents. Respondents are instructed to “think aloud” and describe what mental processes are functioning as he or she answers survey questions. The objective is to identify ambiguous terminology or other confusing construction that present respondents with comprehension problems. These new items were cognitively tested along with additional demographic questions being proposed for addition to the NCVS, and the revised instrument for the NCVS’s Supplemental Victimization Survey (SVS). The SVS will be administered to persons age 16 or older; and therefore, the cognitive testing was conducted with this population. The target population – persons age 16 or older – was determined after BJS consulted with a Technical Review Panel, which included subject matter experts from academia and research professionals, regarding redesigning the 2016 SVS. The SVS focuses on stalking victimization, and consensus was that the survey questions could remain the same and would be cognitively understood by all persons age 16 or older. Persons younger than 16 may need a specialized instrument targeted at that population. Since the research on interviewing SOGI respondents is still in its infancy, and the majority of the recent testing has only been conducted with adults, BJS used this opportunity to cognitively test these questions with teens and gather more information on question performance among adults.

The cognitive testing also took into account the placement of the sexual orientation and gender identity items. As discussed previously, the NCVS currently collects household and person-level demographic information from respondents. The household roster, which includes some demographic characteristics of persons in the household and are collected from the household respondent; and some additional information is collected directly from the respondent (e.g. employment). The sexual orientation and gender identity items are being recommended to be asked directly of the respondent, along with some additional person-level demographic characteristics (i.e. veteran status, citizenship, and disability). Proxy responses will not be accepted for these items. Therefore, the cognitive testing included the full NCVS-1 instrument (basic screen questionnaire) to test the placement of the new sexual orientation and gender identity questions in the context of the NCVS, and to make sure the interview still flowed well.

Researchers conducted sixty cognitive interviews with persons age 16 or older. Cognitive interviews were conducted iteratively and any identified issues were addressed at the end of each round of testing. All interviews were conducted in person in the local metropolitan area (i.e. DC, Maryland, and Virginia). Each respondent received $40 to compensate them for their time. Respondents were recruited through a variety of methods including referrals from local victim service organizations, advertisements through craigslist.com, a broadcast message sent to all U.S. Census Bureau employees who work in the headquarters, and through personal contacts. Recruitment targeted respondents who represented a variety of demographic characteristics, comprising race, gender, and age. In addition, because this testing was completed for a victimization survey on stalking, efforts also concentrated on finding some individuals who had experienced stalking within the past three years.

The cognitive interviewing protocols focused on respondents’ reactions to these new questions. Interviewers had specific probes to ask immediately following the survey question being evaluated. The
Interviewers made notes of any response difficulty experienced by respondents, including question incomprehension and the inability to decide on a response. Interviewers also noted questions that were difficult to administer.

Findings

Cognitive interviews were conducted with respondents age 16 or older. Overall, the sexual orientation and gender identity items performed well, with both teen and adult respondents able to understand and easily answer both the sexual orientation and gender identity questions. There were no significant differences between the responses to the questions and probes given by adults and teens. It appears from this cognitive test that teens ages 16 to 17 are able to understand and answer these questions without difficulty. The interviewers did not report any difficulty in administering these questions. And the placement of the items appeared to be appropriate among other demographic characteristics. The interview flowed well with these new items; and the questions did not seem out of place for the interviewers or respondents in the context of the other demographic questions. Respondents were able to easily answer the new items, and flow directly into the victimization screening questions for the SVS without any difficulty.

Sexual orientation

The sexual orientation questions that were tested for the NCVS come from the National Health Interview Survey (NHIS), conducted by the National Center for Health Statistics (NCHS). These questions are also consistent with recommendations on measuring sexual orientation made by the Sexual Minority Assessment Research Team (SMART) (The SMART, 2009). The NHIS questions had been previously tested using cognitive interviews and have performed well with people age 18 or older. The question used in cognitive testing for the NCVS is as follows:

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

Respondents were able to understand and easily answer this question. There were no significant differences in responses to the question by adults and teens, and both males and females were able to easily answer this item. There were only 2 respondents who expressed a preference for the term “heterosexual” over the term “straight,” but both were still able to understand and provide the correct response to the question.

Gender identity

The current recommendation for measuring gender identity is to use a two-step approach that asks about assigned sex at birth and current gender identity (The GenIUSS Group, 2014). Two questions are used to classify respondents as transgender (discordant responses) or cisgender (concordant responses); and this method has been found to be successful in identifying transgender individuals compared to single questions (Reisner, et al., 2014; Tate, et al., 2013; Xavier, 2000; Xavier et al., 2007). In addition,
using the two-step approach allows those transgender individuals who identify their current gender as male or female and not as transgender to identify as such, but still be classified as transgender using the two-step approach.

The gender identity questions that were tested for the NCVS come from recommendations from the Gender Identity in U.S. Surveillance (GenIUSS) group and the California Health Interview Survey (CHIS), conducted by the UCLA Center for Health Policy Research in collaboration with the California Department of Public Health and the Department of Health Care Services. These gender identity questions had been previously tested using cognitive interviews and have performed well with people that were 18 years or older. The questions used in the NCVS cognitive testing are as follows:

- **On your original birth certificate, was your sex assigned as male or female?**
  - [Probe alternative question: What sex were you assigned at birth, on your original birth certificate?]
    - Male
    - Female
    - Refused
    - Don’t know

- **Do you currently describe yourself as a man, woman, or transgender person?**
  - [Probe alternative question: Do you currently describe yourself as male, female, or transgender?]
    - Man [Male]
    - Woman [Female]
    - Transgender person [Transgender]
    - None of these

- **Just to confirm, you were assigned {FILL} at birth and now describe yourself as {FILL}. Is that correct?**
  - Yes
  - No
  - Refused
  - Don’t know

The first step question about assigned sex at birth was asked using two versions. The CHIS testing made some recommendations to switch the ordering of the question (i.e. start with “On your original birth certificate...”). And so this cognitive testing used both versions. Both versions of this question performed well. Respondents were able to understand and easily answer the questions, and overall answered the same to both versions. There were also no significant differences between responses to the questions or probes given by adult and teen respondents. A larger number of respondents preferred the first version of the question over the alternative version, and felt it was clearer or more grammatically correct. Those that preferred the alternative version of the question liked that it was open-ended and felt that it may be more sensitive to transgendered persons. Regardless of preferences, the majority of respondents felt that both versions were understood equally well, and would be able to answer either question easily. Given this finding, and to be consistent with other measures being developed in the federal statistical system, the NCVS will move forward with the alternative version of the question tested (i.e. What sex were you assigned at birth, on your original birth certificate?).

The second question about current gender identity question was modified for inclusion in the NCVS testing to specifically look at the use of sex labels (male/female) versus gender labels (man/woman). Overall, respondents were able to answer the item and alternative item easily; and responded in the same way to both versions. Again, there were no significant differences between responses to the
questions or probes given by adult and teen respondents. There was a mix of preference for the versions, but a larger number of respondents preferred the male/female terminology compared to the man/woman terminology. The respondents felt that male/female terminology were more familiar and more often used than man/woman. And specifically for the teen respondents, this terminology (man/woman) may not work well as they might not consider themselves to be men and women, and this was reflected in their responses. Given these findings, and to be consistent with existing measures, the recommendation moving forward for the NCVS is to use the male/female version of the question.

The confirmation question was added to check for potential coding errors and responses where the respondents’ current gender identity was different than their sex assigned at birth. The cognitive testing did not identify any transgender or gender minority persons; therefore this question was not asked of any respondents. However, when these gender identity items are added to the NCVS using the recommended two-step method, even if transgender respondents do not identify as “transgender” and therefore to do not report “transgender” in the second question, if any respondents report being born one gender and identify with the other at the time of the interview, analysts would be able to categorize them as transgender and confirm this with this question.

**Next steps**

Beginning in July 2016, the BJS will include sexual orientation and gender identity questions in the NCVS’s demographic section. These questions will be administered to all persons age 16 or older. BJS plans to move forward with administering the questions at the 1st, 3rd, 5th, and 7th interviews, or if there was a change in the household. The BJS and Census Bureau will monitor performance, quality, and field interviewers’ concerns as the data are collected. While BJS does not anticipate any issues with these items, if significant problems are identified, the BJS and Census Bureau will be able to address these issues immediately and decide if changes are necessary. BJS plans to release results from the item testing and performance in the field after a 6-month fielding period (July-December 2016). Based on these results BJS will determine how to disseminate sexual orientation and gender identity estimates of victimization after assessing sample sizes, prevalence of crime, and overall precision.

A few limitations should be noted. The NCVS target population is the noninstitutionalized resident population, and therefore excludes persons in institutions (e.g. nursing homes and correctional institutions), and may also exclude highly mobile populations and persons who are homeless. Victimization against children age 11 or younger are also excluded from the NCVS. The sexual orientation and gender identity items will only be collected from persons age 16 or older; therefore, these estimates will also exclude persons ages 12 to 15. Finally, for the dissemination of the sexual orientation and gender identity estimates, BJS will assess the sample sizes, but it is possible that the NCVS national sample size may be too small to report reliable statistics for the detailed response categories and some categories may need to be collapsed for analysis, at least when examining a single year of data.

**References**


