

## SUPPORTING STATEMENT

### A. JUSTIFICATION

#### 1. Necessity of Information Collection

Forensic evidence has increasingly been used by agencies in the criminal justice system to convict the guilty and exonerate the innocent. Yet while new technology enhances the opportunity for the criminal justice system to “do justice,” it also creates an added need for law enforcement agencies to review old cases for potential forensic evidence that should be sent to a crime laboratory for testing.

The Survey of Law Enforcement Forensic Evidence Processing (LEFP) is a national-level data collection that will provide information on the number of unsolved criminal cases containing forensic evidence that have not been submitted to crime laboratories for analysis. Currently no other source exists for this information. These data will be collected from approximately 3,152 law enforcement agencies from across the country, representing the nearly 18,000 state and local law enforcement agencies nationwide. Law enforcement agencies will be asked about the number of unsolved homicide, rape, and property crime cases maintained, the percentage of cases with forensic evidence available for testing, and procedures used for reviewing unsolved crimes to develop new investigative leads.

#### 2. Needs and Uses

The survey provides information on forensic case backlogs in law enforcement agencies. The collected information will be used to assess the size and nature of the law enforcement forensic backlog. A better understanding of these issues can support the development of plans to improve the efficiency and functionality of the evidence collection, submission, and analysis process. This information will be of interest to the U.S. Department of Justice, state and local law enforcement agencies, and other members of the criminal justice community. The survey can assist policy makers in developing solutions to the forensic backlog problem including the added burden placed on law enforcement agencies.

#### 3. Use of Information Technology

The surveys will be administered using a web-based data collection system, as well as through fax and mail.

#### 4. Efforts to Identify Duplication

There is no duplicative effort based on the content and goals of this survey. The data requested as part of this survey are not attainable through any other means.

5. Minimizing Burden on Small Businesses

The survey will include a sample of state and local law enforcement agencies and does not impact small businesses or small entities.

6. Consequences of Not Conducting or less frequent Collection

There is no comprehensive information on the size of forensic backlogs in law enforcement agencies. As a result, it is unknown how many unsolved criminal cases that contain forensic evidence could potentially be solved if they were submitted to a crime laboratory for analysis. Furthermore, there is no detailed information on the types of forensic evidence that make up the backlog of cases not submitted to the crime laboratory.

7. Special Circumstances

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

8. Public Comments and Consultations

No public comments have been received by NIJ on the survey. However, NIJ has consulted with a number of individuals regarding the content, data availability, and usability of the survey. The consultants include the following:

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9. Provision of Payments or Gifts to Respondents

No incentives will be provided to the respondents, participation in this survey is voluntary.

10. Assurance of Confidentiality

Respondents' personal identity will not be linked to the information that they provide. Data will be reported in aggregate form. Much of the research conducted by the National Institute of Justice (NIJ) involves collecting data on individuals through direct observation, interview or survey, case records, crime reports, and other administrative records. NIJ and recipients of NIJ funding are subject to the statutory and regulatory confidentiality requirements of 42 USC §3789g and 28 CFR Part 22. Both 42 USC §3789g and 28 CFR Part 22 provide that research and statistical information identifiable to a private person is immune from legal process and may only be used or revealed for research purposes. The regulations at 28 CFR Part 22 require all applicants for NIJ funding to submit a Privacy Certificate as a condition of approval of a grant application or contract proposal that contains a research or statistical component under which personally identifiable information will be collected. The Privacy Certificate is the applicant's assurance that he/she understands his/her responsibilities to protect the confidentiality of research and statistical information and has developed specific procedures to ensure that this information is only used or revealed in accordance with the requirements of 42 USC §3789g and 28 CFR Part 22. RTI, the NIJ contract recipient for this project, has an approved Privacy Certificate and Protection of Human Subjects form for this project on file with NIJ.

11. Justification for Sensitive Questions

Not applicable.

12. Estimate of Respondent's Burden

The information collected will require only information that is maintained by the responding agencies. In order to minimize respondent's burden, the surveys will be limited to 3 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. categorical responses). The surveys will be administered primarily via the web, although respondents will also be given the option of submitting their completed surveys by mail or by fax. The numbers of surveys sent to each agency and the expected time of completion is as follows:

Law Enforcement: 3152 agencies in the United States.

Average time to complete: 60 minutes

$$\frac{3152 \text{ respondents} \times 60 \text{ minutes}}{60 \text{ minutes}} = 3152 \text{ hours}$$

**TOTAL:** 3152 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 included in their records and no special system or process is required for providing the requested information.

14. Cost to Federal Government

The total cost to the Federal government is estimated to be \$363,468, which will all be incurred by NIJ. These costs incurred cover the survey development, data collection, and preparation of the final report and data set.

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

|                              |                  |
|------------------------------|------------------|
| Office Costs (NIJ)           |                  |
| Salary & Benefits:           | \$13,977         |
| Supplies:                    | \$1,000          |
| Data Collection [contractor] | <u>\$348,491</u> |
| Grand Total                  | \$363,468        |

15. Reason for Change in Burden

Not Applicable. This is a new project.

16. Anticipated Publication Plan and Schedule

|                          |                              |
|--------------------------|------------------------------|
| Planning and preparation | Oct 2007– Feb 2008           |
| Pre-testing              | Jan 2008- Mar 2008           |
| Data collection          | August 2008- November 2008   |
| Data processing/analysis | November 2008- December 2008 |
| Publication release      | January 2009                 |
| Data release to public   | February 2009                |

17. Display of Expiration Date

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

18. Exception to the Certification Statement

Not applicable. There are no exceptions in Item 10, "Certification for Paperwork Reduction Act Submission," of OMB Form I-83.