

Supporting Statement for Paperwork Reduction Act Submissions
Extension of existing collection in use with an OMB control number for the
Violent Criminal Apprehension Program Case Submission Form (FD-676)
OMB# 1110-0011
10/30/2013

Part A. Justification

1. Necessity of Information:

Title 28, United States Code, Section 534, allows the FBI to acquire, collect, classify, and preserve identification/information, criminal identification, crime, and other records. The FBI permits such exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions. It is essential that a standard reporting be utilized in order for the Violent Criminal Apprehension Program (ViCAP) Unit, Critical Incident Response Group (CIRG), Federal Bureau of Investigation (FBI) provide maximum service to all law enforcement and governmental agencies. The FBI ViCAP provides a centralized repository to collect, classify, analyze, and preserve records on violent crimes, victims, and their offenders.

2. Needs and Uses:

The FBI ViCAP Web National Crime Database serves the nation as a repository for the collection of information related to both solved and unsolved homicides, sexual assaults, missing persons and unidentified human remains. Federal, state, local, and tribal government law enforcement agencies charged with the responsibility of investigating violent crimes are authorized to voluntarily enter, search for, and analyze ViCAP-criteria case information in ViCAP Web. ViCAP Web is the only national database that allows participating law enforcement agencies to make cross jurisdictional matches of significant violent crimes using behavioral and investigative data, and ViCAP personnel can assist those agencies in the identification and linkage of similar cases based upon factors detailed in the ViCAP Web submissions. ViCAP can also provide analytical support, which includes, but is not limited to: the creation of maps, matrices and timelines, and the use and/or coordination of other resources and databases.

3. Use of Technology:

ViCAP Web provides authorized users (from Federal, state, local, and tribal government law enforcement agencies) activated in ViCAP Web with direct, real-time access to the ViCAP Web National Crime Database through secure internet connectivity of the Law Enforcement Online (LEO) Law Enforcement Enterprise Portal (LEEP) which is administered by the FBI's Criminal Justice Information Services (CJIS) Division. Users have the ability to electronically enter their own case information and retrieve information about other similar cases. The hardcopy ViCAP Case Submission Form (FD-676) is available for users not activated in ViCAP Web or those electing to submit case information in a non-electronic format.

4. Efforts to Identify Duplication:

The FBI is the only federal repository for the data from this information collection. Although the FBI and other law enforcement/criminal justice agencies manage other data collections (like NIBRS and UCR), ViCAP is unique and the data collection is not duplicated elsewhere. ViCAP is designed to collect behavioral and investigative data for specific crime classifications with the intent of comparing the data elements between and among each other to identify similar cases; NIBRS and UCR are designed to collect and analyze reported crime statistics regarding many different criminal offenses.

5. Methods to Minimize Burden on Small Businesses:

This information will have no significant impact on small entities and submission of this collection is voluntary.

6. Consequences of Less Frequent Collection:

Data is collected as the crimes occur. Cases not submitted to the database on a timely basis are cases missed when analysis is performed and comparisons are drawn to other cases resulting in incomplete information available for use by all contributing agencies. The law enforcement community has an ever-increasing need for timely and accurate data. Obtaining this violent crime data is vital to ensuring the most efficient timely services to all authorized entities.

7. Special Circumstances Influencing Collection:

All ViCAP data are collected and processed from participating agencies, as necessary. Participation is voluntary. All stored violent crime data is inclusive of only that information which has been provided.

8. Public Comments and Consultations:

FBI ViCAP has a mechanism in place to elicit and capture feedback from authorized users within the ViCAP Web database, available at all times. Additionally, FBI ViCAP meets regularly with the ViCAP National Advisory Board which provides for an open forum to discuss matters of mutual concern, including reporting procedures. Also, public comment was solicited in the 60 day Federal Register Notice of Information Collection 78 FR 66070 published on 11/04/2013 and the 30 day Federal Register Notice of Information Collection 79 FR 2472 on 01/14/2014.

Comments were received from Meghan Maury, Policy Counsel for the National Gay and Lesbian Task Force, Washington, DC, on 2/13/2014. ViCAP management met with the ViCAP Web Joint Applications Development Team to discuss these comments. Ms. Maury recommended (and ViCAP accepted) modifications concerning the use of contemporary language in the "Lifestyle Characteristics" section: 'Transgender' will be added as selectable response and 'Crossdresser' will be added to 'Transvestite', thus, 'Transvestite/Crossdresser' will be a

selectable response. Ms. Maury also recommended (and ViCAP accepted) the removal of repetitive responses in the “Lifestyle Characteristics” and “Offender Sexual Practices and Preferences” sections: ‘Bisexuality,’ ‘Heterosexuality,’ ‘Homosexuality,’ ‘Transsexualism,’ and ‘Transvestitism’ will be removed from the “Offender Sexual Practices and Preferences” section. Lastly, Ms. Maury recommended (and ViCAP did not accept) the addition of a separate question to indicate the offender’s known sexual orientation and gender identity (heterosexual, gay/lesbian, bisexual, transgender, cisgender). ViCAP is confident that the modifications accepted by ViCAP will bring additional clarity and remove redundancy regarding the victims’ and offenders’ sexual orientation and gender identity for our respondents. It is of paramount importance that ViCAP consistently use terminology that is meaningful and clear to our respondents, our target audience - law enforcement officers across the nation. Ms. Maury was provided with a response to her comments and recommendations by ViCAP Program Manager Lesa Marcolini on 05/12/2014.

9. Payment of Gift to Claimants:

The FBI does not provide any payment or gift to respondents.

10. Assurance of Confidentiality:

The Attorney General of the United States has exempted the NCAVC system of records from subsections (3), (d), (e) (1), (e) (4), (G) and (H), (F) and (g) of the Privacy Act pursuant to 5 U.S.C.552a (j) (2) and (k) (2).

11. Justification for Sensitive Questions:

The ViCAP Case Submission Form is a victim-driven system. It captures behavioral information concerning the offenses for murder, sexual assault, missing persons, and unidentified human remains. Identifying information is masked for victims of attempted homicide and sexual assault to agencies other than the submitting agency, its hub agency (if applicable) and FBI ViCAP. See above, for assurances of confidentiality concerning a case. Consent of deceased victims is not sought for collection of information concerning their homicide.

12. Estimate of Hour Burden:

It is estimated that approximately 5,000 respondents will submit one response annually. Approximately 85% of the responses are submitted electronically through a secure law enforcement internet portal. The remaining 15% are submitted via a hardcopy case submission form. Each response will require less than one hour. This response time estimate is based upon consultations with the ViCAP National Advisory Board and experience with the existing reporting form, the ViCAP Case Submission Form. The total burden times, based on voluntary submissions, is approximately 5,000 hours annually.

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not

incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

ViCAP is an evolving program. It is estimated that the current annual cost to the federal government for the development and maintenance of ViCAP Web is \$669,630 base cost. The reporting form will be available electronically to state and local law enforcement through LEEP/LEO, making printing and distribution costs negligible.

15. Reasons for Change in Burden:

The number of respondents and hours of burden decreased due to a statistical analysis of these data elements for the previous three years. ViCAP originally provided a higher estimate due to the fact that case submissions are strictly voluntary and we are unable to predict precisely the number of respondents/hours of burden at any given time. The numbers can fluctuate greatly on factors outside our control.

The cost to the federal government decreased due to availability of funding.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

ViCAP is not seeking approval to not display the expiration date.

18. Exceptions to the Certification Statement:

ViCAP does not request an exception to the certification of this information collection.

Part B. Statistical Methods

Not applicable.