

## SUPPORTING STATEMENT

### A. JUSTIFICATION

#### 1. Necessity of Information Collection

In the past 20 years, DNA evidence has been widely used in the criminal justice system to convict those who are guilty of committing crimes and to exonerate those who are innocent. In 1994, Congress passed the DNA Identification Act of 1994 in order to provide for the standardization and quality control of DNA forensic laboratories, and funding for state and local law enforcement agencies to improve DNA testing capabilities. The act also facilitated the creation of local, state, and national databases intended to not only match a suspect with DNA found at a crime scene (forensic profile), but also to search for an unknown suspect whose DNA has been collected previously (offender profile).

In 2002, only 22 states required the collection of DNA samples from all felons. In 2003, the number increased to 31 states and to 35 states in 2004. As more states require the collection of DNA samples from all felons, and as states require samples collected for additional classifications of crimes, more evidence will be submitted to forensic labs adding to the already large backlog of cases (estimated at 500,000). As expanding legislation and DNA technological advancements change way law enforcement conducts business, administrators and policy makers face both opportunities DNA offers for improved crime control and challenges such as dealing with the an increasing backlog of casework and associated evidentiary samples waiting to be analyzed.

According to the National Forensic DNA Study, sponsored by NIJ in 2003, case studies in 19 states found that the primary reasons for backlog included: DNA evidence were not submitted to labs; testing was not requested by prosecution; labs were unable to produce timely results; state and local crime laboratories were overworked, understaffed, and insufficiently funded; and federal funding for DNA analysis was important, but limited (NIJ 2003).

Federal casework programs were created with the intention of assisting States with reducing their DNA backlog. For example, the “No Suspect Casework DNA Backlog Reduction Program” offers opportunities for States to apply for funding for

identification, processing and analysis of no suspect cases, either by their own public laboratories or by qualified fee-for-service vendors. “No Suspect” cases are those cases for which law enforcement has not developed a suspect, or cases in which a suspect has been eliminated through testing or other investigative means. Recent research revealed that there are approximately 180,000 unprocessed rape kits in the United States, the majority were untested because no suspect has been developed. By testing these cases, these and other types of crimes may be solved (NIJ 2001).

2. Needs and Uses

This collection of information will be used to assess the impacts and cost-effectiveness of the Forensic Casework DNA Backlog Programs over time and to diagnose performance problems in current casework programs. This assessment will help decision makers be better informed to not only program performance problems, but also to better understand whether the benefits of DNA collection and testing is in fact an effective public safety and crime control practice.

3. Use of Information Technology

The surveys will be administered primarily using fax and web-enabled or email surveys. For smaller jurisdictions, mail surveys will be sent to the respondents.

4. Efforts to Identify Duplication

There is no duplicative effort based on the programmatic nature of these surveys. Data requested is not attainable through any other means.

5. Minimizing Burden on Small Businesses

No information will be gathered from any small businesses.

6. Consequences of Not Conducting or less frequent Collection

Because there is no existing data source for the type of information needed to conduct this study, data collection on the dynamics of relationships between law enforcement, prosecutors, and lab personnel, with regard to DNA testing, is necessary

7. Special Circumstances

This data will be collected in a manner consistent with the guidelines in 5CFR 1320.6.

8. Public Comments and Consultations

NIJ has consulted with individuals from Caliber, Smith Alling Lane (SAL), Police Executive Research Forum (PERF), the American Prosecutors Research Institute (APRI) regarding the content, data availability, and usability of the surveys.

The consultants included the following:

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9. Provision of Payments or Gifts to Respondents

No payment or gift of any type will be given to respondents. Respondents participate on a voluntary basis.

10. Assurance of Confidentiality

Respondents' personal identity will not be linked to the information that they provide; data will be reported on in aggregate form.

11. Justification for Sensitive Questions

Not applicable.

12. Estimate of Respondent's Burden

In order to minimize respondent's burden, the surveys will be limited to 5 or 6 pages. We also attempted to minimize the complexity of questions and included definitions that conformed to specific agency norms. Additionally, questions will primarily be close-ended (e.g. scales/ratings, categorical responses). The surveys will be administered primarily via the web (web-based survey/e-mail) although a small portion will be mailed directly to agencies for follow-up. The numbers of surveys sent to each agency and the expected time of completion is as follows:

Law Enforcement: 200 agencies in the United States.

Average time to complete: 120 minutes

$$\frac{200 \text{ respondents} \times 120 \text{ minutes}}{60 \text{ minutes}} = 400 \text{ hours}$$

Prosecutors: 200 offices in the United States.

Average time to complete: 90 minutes

$$\frac{200 \text{ respondents} \times 90 \text{ minutes}}{60 \text{ minutes}} = 300 \text{ hours}$$

Lab Personnel: 135 labs in the United States.

Average time to complete: 120 minutes

$$\frac{135 \text{ respondents} \times 120 \text{ minutes}}{60 \text{ minutes}} = 270 \text{ hours}$$

**TOTAL:** 970 burden hours

13. Annualized Cost for Respondents

We do not expect respondents to incur any costs other than that of their time to respond. The information requested is of the type and scope normally carried in their records and no special hardware or accounting software or system is necessary to provide information for this data collection. Respondents are not expected to incur any capital, start-up, or system maintenance costs in responding.

14. Cost to Federal Government

The total annual cost to the Federal government is estimated at \$63,727 all to be incurred by NIJ. This includes costs incurred from survey development, refinement, as well as data collection efforts.

The estimated cost to the Federal Government for this data collection is based on the following:

Office Costs (NIJ)

Salary: \$13, 167

Data Collection [contractor] \$50, 560

Grant Total \$63, 727

15. Reason for Change in Burden

Not Applicable. This is a new project.

16. Anticipated Publication Plan and Schedule

Planning and preparation

May– July 2006

Pre-testing

June – July 2006

Data collection	September 2006–February 2007
Data processing/analysis	March--May 2007
Publication release	July--August 2007
Data release to public	October 2007

17. Display of Expiration Date

The OMB clearance number and expiration date will be displayed on the data collection instruments that will be provided to participants.

18. Exception to the Certification Statement

None. There are no exceptions in Item 10, “Certification for Paperwork Reduction Act Submission,” of OMB Form I-83.

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