

Trump DOJ Erases Trans People from Crime Data Surveys

The Justice Department has removed questions about gender identity from the National Crime Victimization Survey, the Survey on Sexual Victimization, and the Survey of Inmates in Local Jails.



U.S. Attorney General Pam Bondi

U.S. DOJ

Ethan Corey

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Trans people are more than four times as likely to experience violent crime. Behind bars, incarcerated trans Americans experience sexual violence at more than 12 times the rate of other imprisoned people, according to U.S. Department of Justice survey data.

Despite these statistics, the federal government will no longer collect data about the gender identity of people who experience violent crime or sexual misconduct.

In a series of unpublicized revisions last month, the federal Bureau of Justice Statistics has removed all references to gender or gender identity from at least four federal surveys, The Appeal has confirmed. Experts say these changes will make it nearly impossible to monitor crimes and other forms of violence experienced by trans people.

Federal data on trans people is critical because surveys on minority groups require large sample sizes to be accurate. The four newly modified surveys sample hundreds of thousands of respondents each year. Private organizations don't have the resources to collect data at that scale.

"The removal of sexual orientation and gender identity questions from federal surveys is devastating to our understanding of LGBT populations' health and wellbeing," Ilan Meyer, senior scholar for public policy and sexual orientation law at the Williams Institute of UCLA, told The Appeal via email. "Such data is important for setting policy goals for interventions. The removal of sexual orientation and gender identity data will leave policymakers, researchers, and advocates with no valid information on the victimization of LGBT people."

The DOJ did not respond to a request for comment.



On Jan. 30, President Donald Trump issued an executive order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” which ordered federal agencies to deny the gender identities of trans people. One provision of the order says all federal agencies must “remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology.” The decree adds that “forms that require an individual’s sex shall list male or female, and shall not request gender identity.”

In the months since, several government agencies, including the U.S. Census Bureau, removed questions about gender identity from federal surveys. An analysis by The Appeal of reports submitted to the White House’s Office of Management and Budget, which must approve all changes to federal surveys, has found that the DOJ has removed references to gender identity from at least four BJS surveys, two of which are mandated by law: The National Crime Victimization Survey (NCVS), the School Crime Supplement, the Survey on Sexual Victimization (SSV), and the Survey of Inmates in Local Jails (SILJ).

The NCVS surveys roughly 240,000 people yearly about their experiences with crime, including crimes not reported to law enforcement. As such, the dataset is a crucial resource for researchers who want to understand crimes that often go unreported, such as sexual assault and hate crimes. The NCVS is a critical counterpart to the FBI’s Uniform Crime Report (UCR), which only collects data on crimes reported to police departments.

Meyer noted that no federal data on crimes committed against LGBTQ+ people existed before the BJS added questions on gender identity and sexual orientation in 2016. By analyzing data from the NCVS, the Williams Institute found that LGBTQ+ people experienced violent crimes at five times the rate of non-LGBTQ+ people.

In a memo explaining the survey changes, Rachel E. Morgan, chief of the BJS’s Victimization Statistics Unit, wrote that Trump’s executive order may conflict with a federal law requiring the government to collect data on hate crimes against LGBTQ+ people.

“The fourth question on the NCVS that refers to ‘gender’ is in the hate crime series of questions,” Morgan wrote. “The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 uses the term ‘gender’ and ‘gender identity’ as an actual or perceived characteristic that can be the basis for a hate crime. Given this federal law, the removal of this question (HATE_GENID) is being reviewed by Office of General Council [sic.] representatives at BJS, Census Bureau, and OMB. Until final guidance is provided, this question has been programmed by Census to be skipped by [Field Representatives].”

The NCVS's School Crime Supplement focuses specifically on crimes that occur in educational facilities and includes questions about bullying. The revised survey removes a section about gender-identity-based harassment and replaces it with a question that only mentions "sex."

"During this school year, has anyone called you an insulting or bad name at school having to do with your race, religion, ethnic background or national origin, disability, sex – including being male or female, or sexual orientation?," the new question reads.



The Prison Rape Elimination Act (PREA) says the BJS must collect data on sexual violence in correctional facilities. The bureau conducts the SSV study each year to comply with the law.

The survey only collects data on incidents reported to correctional officials, meaning it only represents a partial image of sexual violence behind bars. The BJS also conducts the National Inmate Survey, which asks incarcerated people directly about their experiences with sexual violence. However, the bureau only has funds to perform the survey roughly once every 10 years, most recently in 2024.

Before the revisions, the SSV asked correctional officials to report the gender identity of each victim of a substantiated incident of sexual misconduct. The survey defined "gender identity" as "a person's core understanding or sense of who they are regardless of sex assigned at birth."

The updated form now only includes a question about the victim's sex, which the questionnaire does not define. As a result, researchers and advocates who rely on the survey's data will no longer know whether an incarcerated young person who experienced sexual assault was trans.

An attachment accompanying the BJS's application to amend the survey shows that the gender identity questions have been crossed out.

Section A - VICTIMS OF SEXUAL VICTIMIZATION

8. How many victims were involved in the incident?
 Number of victims . . .
→ If more than two victims were involved, please complete this form online.

9. Victim #1: What was the victim's sex assigned at birth?
~~Sex is a multidimensional construct based on a cluster of anatomical and physiological traits that include external genitalia, secondary sex characteristics, gonads, chromosomes, and hormones.~~
 01 ☐ Male
 02 ☐ Female

10. Victim #1: What was the victim's gender identity?
~~Gender identity is a person's core internal understanding or sense of who they are regardless of sex assigned at birth.~~
 01 ☐ Male
 02 ☐ Female
 03 ☐ Transgender (A person whose gender identity is different from the person's sex assigned at birth.)
 04 ☐ Intersex (A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as differences in sex development.)
 05 ☐ Gender nonconforming (A person whose gender identity does not conform to traditional societal gender expectations.)
 06 ☐ Other – Specify
 07 ☐ Unknown

11. Victim #1: What was the victim's age at the time of the incident?
 years

12. Victim #1: What was the victim's race or ethnicity? (Mark all that apply.)
 01 ☐ White
 02 ☐ Black or African American
 03 ☐ Hispanic or Latino
 04 ☐ American Indian or Alaska Native
 05 ☐ Asian
 06 ☐ Native Hawaiian or Pacific Islander
 07 ☐ Middle Eastern or North African
 08 ☐ Other racial category in your information system – Specify

14. Victim #1: Was the victim identified as having any of the following disabilities at the time of the incident? (Mark all that apply.)
 Disability is defined as (a) A physical or mental impairment that substantially limits one or more of the major life activities of [an] individual, (b) a record of such an impairment, or (c) being regarded as having such an impairment.
 01 ☐ A serious and persistent mental illness (e.g., bipolar disorder, major depression, obsessive compulsive disorder, post-traumatic stress disorder, schizophrenia, etc.)
 02 ☐ A cognitive impairment or intellectual disability (e.g., ADHD, autism spectrum disorder, dementia, a learning disability, etc.)
 03 ☐ A physical impairment or disability (e.g., back or spinal injury, blindness or low vision, deafness or hearing loss, diabetes, epilepsy, heart disease, mobility impairments, etc.)

15. Victim #1: Did the victim sustain any physical injury during the incident?
 01 ☐ Yes 02 ☐ No 03 ☐ Unknown
 If "Yes" → **a. What injuries occurred?** (Mark all that apply.)
 01 ☐ Bruises, black eye, sprains, cuts, scratches, swelling, welts
 02 ☐ Bites
 03 ☐ Burns
 04 ☐ Chipped or knocked out teeth
 05 ☐ Anal or vaginal tearing
 06 ☐ Knocked unconscious
 07 ☐ Broken bones
 08 ☐ Knife or stab wounds
 09 ☐ Internal injuries
 10 ☐ Other – Specify
→ b. Did the victim receive medical treatment for these injuries?
 01 ☐ Yes 02 ☐ No 03 ☐ Unknown

16. Victim #1: After the incident was reported, was the victim – (Mark all that apply.)
 01 ☐ Provided with counseling or mental health treatment
 02 ☐ Given a medical examination
 03 ☐ Administered a sexual assault kit
 04 ☐ Given post-exposure prophylaxis (PEP) and/or emergency contraception
 05 ☐ Given a pregnancy test

“Trans kids in youth facilities are sexually assaulted at horrifying rates,” Linda McFarlane, executive director of Just Detention International, told The Appeal via email. “Despite many risks, some of them report the abuse, creating a formal record that has helped advocates and corrections officials understand this violence and take steps to stop it. Now the government is turning its back on those kids, and doing so under the cover of darkness, without any chance for public comment.”

This revision will also make it harder to monitor the impact of upcoming changes to the national PREA standards, which regulate efforts to prevent sexual violence in correctional facilities. Trump's Jan. 30 executive order directed the Justice Department to “ensure that males are not detained in women's prisons or housed in women's detention centers, including through amendment, as necessary, of [the national PREA standards].”

The final survey affected, the Survey of Inmates in Local Jails, was last conducted in 2002. The SILJ collects data about the experiences of people detained in local jails, including their access to medical care, substance

abuse treatment, and mental health outcomes. The BJS revised the survey last year, making the recent changes even more notable.

“For years, BJS’s PREA studies have been the gold standard for research into sexual abuse in detention,” McFarlane said. “There is no other research initiative, either in the private sector or by other governments worldwide, that comes even close to its scope. Now that entire body of research is being undermined, simply because the government hates trans people.”

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