



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

March 20, 2002

Ms. Katherine K. Wallman
Chief Statistician
Office of Information and
Regulatory Affairs
Office of Management and Budget
Room 10201
New Executive Office Building
725 17th Street, N.W.
Washington, DC 20503

Dear Ms. Wallman:

I am in receipt of your March 1, 2002, letter and appreciate your thoughtful responses to our requests for a determination of noncoverage and/or variance. In light of our previously expressed concerns, my staff and I are particularly pleased with your determination that the National Crime Information Center, the Interstate Identification Index/Integrated Automated Fingerprint Identification System, and the National Instant Criminal Background Check System "are not subject to the provisions of the 1997 standards."

Regarding the Uniform Crime Reporting (UCR) Program, we have carefully reviewed your guidance vis-a-vis the reporting and capturing of multiple racial heritages. Unless advised to the

33-HQ-C1221079 - Serial 3767

Handwritten note: "mally direct from PSS F.O. maj"

- 1 - Mr. Parkinson, Rm 7427 - Enclosure
1 - Mr. Tanner, Rm 7149 - Enclosure
1 - Mr. Miller, Rm 7338 - Enclosure
1 - Ms. Eller, Rm 7338 - Enclosure
1 - Mr. Kirkpatrick, Mod C3, WV - Enclosure
1 - Mr. Temple, Mod D3, WV - Enclosure
1 - Ms. Pugh, Mod B2, WV - Enclosure
1 - Mr. Bush, Mod C3, WV - Enclosure
1 - Mr. Munson, Mod A3, WV - Enclosure
1 - Mr. Adams, Mod E3, WV - Enclosure
1 - Mr. Weise, Mod C3, WV - Enclosure
1 - Mr. Hamil, Mod C3, WV - Enclosure
1 - Dr. Berhanu, Mod D3, WV - Enclosure
1 - Mr. Corr, Mod E3, WV - Enclosure
1 - Mr. Lueckenhoff, Mod E3, WV - Enclosure
1 - Ms. Pyne, Mod D3, WV - Enclosure
1 - Mr. Gray, Rm 11261 - Enclosure
1 - Ms. Sims, Mod C3, WV - Enclosure
1 - Mr. Phillips, Mod C3, WV - Enclosure
1 - Ms. Barnett, Mod D3, WV - Enclosure
1 - Ms. Haslebacher, Mod A3, WV - Enclosure
1 - Mr. Sklar, Mod E3, WV - Enclosure
1 - Racial Data on Fingerprint Cards Policy File, Mod E3, WV - Enclosure
1 - OMB Federal File, Mod E3, WV - Enclosure

APPROVED: National Sec. OEECA, Gen. Counsel, Inf. Res., Adm. Serv., CJS

Training HMS/CB:sef/maj (26)
Off. of EEOA
Director's Office
MAIL ROOM
Handwritten initials: AC, maj, SB, ml

Ms. Katherine K. Wallman

contrary, the FBI plans to capture multiple race data, if submitted by a contributing agency, by utilizing the reporting capability of the National Incident-Based Reporting System (NIBRS). Additionally, we plan to capture the five new racial categories as described in the 1997 standards utilizing the NIBRS. Inasmuch as NIBRS is the systematic updating of the UCR Program, such reporting in NIBRS would appear consistent with the approach suggested by your letter.

Again, I appreciate your considerate analysis, and my staff and I look forward to continued cooperative efforts.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael D. Kirkpatrick / for".

Michael D. Kirkpatrick  
Assistant Director in Charge  
Criminal Justice Information  
Services Division



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 1, 2002

Mr. Michael D. Kirkpatrick  
Assistant Director in Charge  
Criminal Justice Information  
Services Division  
Federal Bureau of Investigation  
Clarksburg, WV 26306

Dear Mr. Kirkpatrick:

This is in response to your letter of August 13, 2001, concerning the applicability to several FBI systems of records of the Office of Management and Budget's (OMB) Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, which were adopted on October 30, 1997. We appreciate your providing comprehensive information about why you believe that the systems of records for the National Crime Information Center (NCIC), the Interstate Identification Index (III)/Integrated Automated Fingerprint Identification System (IAFIS), and the National Instant Criminal Background Check System (NICS) should not be subject to the 1997 standards, and why a variance should be granted for the Uniform Crime Reporting (UCR) Program, even though you concede that its data collection is subject to the standards.

The OMB standards were issued following a multi-year review that included many opportunities for public comment, research and testing of suggested changes to the 1977 standards, and extensive discussions by an interagency committee on which more than 30 Federal agencies were represented, including the Department of Justice. The Paperwork Reduction Act gives OMB responsibility not only for balancing reporting burden with data utility, but also for developing and implementing government-wide classification systems to foster comparability and quality of information produced by Federal agencies. Each time one of OMB's statistical standards is updated, there are costs and benefits associated with implementation. In the case of the standards for data on race and ethnicity, we concluded that the benefits of having a classification that better captures the demographics of our Nation outweighed the incremental costs of their implementation.

When the standards were adopted, they became effective immediately for all new and revised record keeping or reporting requirements; all existing record keeping and reporting requirements are to be in compliance by January 1, 2003. OMB did not delay implementation of the 1997

standards; rather, we allowed a substantial period of time for the orderly phase-in of the revised standards. We found that such a phase-in period was particularly important in cases where Federal agencies depend on administrative records maintained by agencies at other levels of government and by private organizations.

After reviewing the information provided in your letter, we agree that the systems of records in the NCIC, the III/IAFIS, and the NICS are not maintained to provide statistics or to furnish administrative or compliance reports, but rather contain individual data that are intended to identify persons engaged in criminal activity; hence, they are not subject to the provisions of the 1997 standards.

Your letter indicated that following the adoption of the 1977 standards, these systems were updated to comply with the racial categories of those standards. Given that these systems of records will continue to include data on race, you should consider bringing them into compliance with the 1997 categories for data on race (American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White) as new person records are added. In addition, the systems of records should be modified to include an ethnicity data item on "Hispanic or Latino" for new person records. It is suggested that this updating of the systems to reflect the five categories for data on race and the Hispanic or Latino ethnicity category could be done the next time the computer programs for these systems are revised to accommodate other program changes.

While you agree that the UCR program is covered by the 1997 standards, you are requesting a variance because you believe that it is not practicable or feasible for the program to collect data on race through self-reports or to collect multiple race responses. Furthermore, you are concerned that requiring changes in the categories for reporting race will adversely impact this voluntary program. While the 1997 standards do stress self-reporting, they do not preclude observer-collected data on race and ethnicity. We understand in the case of law enforcement that much of the data on race is reported by third-party observers. This is permitted under the 1997 standards. Because it is not reasonable to expect third parties to determine and report multiple racial heritages, individual person files or aggregated data would not likely contain multiple race data. (If individual person records *do* contain multiple race data, the 1997 standards permit agencies to collapse these data and to report only the total number of persons reporting "more than one race.")

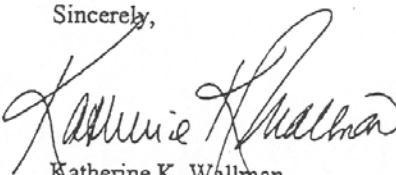
However, because the UCR program will continue to include data on race, the program and related handbooks should use the 1997 *categories* for data on race and ethnicity for purposes of producing information that is comparable to other Federal data sources, including the decennial census, the American Community Survey, and the National Crime Victimization Survey. We see no need to grant a variance to the racial and ethnic categories set forth in the 1997 standards for the UCR program. Updating the UCR program to reflect the *categories* in the 1997 standards could be accomplished as part of planned updates for the computer systems to accommodate other program changes. The states could then begin to use the categories in the 1997 standards

for reporting new data under the UCR program.

In the case of surveys or in instances where law enforcement officials ask individuals to fill out forms or otherwise provide information on their race and ethnicity, the respondents should be permitted to "select one or more" (note the instruction is *not* to "check all that apply") of the five racial categories, and the Hispanic or Latino ethnicity question should be added.

We hope this provides clarification of the applicability of the 1997 standards to these data systems. If you have any questions, please do not hesitate to contact me. We are looking forward to continuing to work with you on this matter.

Sincerely,



Katherine K. Wallman  
Chief Statistician