

# Erasure of Anti-Trans Violence Data in the United States

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## Abstract

Recent changes to the National Crime Victimization Survey (NCVS) remove questions to identify transgender people. The NCVS, a national probability sample developed to capture crimes not reported to law enforcement, is a primary source for chronicling violent victimization in the United States. NCVS data have shown that transgender people experience four times more violent victimization than cisgender people. Following a recent Executive Order, the Justice Department removed questions about gender from future surveys, preventing identification of transgender respondents. Erasing transgender people from the survey will undermine efforts to monitor and prevent violence against them.

**Keywords:** administrative data or large data sets, epidemiology, gender identity, health disparities, transgender, violence

## Introduction

On March 3, 2025, the Department of Justice (DOJ) issued a memorandum to the Office of Management and Budget requesting removal of gender identity questions from the National Crime Victimization Survey (NCVS) on March 1, 2025 in compliance with President Trump's Executive Order titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government."<sup>1-3</sup> This means that transgender people will no longer be identifiable in the NCVS. This change to one of the most important surveys chronicling violent victimization in the United States will have severe consequences for researchers, advocates, and policy makers who seek information about violence against transgender people.

### "The Nation's Primary Source of Information on Criminal Victimization"

The NCVS "is the nation's primary source of information on criminal victimization."<sup>4</sup> In 2016, the DOJ added questions about sexual orientation and gender identity to the NCVS, allowing researchers and policymakers to quantify the victimization of LGBT people.<sup>5</sup> The NCVS is an important complement to the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program Summary Reporting System (UCR SRS), the other source for national crime statistics.<sup>4</sup>

The NCVS was developed specifically "to provide previously unavailable information about crime (including crime not reported to police), victims, and offenders."<sup>6</sup> The UCR

SRS relies on crimes reported to police and sheriff departments that then have to be correctly reported to the FBI (although required, there are no funds allocated specifically for this reporting by the U.S. government). The NCVS, in contrast, uses survey methodology: its data are self-reported by individuals in a national probability sample.

The NCVS is particularly important for understanding victimization that is not reported to police. NCVS data have shown that nearly 50% of violent incidents are not reported to police, with even higher likelihood of non-reporting among people of color.<sup>7</sup> This proportion does not differ by gender identity.<sup>8</sup> The NCVS thus completes the picture of crime drawn from the UCR SRS. Figure 1 shows the discrepancy in crime statistics between the two surveys. "The information [the NCVS and the UCR SRS] produce together provides a comprehensive understanding of crime in the United States," according to DOJ statisticians.<sup>4</sup> Without information about transgender victimization from the NCVS, our picture of crimes against transgender people will be incomplete.

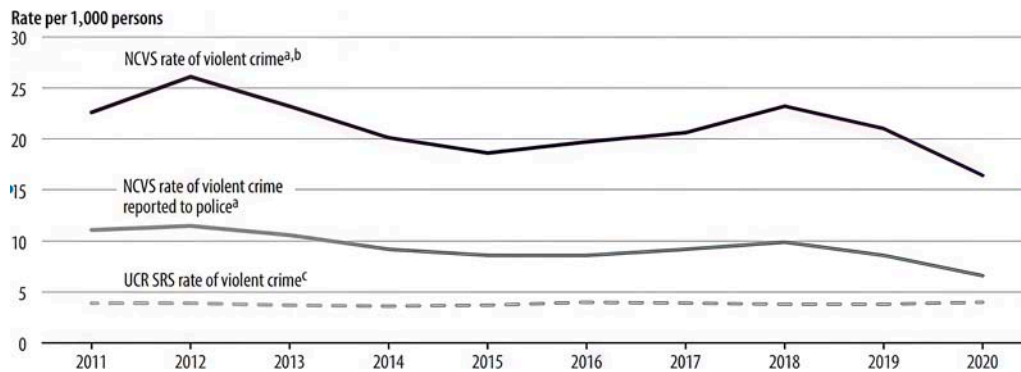
### LGBT People Are Disproportionately Exposed to Violence

The NCVS has produced important evidence on victimization of LGBT people, generally, and transgender people, specifically. Research has shown that LGBT people experience five times more victimization compared with cisgender heterosexual people.<sup>9</sup> Violent victimizations measured by the NCVS include rape, sexual assault, aggravated and "simple" assault (i.e., an attack, attempted attack, or verbal threat to

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**FIG. 1.** Rates of violent crimes in the United States 2011–2020: National Crime Victimization Survey Versus Uniform Crime Reporting Program Summary Reporting System data. <sup>a</sup>The NCVS includes rape or sexual assault, robbery, aggravated assault, and simple assault. <sup>b</sup>Includes crimes both reported and not reported to the police. <sup>c</sup>The UCR SRS collects data recorded by law enforcement. It includes murder and nonnegligent manslaughter, rape, robbery, and aggravated assault, and it excludes simple assault. The populations and crime definitions of the National Crime Victimization Survey and the Uniform Crime Reporting Program Summary Reporting System are not perfectly aligned; for example, the National Crime Victimization Survey includes only persons age 12 and older and the Uniform Crime Reporting Program Summary Reporting System includes younger children. The National Crime Victimization Survey excludes institutionalized and homeless people whereas they are included in the Uniform Crime Reporting Program Summary Reporting System. The National Crime Victimization Survey includes rape or sexual assault, robbery, aggravated assault, and simple assault; the Uniform Crime Reporting Program Summary Reporting System reports include murder, nonnegligent manslaughter, rape, robbery, and aggravated assault, and exclude simple assault. Figure reprinted from the U.S. Department of Justice, Office of Justice Programs.<sup>4</sup> The authors gratefully acknowledge the U.S. Department of Justice, Office of Justice Programs, for allowing us to reproduce, in part or in whole, the figure from “The Nation’s Two Crime Measures, 2011–2020”.<sup>4</sup> The opinions, findings, and conclusions or recommendations expressed in this article are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

attack a victim that does not involve a weapon and that results in minor injury with less than 2 days of hospitalization). Disparities between LGBT and cisgender heterosexual people held across racial and ethnic groups (non-Hispanic Black odds ratio [OR]: 3.3, 90% confidence interval [CI]: 1.36–5.16; Hispanic OR: 4.5, CI: 2.25–6.71; non-Hispanic White OR: 4.8, CI: 2.25–6.71).<sup>7</sup>

Rates of victimization are similarly high among transgender people. Using pooled data from 2022 to 2023, researchers found that transgender people experienced victimization at a rate of 93.7 per 1000, compared with 21.1 per 1000 among cisgender heterosexual people.<sup>9</sup> Similar findings using pooled data from 2017 to 2018 showed that transgender people experienced 86.2 victimizations per 1000 people compared with 21.7 victimizations per 1000 people for cisgender people.<sup>8</sup>

NCVS data also allowed researchers to look at demographic patterns within the data. For example, using the 2017–2018 data, researchers found that transgender women and transgender men had higher rates of violent victimization (86.1 and 107.5 per 1000 people, respectively) than cisgender women and cisgender men (23.7 and 19.8 per 1000 people, respectively), and households that included a transgender person had higher rates of property victimization (214.1 per 1000 households) than households with cisgender people only (108 per 1000 households).<sup>8</sup>

Research on hate crimes has found that LGBT people experienced 6.6 violent hate crime victimizations per 1000 persons compared with 0.6 per 1000 persons among cisgender heterosexual people. In addition, compared with LGBT victims of non-hate violence, more LGBT hate crime victims reported

experiencing problems in their social lives, negative emotional responses, and physical symptoms of distress.<sup>10</sup> The addition of sexual orientation and gender identity questions to the NCVS has, thus, provided invaluable insight into the disparities in violent victimization, and hate crimes specifically, experienced by transgender people and all LGBT people.<sup>11,12</sup>

#### Changes to the NCVS Data Collection Protocol Will Eliminate Knowledge About Victimization of Transgender People

Removing questions about gender identity from the NCVS will make it impossible to identify transgender people in the sample.<sup>2</sup> Therefore, researchers will not be able to estimate the rate of violent victimizations, including for hate crimes, reported by transgender people and how they compare with rates for cisgender people.

A Bureau of Justice Statistics statement appears to allow reference to gender identity only when probing hate crime motivation, which is asked solely of respondents who reported having been victims of crime.<sup>2</sup> Thus, only respondents who both reported being a victim of a crime and identified the incident as a hate crime are asked whether the incident was motivated by “prejudice or bigotry toward your gender identity, including being transgender, intersex, or gender non-conforming?”<sup>2</sup>

Despite the inclusion of gender identity within the hate crime motivation section, it is not possible to estimate either overall victimization rates or hate crime victimization rates among transgender people, because transgender identification has been removed for the full sample. Without

a total transgender population, no denominator exists to perform this calculation.

Furthermore, this approach does not reliably identify transgender people who are victims of hate crimes. First, a transgender person who was victimized may not have identified the motivation for the incident, even if it was due to anti-transgender bias. Second, respondents may identify multiple motivations for an incident but may select only one option in their reply (e.g., a Black transgender woman who primarily attributed her attack to race will not be captured). Third, reporting gender identity as a motivating factor does not mean the respondent is transgender—people who are not transgender may be targeted for hate crimes related to what the perpetrator perceived as gender nonconformity. The current multi-pronged question, which does not specify transgender identity alone, cannot be used as a reliable proxy for identifying transgender respondents.

### Conclusion

NCVS data are the only dataset that has allowed for the reliable assessment of victimization of LGBT people in the United States.<sup>11</sup> The 2025 revised version of the NCVS lacks measures for the gender identity (and, therefore, transgender status) of respondents. The NCVS dataset is particularly important because of the challenges in collecting data on probability samples of LGBT people.<sup>13</sup> Following other cuts to federal spending on LGBT research, these data sources would be nearly impossible to replace.<sup>14</sup> The erasure of transgender people in the sample impedes the ability of researchers to study violence and, specifically, hate crimes against transgender people at a time when such violence is likely on the rise. This undermines the ability of policymakers and law enforcement to understand, intervene, and prevent violence.<sup>15,16</sup>

### Authors' Contributions

I.H.M.: Conceptualization and writing—original draft preparation. E.R.: Conceptualization, review, and editing. L.B.: Research, review, and editing, project administration; A.R.F.: Conceptualization, review, and editing.

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