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CDC Desk Officer
Office of Management and Budget
Washington, 20503

RE: Docket No. CDC-2017-0607

To whom it may concern:

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The American Civil Liberties Union (ACLU) submits the following comments urging the Centers for Disease Control and Prevention (CDC) to include the collection of sexual orientation and gender identity information as part of the National Violent Death Reporting System (NVDRS).

The ACLU has a long history of defending the LGBT community in the courts, before Congress, and many administrations. From our first LGBT rights case in 1936 to the landmark ruling in *Obergefell v. Hodges*, the ACLU has fought consistently for the right of LGBT people to live openly without discrimination, enjoy equal rights, personal autonomy, and freedom of expression and association. Intrinsic to this fight for full equality is the ability for researchers, advocates, and policy makers to better understand the unique risks to health and safety that lesbian, gay, bisexual and transgender (LGBT) people face. Comprehensive, high-quality data can help fuel policy making that improves the lives of vulnerable populations. Including sexual orientation and gender identity information in the NVDRS can create a better understanding of homicides and suicides amongst LGBT people, and ultimately help to reduce them.

As noted in the Federal Register notice for this proposed information collection, “violence is a public health problem.” Indeed, recent research conducted by the CDC has found that this is particularly true in the context of lesbian, gay, and bisexual (LGB) students, who had higher rates of contemplating and attempting suicide than their heterosexual peers. In 2016, the CDC’s Youth Risk Behavior Study (YRBS), for the first time, conducted a nationally representative survey which found that nearly one third of LGB high school students have attempted suicide and that they were more than *four times* more likely than heterosexual students to have a suicide attempt severe enough to require medical attention.¹ Likewise, a 2014 study by the Williams Institute found that over 40 percent of

¹ NCHHSTP Newsroom, *First National Study of Lesbian, Gay and Bisexual Students; Health Finds Higher Levels of Physical/Sexual Violence and Bullying than Peers*, (last visited Sept. 29, at 1:25pm), <https://www.cdc.gov/nchhstp/newsroom/2016/lgb-youth-report-press-release.html>; The Trevor Project, *CDC’s 2015*

transgender adults attempted suicide, and that the rate of suicide attempts was particularly high for transgender younger adults.²

Better understanding violence perpetrated against LGBT individuals by others is also critical to ensuring that government services are benefitting and reaching those in greatest need. Federal hate crimes statistics have shed light on violence against vulnerable populations, including LGBT people. The latest statistics provided by the Federal Bureau of Investigation (FBI) show that nearly 20 percent of bias crimes reported to the Bureau were based on a person's actual or perceived sexual orientation or gender identity.³ Analysis from the *New York Times* on FBI data from 2014 found that LGBT people were the victims of hate crimes at a higher rate than any other individual race or religious group, and it found that the rate of hate crimes against LGBT people had increased from the previous decade.⁴

While the data from the CDC's study of LGB youth and the FBI's hate crimes statistics are useful for advocates and policy makers, the picture they paint of the homicides and suicides of LGBT people remains incomplete. Including data on sexual orientation and gender identity in the NVDRS would provide new information and add additional context to studies that have already been conducted. For example, for the first time we would get a more comprehensive look at LGBT suicide rates across a broader swath of the country and amongst all age groups. This change to NVDRS would also shed light on homicides perpetrated against LGBT people that are not classified as hate crimes, such as homicide by an intimate partner.

Collecting sexual orientation and gender identity data as part of the NVDRS does present some challenges. The system currently relies on the reporting of medical examiners, investigators, coroners and other state and local officials. In order to accurately and appropriately collect sexual orientation and gender identity information during death investigations, additional training of these professionals may be necessary. However, resources on how to collect this information in a thorough and consistent manner are already available and have been employed in certain jurisdictions.⁵

It is also important to note that, whenever collecting sensitive information, including information on sexual orientation and gender identity, privacy and confidentiality are critical. The ACLU has

YRBS Displays Significant Data on LGB Youth Suicide, (Aug. 10, 2016), <http://www.thetrevorproject.org/blog/entry/cdc-study-reveals-lgb-youth-three-times-more-likely-to-experience-sexual-ph>.

² AMERICAN FOUNDATION FOR SUICIDE PREVENTION & THE WILLIAMS INSTITUTE, *SUICIDE ATTEMPTS AMONG TRANSGENDER AND GENDER NON-CONFORMING ADULTS*, (Jan. 2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>.

³ FBI, *Latest Hate Crime Statistics Released*, (Nov. 14, 2016), <https://www.fbi.gov/news/stories/2015-hate-crime-statistics-released>.

⁴ Haeyoun Park & Iaryna Mykhalysyn, *LGBT People Are More Likely to Be Targets of Hate Crimes Than Any Other Minority Group*, N.Y. TIMES, Jun. 16, 2016, <https://www.nytimes.com/interactive/2016/06/16/us/hate-crimes-against-lgbt.html?mcubz=3>.

⁵ ANN P. HAAS, ET. AL, *SEXUAL ORIENTATION AND GENDER IDENTITY: A GUIDE FOR THE INVESTIGATOR* (2016), available at https://docs.wixstatic.com/ugd/580a74_e1f013ee40ba4a759a3dee463979ccaf.pdf.

a deep commitment to the privacy rights of all Americans, and in particular, those who may be most vulnerable to abuse. While we strongly believe that the collection of this information serves an important step toward reducing the homicides and suicides of LGBT people, we additionally urge the CDC to ensure that states and localities that collect this information do so in a manner that protects the privacy rights of LGBT individuals, including by adopting appropriate cybersecurity practices, preventing dissemination of information that can be linked to a particular individual, and prohibiting use of this sensitive information for other purposes.

The NVDRS serves as a critical component for reducing the incidence of homicide and suicide. Including the collection of sexual orientation and gender identity information in the NVDRS is in line with this goal and will help drive more effective, data-based policy making to better understand and ultimately reduce the rate of homicides and suicides of LGBT people.

If you have additional questions, please contact Ian Thompson at (202)-715-0837 or ithompson@aclu.org or Nathaniel Turner at (202)-715-0831 or nturner@aclu.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Faiz Shakir".

Faiz Shakir

Director, Washington Legislative Office

A handwritten signature in black ink, appearing to read "Ian L. Thompson".

Ian Thompson

Legislative Representative