

SUPPORTING STATEMENT
1110-0015
HATE CRIME INCIDENT REPORT/QUARTERLY HATE CRIME REPORT

A revision of this currently approved collection is requested in addition to a 3-year extension.

In order for the Uniform Crime Reporting (UCR) Program to be in compliance with the recently enacted Matthew Shepard Hate Crimes Prevention Act, April 28, 2009 revisions are requested for the 1110-0015 Information Collection. In Section 8 of the Matthew Shepard Hate Crimes Prevention Act, April 28, 2009 it states.

(a) In General - Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting 'gender and gender identity,' after 'race,'.

(b) Data - Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ',including data about crimes committed by , and crimes directed against, juveniles' after 'data acquired under this section'.

Beginning in March 2010, members from the Criminal Justice Information Services (CJIS) Division's Law Enforcement Support Section (LESS) UCR Program Office, along with members of the Anti-Defamation League, the national hate crime coalition, law enforcement, civic and professional organizations that promote improved Federal and state response to hate violence, met to discuss and to establish the groundwork for the collection of gender/gender identity hate crimes and hate crimes committed by and against juveniles. To assist the FBI in this task, the national hate crime coalition formed Gender, Gender Identity and Juvenile Working Groups. The Working Groups reviewed the existing hate crime definitions to ensure that all aspects of the program reflected the current environment in which hate crimes are reported.

Through these discussions, new definitions were developed for the identification of gender/gender identity hate crime victims. These new definitions, which can be found in the revised *Hate Crime Data Collection Guidelines* publication, are: gender, gender bias, gender identity, gender identity bias, gender non-conforming, LGBT, sexual orientation and transgender.

The definitions for the following words were revised to update existing definitions to more accurately depict historical categories of bias in today's society: bisexual, gay, heterosexual, homosexual, lesbian, and sexual orientation bias.

The Gender Identity Working Group also made recommendations as to the specific types of bias to be reported to the Hate Crime Statistics Program for sexual orientation and gender/gender identity listed as: Sexual Orientation; Anti-Gay, Anti-Lesbian, Anti-LGBT (mixed group)-New category to collection replaces "Anti-Homosexual Gay and Lesbian", Anti-Heterosexual, and Anti-Bisexual; Gender - New bias category of collection, Anti-Male and Anti-Female; Gender Identity, Anti-Transgender and Anti-Gender Non-Conforming.

Revisions are as follows:

1. Adjust revision date to 07-07-11.

2. Delete Agency Name and insert Initial and Adjustment with a check box for each, move ORI field to the left and pull up Date of Incident field.

3. In place of Date of Incident field, insert Page _ of _ of Same Incident field.

4. Under the Offense heading, insert a #5 field with text boxes.

5. Under the Location heading, black out number 22 check box, create a number 57 check box for Community Center, and create a #5 text field.

6. Under the Bias Motivation heading, move Disability under Ethnicity; create Gender and Gender Identity text fields for 61 Anti-Male, 62 Anti-Female, 71 Anti-Transgender, and 72 Anti-Gender Non-Conforming; Under Sexual Orientation delete Anti-Male Homosexual (Gay) and replace with Anti-Gay (Male), delete Anti-Female Homosexual (Lesbian) and replace with Anti-Lesbian, delete Anti-Homosexual (Gay & Lesbian) and replace with Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group); Increase the number of text boxes for #2, #3, and #4. Add a #5 text field.

7. Under Victim Type heading, insert #5 Offense text boxes, add Total # of victims 18 and older text boxes, and add Total # of victims under 18 text boxes.

8. Add Total in front of Number of Offenders heading, add Total # of offenders 18 and over text boxes, add Total # of offenders under 18 text boxes.

9. In the Race/Ethnicity of Offender or Offender Group, delete the / and insert and.

10. On the back of the form, under Hate Crime Incident Report heading, the second paragraph should read as: Indicate the type of report as Initial or Adjustment. Provide the Originating Agency Identifier (ORI) and Date of Incident.

11. Under the UCR Offense section add this statement to the end: Should more than five bias-motivated offenses be involved in one incident, use additional *Incident Reports* and make an appropriate entry in the Page - of - portion of each form.

12. Under the Victim Type section, after the second sentence add a comma and the total number of victims 18 and over, and the total number of juvenile victims, which are persons under the age of 18. At the end of the last sentence, delete (NIBRS).

13. Add Total in front of the Number of Offenders section. After the first sentence delete the period and add a comma and the total number of offenders 18 and over, and the total number of juvenile offenders, which are persons under the age of 18.

14. Under the Race/Ethnicity of Offender(s) As A Group section, change heading to Race and Ethnicity of Offender or Offender Group. Replace the slash with an and through out. In the first sentence delete the (s) off of offender(s), delete as a group, and insert if known. After first

sentence insert If there was more than one offender, provide the race and ethnicity of the group as a whole.

After qualitative and cognitive testing per OMB several changes were recommended in order to make the Hate Crime Incident Report more valid and reliable.

These changes are as follows:

1. At the top of the first page, the second grey line. After Offense, delete (Enter an offense code and number of victims for each bias-motivated offense.) and insert, Information.
2. Under the Offense grey box, insert, Enter an offense code and number of victims for each bias-motivated offense. Insert Offense in front of each #1, #2, #3, #4, and #5. Delete the hyphen between the boxes. In the title above the boxes, insert code after offense and replace # with number. Put the boxes in a straight line instead of toggle. Include more white space.
3. After Location, delete, (Check one for offense #1.) and insert Information.
4. Under the Location grey box, insert Check one location for Offense #1. Put the locations in order by code. Toggle into two columns instead of three.
5. Under the locations, insert, If more than one offense occurred, enter a location code for each additional offense having a different location than offense #1. Insert Offense in front of #2, #3, #4, and #5. Insert two small boxes for the two-digit location code.
6. After Bias Motivation, delete (Check up to five for Offense #1.) and insert Information.
7. Under the Bias Motivation grey box, insert Check up to five bias motivation for Offense#1. Put the bias motivations in order by code and toggle into two columns.
8. Under the bias motivations, insert, If more than one offense occurred, enter up to five bias motivations for each additional offense having a different bias motivation than Offense #1. Insert Offense in front of #2, #3, #4, and #5. Insert two small boxes for the two-digit bias motivation code under the Bias #1, Bias #2, Bias #3, Bias #4, and Bias #5 titles.
9. After Victim, delete, Type (Check all applicable victim types for each offense listed above.) and insert Information.
10. Under the Victim grey box, insert Check all applicable victim types for each offense listed above. Put the victim types into a straight line instead of toggled in two columns.
11. Under Victim types insert, *Indicate the number of Individuals (persons)who were victims in the incident. Insert Total number of victims and three small boxes for up to a three-digit number. Insert Total number of victims 18 and over and three small boxes for up to a three-digit

number. Insert Total number of victims under 18 and three small boxes for up to a three-digit number.

12. Delete the Total Number of Offenders grey box and insert Offender Information in a grey box.

13. Under the Offender Information grey box, insert Indicate the number of Individuals (persons) who were offenders in the incident. Insert Total number of offenders. If unknown, enter 00 and two small boxes for up to a two-digit number. Insert Total number of offenders 18 and over. If unknown, enter 00 and two small boxes for up to a two-digit number. Insert Total number of offenders under 18. If unknown, enter 00 and two small boxes for up to a two-digit number.

14. After Race and Ethnicity of Offender or Offender Group, delete, (Check one race and one ethnicity.)

15. Under the Race grey box, insert Check one race and one ethnicity. List the race in a straight line and put the Ethnicity under the race in a straight line.

New Instructions were included as part of the OMB changes which include:

Under the Hate Crime Incident Report grey box, after the first two sentences, delete the rest of the instructions and replace with the following:

Administrative Information

Report Type: (Required.) Indicate the type of report as Initial or Adjustment.

Initial-To report a hate crime incident.

Adjustment-To update a hate crime incident previously reported. (Note: This will delete the information already on file and insert the information provided in this report.)

ORI Number: (Required.) Enter the nine-character Originating Agency Identifier assigned to your agency.

Date of Incident: (Required for Initial or Adjustment Reports.) Provide the date of the hate crime incident in the format of MMDDYYYY.

Incident Number: (Required for Initial or Adjustment Reports.) Provide an identifying incident number, preferably your case or file number. The number can be up to 12 characters in length. Valid characters include: A through Z, 0 through 9, hyphens, and/or blanks.

Page _ of _ of same incident: If additional Incident Reports are used, make an appropriate entry into this portion.

Offense Information

Offense Code: Enter the two-digit offense code for each bias motivated offense. The offense codes that are specific to hate crime are: 01 Murder, 02 Rape, 03 Robbery, 04 Aggravated Assault, 05 Burglary, 06 Larceny-theft, 07 Motor Vehicle Theft, 08 Arson, 09 Simple Assault, 10 Intimidation, and 11 Destruction/Damage/Vandalism.

Number of Victims: Enter the number of victims for each bias motivated offense. The field allows for up to a three-digit number to be entered. Number of victims are inclusive of Individual, Business, Financial Institution, Government, Religious Organization, Other, and Unknown.

Location Information

Offense #1 Location: Check one location for Offense #1.

Additional Offense Locations: Enter a two-digit location code for each additional offense that has a different location than Offense #1.

Bias Motivation Information

Offense #1 Bias Motivation: Check up to five bias motivation for Offense #1.

Additional Offense Bias Motivations: Enter up to five two-digit bias motivation codes for each additional offense that has a different bias motivation than Offense #1.

Victim Information

Victim Type: Check all applicable victim types identified within the incident.

Number of Victims: When victim type is individual enter the total number of individuals (persons) who were victims in the incident . Enter the total number of individuals (persons) who were victims in the incident that are 18 and over. Enter the total number of individuals (persons)who were victims in the incident that are under the age of 18.

Offender Information

Number of Offenders: Enter the total number of individuals (persons) who were offenders in the incident. If unknown, enter 00 in the two-digit field. Enter the total number of individuals (persons) who were offenders in the incident that were 18 and over. If unknown, enter 00 in the two-digit field. Enter the total number of individuals (persons) who were offenders in the incident that were under the age of 18. If unknown, enter 00 in the two-digit field. Incidents involving multiple offenders must not be coded as Unknown Offender. Indicate an Unknown Offender when nothing is known about the offender including the offender's race. When the Race of Offender(s) has been identified, indicate at least one offender.

Race and Ethnicity of Offender or Offender Group

Race: Check one race for the offender. If there was more than one offender, provide the race of the group as a whole. If the number of offenders is entered as Unknown Offender, then the offender's race must also be indicated as Unknown.

Ethnicity: Check one ethnicity for the offender. If there was more than one offender, provide the ethnicity of the group as a whole. If the number of offenders is entered as Unknown Offender, then the offender's ethnicity must also be indicated as Unknown.

A. Justification.

1. Necessity of Information Collection

Under the authority of Title 28, Section 534, U.S. Code, *Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials*, April 23, 1990, the Hate Crime Statistics Act of 1990, the amended Hate Crime Statistics Act of September 1994, and the Matthew Shepard Hate Crimes Prevention Act, April 28, 2009 the UCR Program would request data about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, ethnicity, gender, or gender identity including where appropriate the crimes of murder, nonnegligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property from city, county, state, federal, and tribal law enforcement agencies throughout the country in order to generate reliable information on crime(s) motivated from a person's bias(es).

The 1-699 *Hate Crime Incident Report* form supplies the national UCR Program with information about each hate crime incident including the offense classification and its respective bias motivation, the number and type of victims, the location of the incident, the number of

suspected offenders, and the suspected offender's race. The 1-700 *Quarterly Hate Crime Report* was developed in order to acquire/collect/count the total number of reported bias-motivated incidents for the calendar quarter, and to delete any incidents previously reported that have been determined during the reporting period not to have been motivated by bias. Additionally, law enforcement agencies submit the *Quarterly Hate Crime Report* to report zero hate crime incidents. Forms 1-699 and 1-700 are received from city, county, state, federal, and tribal law enforcement agencies throughout the country.

2. Needs and Uses

The 1-699 and 1-700 are necessary in order for law enforcement agencies to submit hate crime on hard copy. Quarterly hate crime data are used for research or statistical purposes; The national UCR Program is able to generate reliable information on crime(s) motivated from a person's bias(es). The hate crime data serve as a valuable resource to city, county, state, federal, and tribal law enforcement agencies, as well as Academe, other government agencies, public, and media. These hate crime data are of invaluable use for research and statistical analysis. Examples of other agencies uses are:

- a. Centralized state UCR Programs and those states without a central repository obtain data files of their agencies' reported annual data.
- b. State and national legislators, Congress, and the White House request hate crime data.
- a. Human Interest Groups, (Anti-Defamation League), citizens, social scientists, and the media request hate crime data.
- b. Annual UCR data are requested by the Inter-University Consortium for Political and Social Research. This central repository serves as a single facility from which colleges/universities can obtain social science data.

3. Use of Information Technology

Currently, 79 percent of participating law enforcement agencies submit these forms electronically. Electronic submissions are received via magnetic media and/or Law Enforcement Online (LEO) email <ucrstat@leo.gov>. The UCR Program made these forms available as a PDF printable form on the Internet at www.fbi.gov/hq/cjisd/formssummary.htm.

4. Efforts to Identify Duplication

This information collection was authorized in direct response to the enactment of Title 28, Section 534, U.S. Code and the Hate Crime Statistics Act of 1990. The FBI is the only agency collecting extensive data on hate crime.

5. Minimizing Burden on Small Businesses

This information will have no significant impact on small entities. No small business will be affected by this collection.

6. Consequences of Not Conducting or less frequent Collection

The primary emphasis in developing an approach for collecting national hate crime statistics was to avoid placing major new reporting burdens on law enforcement agencies contributing data to the UCR Program. Because hate crime is not a separate, distinct crime but rather traditional offenses motivated by the offender's bias, it can be collected by merely capturing additional information about offenses already being reported to UCR. Agencies are required to submit hate crime statistics quarterly, although agencies submitting via NIBRS submit hate crime incidents monthly due to the inclusion of a Bias Motivation Data Element.

The law enforcement community has an ever-increasing need for timely and accurate data. Obtaining quarterly statistics enables law enforcement to develop effective measures to combat bias-motivated crime and supply to the community an accounting of public safety.

7. Special Circumstances

All hate crime data are collected/received from UCR Program participants on a quarterly basis and/or incident-based data are collected/received on a monthly basis. The FBI's UCR Program has established various time frames and deadlines for acquiring the data. Quarterly reports/submissions should be received by the FBI by the fifteenth day after the close of each quarter. Annual deadlines are also designated in order to collect/assess receipt of quarterly submissions. There are times when special circumstances may cause an agency to request an extension. The FBI's UCR Program has the authority to grant these extensions. Participation in the national UCR Program is voluntary. Tabulations are inclusive of only those agencies' hate crime counts received.

8. Public Comments and Consultations

The 60 and 30 day notices have been submitted and no public comments were received.

9. Provision of Payments or Gifts to Respondents

The FBI's UCR Program does not provide any payment or gift to respondents.

10. Assurance of Confidentiality

All FBI UCR Program information collections are held confidential in accordance with Title 42, U.S. Code, Section 3789(g). Even though this information collection does not contain personal identifier information that may reveal the identity of an individual it is obtained from public agencies and are, therefore, in the public domain.

11. Justification for Sensitive Questions

The information collection does not collect information of a sensitive nature.

12. Estimate of Respondent's Burden

The estimated cost of the respondent's burden for this data collection as follows:

Number of respondents	14,981
Frequency of responses	4 times per year
Total annual responses	59,924
Minutes per response	9 minutes
Annual hour burden	8,989 hours

Total number of agencies reporting 14,981
Total annual responses $14,981 \times 4 = 59,924$
Total Annual hour burden $14,981 \times 4 \times 9 / 60 = 8,989$

13. Estimate of Cost Burden

There are no direct costs to law enforcement to participate in the UCR Program other than their time to respond. Respondents are not expected to incur any capital, start-up, or system maintenance costs associated with this information collection.

14. Cost to Federal Government

It is difficult to estimate the annual cost to the federal government under the clearance request. The following are generalized projections based upon prior collection activity as well as activities anticipated over the next 3 years.

Hate Crime Data Collection and Processing Costs

\$461,060

This figure is a cost projection provided by CJIS Financial Management Unit

15. Reason for Change in Burden

There is no change in burden on the individual respondents; however, the overall annual burden hours have increased due to the increase in the number of participating agencies. This is an adjustment; an increase from 7,945 to 8,989 which is an increase of 1,044.

16. Anticipated Publication Plan and Schedule

Published data are derived from data submissions furnished to the FBI from local, county, state, federal, and tribal law enforcement agencies throughout the country.

Request missing data from agencies		February-March
Deadline to submit data	mid-March	
Data Processing/Analysis	July-May	
Publication of data		November of following year/ <i>Hate Crime Statistics</i>

17. Display of Expiration Date

The FBI UCR Program is requesting OMB to not display an expiration date on the hard copy form. The program mails this form to twenty thousand individual law enforcement agencies, 49 state programs, and an undetermined number of individuals. Administratively, it would be extremely difficult to remove all of the old forms. In addition, some individuals may obtain copies of the form and wait an extensive period of time before submitting the form to us. It would be impossible to know which individuals may possess an older form. Therefore, it would not be practical for a date to be displayed. This would also alleviate the disposal of tens of thousands of expired forms when the form itself is not changed during the renewal process.

18. Exception to the Certification Statement

The FBI's CJIS Division does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

The CJIS Division does not employ statistical methods when collecting this information.