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

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

The FBI Uniform Crime Reporting (UCR) Program's Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) approved two motions to modify the UCR Hate Crime data collection procedures on June 5, 2013 during their executive session. The first motion approved the use of all self-identified religions in the United States as listed in the Pew Research Center's Pew Forum on Religion and Public Life (2008) and the Statistical Abstract (2012) approved by the U.S. Census Bureau. The second motion approved the collection of an anti-Arab bias motivation. The APB motions were formally approved by the FBI Director on June 28, 2013.

History

The UCR Program received a letter from the Sikh American Legal Defense and Education Fund (or SALEDEF) in September 2010 requesting an addition of an Anti-Sikh bias motivation. A member of SALDEF spoke before the Association of State Uniform Crime Reporting Programs and the UCR Subcommittee in November of 2010. SALDEF's request was turned down at this time by the UCR Subcommittee citing that the bias motivation is determined based on the perception of the offender committing the crime. In the majority of these incidents, the offender believed the Sikh victims to be Muslims; therefore the bias would be reported as anti-Islamic.

The Sikh community followed up this effort by requesting the change through the U.S. Congress. Between March and July 2012, the FBI Director received letters from 93 Congressional Representatives. Personnel from the FBI UCR Program and the Department of Justice met with Congressional Staffers in August 2012 to discuss the CJIS Advisory Process and the impact on law enforcement by adding additional bias categories. The FBI had an opportunity to reiterate the same points in a teleconference with the DOJ and White House Domestic Policy Council following the Sikh Gurdwara Shooting in Oak Creek, Wisconsin.

During October 2012, the DOJ's Office of the Deputy Attorney General hosted a meeting with special interest groups from a variety of faith communities, as well as the Arab-American community. The purpose of this meeting was to determine which religions or community groups had interest in being added to the UCR Hate Crime Data Collection. At the meeting's conclusion, it was determined the Sikh, Hindu, and Arab communities would request to be added to the UCR Hate Crime Program. Members from the DOJ's Community Relations Service, the Sikh Coalition, and the Arab American Anti-Discrimination Committee attended the 2012 Fall UCR Subcommittee to address the possibility of being added to the UCR Hate Crime Data Collection.

Following the Fall UCR Subcommittee Meeting, the UCR Program began preparing topic papers to be presented during the Spring 2013 APB Process. During this time, the Attorney General,

FBI Director and CJIS Division continued to receive numerous letters from various community groups and organizations to add the anti-Sikh, anti-Hindu, and anti-Arab bias motivations.

During the Spring 2013 Subcommittee meeting, a motion was passed to collect all religious affiliations listed in the Pew Research Center's *Forum on Religion and Public Life* (2008) and the U.S. Census Bureau's *Statistical Abstract* (2012) publications in Hate Crime Statistics. The subcommittee also passed a motion to modify Hate Crime Statistics to include an anti-Arab bias motivation.

In addition to the adjustments to the data collection detailed above, all UCR Program participants must submit data electronically to the FBI as of July 1, 2014. In order to accommodate the approximate 700 agencies that used the FBI's Hate Crime Incident Report forms, the FBI UCR Program developed a Workbook Tool based in Microsoft Excel as a data collection and reporting mechanism to replace the FBI's Hate Crime Incident Report and Quarterly Hate Crime Report.

For each calendar quarter, law enforcement agencies submitted a *Hate Crime Incident Report* for each bias-motivated incident as well as a *Quarterly Hate Crime Report,* which summarizes the total number of incidents reported for the quarter. Agencies used the *Quarterly Hate Crime Report* to delete any previously reported incidents that were determined through subsequent investigation not to be bias motivated. If no hate crime incidents occurred in their jurisdictions that quarter, the agencies still submitted a *Quarterly Hate Crime Report* to report zero hate crime incidents. Within the design of the Microsoft Excel Workbook Tool, zero hate crime reporting was incorporated into the Agency Administration page and the hate crime incident deletes were included into the Hate Crime Incident Report; therefore, the Quarterly Hate Crime Report is no longer needed.

With the changes passed by the APB, the change in the mode of collection, and the recommended changes resulting from the cognitive testing a revision of this currently approved collection, *Hate Crime Incident Report,* and discontinuation of the *Quarterly Hate Crime Report* is being requested in addition to a 3-year extension. (See supplementary documents detailing cognitive testing results.)

A. Justification

1. Necessity of Information Collection

Under the authority of:
- Title 28, United States Code (U.S.C.), § 534(a) and (c), *Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials,* June 11, 1930;
- Hate Crime Statistics Act of 1990, in the notes to 28 U.S.C. § 534, as amended;
- *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act,* April 28, 2009, Section 4708 amends the Hate Crime Statistics Act (28 U.S.C. 534 note)

the FBI was designated by the Attorney General to acquire, collect, classify, and preserve

national data on 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; 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* collection instrument supplies the national UCR Program with information about each hate crime incident including the offense classification and its respective bias motivation, the number, age, and type of victims, the location of the incident, the age, race, and number of suspected offenders. The 1-699 is also used to delete any incidents previously reported that have been determined during the reporting period not to have been motivated by bias.

2. Needs and Uses

UCR crime statistics are used in many ways and serve many purposes. They provide law enforcement with data for use in budget formulation, planning, resource allocation, assessment of police operations, etc., to help address the crime problem at various levels. Chambers of commerce and tourism agencies examine these data to see how they impact the particular geographic jurisdictions they represent. Criminal justice researchers study the nature, cause, and movement of crime over time. Legislators draft anti-crime measures using the research findings and recommendation of law enforcement administrators, planners, and public and private entities concerned with the problem of crime. The news media use the crime statistics provided by the FBI UCR Program to inform the public about the state of crime.

Quarterly hate crime data are used for research or statistical purposes. Through these quarterly submissions, the national UCR Program is able to generate reliable information on crime(s) motivated from a person's bias(es). The FBI UCR Program publishes the hate crime data collected and has annually since 1992. The publication is a statistical tool that strives to supply information on crimes motivated by bias so that those interested in hate crime occurrences will have the data they require to understand **better** the scope of this societal problem

The hate crime data serve as a valuable resource to city, county, state, federal, and tribal law enforcement agencies, as well as academia, 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.

c.   Human Interest Groups, (Anti-Defamation League), citizens, social scientists, and

the media request hate crime data.

d.   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, 100 percent of participating law enforcement agencies submit these forms electronically. Electronic submissions are received via the UCR Summary Microsoft Excel Forms Workbook tool, and/or Law Enforcement Online (LEO) email <ucrstat@leo.gov>. The UCR Program has made the UCR Summary Microsoft Excel Forms Workbook tool available to all law enforcement agencies at (www.asucrp.net). An agency/state UCR Program will either submit hate crime data through the NIBRS or the SRS to the FBI UCR Program. Once the hate crime data are received at the FBI it is ingested into the Hate Crime database and included in the Hate Crime Statistics annual publication.

Forty-seven states that participate in the FBI UCR Program have a centralized repository serving as a state UCR Program. State UCR Programs streamline the collection of UCR data from local law enforcement agencies, ensure consistency and comparability of data, and provide a higher quality of service to the law enforcement community. The establishment of a state UCR Program is not limited to state governments. Territorial, tribal, and federal agencies may also institute UCR Programs. Provided they are willing to meet the following requirements:

- The state UCR Program must conform to the national Uniform Crime Reports' standards, definitions, and information required. These requirements, of course, do not prohibit the state from gathering other statistical data beyond the national collection.

- The state criminal justice agency must have a proven, effective, statewide UCR Program and have instituted acceptable quality control procedures.

- Coverage within the state by a state UCR Program must be, at least, equal to that attained by Uniform Crime Reports.

- The state UCR Program must have adequate field staff assigned to conduct audits and to assist contributing agencies in record practices and crime reporting procedures.

- The state UCR Program must furnish to the FBI all of the detailed data regularly collected by the FBI.

- The state UCR Program must have the proven capability (tested over a period of time) to supply all the statistical data required in time to meet national Uniform Crime Reports' publication deadlines.

These standards do not prohibit a state from gathering other statistical data beyond the national

collection.

Several state UCR Programs have established electronic communications with their law enforcement agencies throughout their state. Agencies submit data to their state UCR Program who in turn forward it to the FBI. This link between the FBI UCR Program and the state UCR Programs allow for IT interaction as the FBI UCR Program mandates the elimination of paper submissions and transitions to an acceptable electronic format.

 4. <u>Efforts to Identify Duplication</u>

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 federal agency collecting extensive hate crime incident data reported to law enforcement agencies in the United States. However the Department of Justice administers another statistical collection that also measures the magnitude, nature, and impact of crime, including hate crime, in the nation, the National Crime Victimization Survey (NCVS).

Unlike the UCR Program which provides a measure of the number of crimes reported to law enforcement agencies throughout the country, the NCVS provides a measure of the number of crimes experienced by individuals and households whether or not those crimes were reported to law enforcement. Even though the two programs have many similarities including measuring the same subset of serious crimes defined alike, there are significant differences between the two programs.

The two programs were created to serve different purposes. The UCR Program's primary objective is to provide a reliable set of criminal justice statistics for law enforcement administration, operation, and management. The NCVS was established to provide previously unavailable information about crime, victims, and offenders (including crime not reported to police). The two programs measure an overlapping but nonidentical set of crimes. NCVS includes crimes both reported and not reported to law enforcement. NCVS excludes, but the UCR includes, homicide, arson, commercial crimes, and crimes against children under age 12. Because of methodology, the NCVS and UCR definitions of some crime differ. And lastly, the two programs calculate crime rates using different bases. UCR rates are per capita (number of crimes per 100,000 persons), whereas the NCVS rates are per household (number of crimes per 1,000 households).

The strengths and limitations of both programs make it possible to use the UCR and NCVS to achieve a greater understanding of crime trends and the nature of crime in the United States.

5. <u>Minimizing Burden on Small Businesses</u>

This information will have no significant impact on small entities. The FBI minimizes burden on small law enforcement agencies by allowing them to submit quarterly, twice a year, or once a year. Although quarterly is recommended, upon approval by the FBI UCR Program, agencies can submit data at intervals that minimizes the burdens to the agency.

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.

To help reduce burden, the FBI UCR Program is providing agencies with electronic data submission tools to help them overcome any technical obstacles they may face as they transition from paper to electronic data submissions.

7. Special Circumstances

Hate crime data are collected/received from UCR Program participants on a quarterly 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.

8. Public Comments and Consultations

The Department published a notice for the Hate Crime data collection in the Federal Register on Monday, July 14, 2014; Volume79, Number 134, Pages 40779-40780, allowing for a 60-day comment period. One comment to date has been received.

> Ms. Kristi Donahue, UCR Hate Crime Coordinator, received a telephone call from Mr. Navdeep Singh, Policy Director, Sikh American Legal Defense and Education Fund. Mr. Singh requested a copy of the Hate Crime Incident Report. At that time, the Report was not ready for dissemination. Ms. Donahue was preparing to attend a meeting in Washington, D.C. the following week in which Mr. Singh was also attending. Ms. Donahue informed Mr. Singh the revised electronic Hate Crime Incident Report would be introduced during said meeting. Mr. Singh agreed to wait and view the new Report during said meeting.

The FBI held training for State Program and direct contributing UCR agencies at the CJIS Division. During the training, the revised electronic Hate Crime Incident Report was introduced by Ms. Donahue. Ms. Donahue supplied the group with a scenario and the incident report was filled out as a group. The participants understood the form's functionality and flow. Following the presentation, Ms. Donahue was approached by a state program representative whom requested a copy of the revised Hate Crime Incident Report in order to revise their state web version of this report, stating the flow and format of our form was more user-friendly.

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

Even though this information collection does not contain personally identifiable information that may reveal the identity of an individual it is obtained from public agencies and are, therefore, in the public domain. The FBI UCR Program does not assure confidentiality.

11. Justification for Sensitive Questions

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

12. Estimate of Respondent's Burden

The estimate of the respondent's burden for this data collection is as follows:

Number of respondents	11,357 SRS respondents
	6,933 NIBRS respondents
Frequency of responses	4/year
Total annual responses	73,160
Minutes per response	7 minutes
Annual hour burden	62,564 hours

Number of respondents:
Summary Reporting System (SRS)   11,357
National Incident-Based Reporting System (NIBRS)   6,933
Total number of respondents
11,357 + 6,933 = 18,290

Burden Formula for SRS:

    11,357 respondents x 4 responses/year = 45,428 total annual responses

$$\frac{45{,}428 \ \text{x} \ 7 \ \text{minutes}}{60 \ \text{minutes (1 hour)}} = 5{,}300 \ \text{total annual hour burden}$$

Burden Formula for NIBRS:

This burden estimate does not include the 6,933 NIBRS agencies; the NIBRS burden hours are captured in the NIBRS Information Collection Request recently sent to the OMB for approval.

13. Estimate of Cost Burden

There are no direct costs to law enforcement to participate in the FBI UCR Program other than their time to respond. Respondents are not expected to incur any capital or start-up costs associated with this information collection. Costs to agency Records Management Systems (RMS) are very difficult to obtain. Vendors do not divulge costs due to the fact that vendors charge differently from agency to agency. Many costs are built into the vendors Service Level Agreement contracts. Depending on the vendor contracts, changes mandated by law may be included within the original contract with no other additional costs. However, an estimate has been projected that agencies pay an $18,000 maintenance fee every year for system maintenance costs.

14. Cost to Federal Government

According to the cost object provided by FBI Criminal Justice Information Services, Resource Management Section, Financial Management Unit the following are generalized projections based upon prior collection activity as well as activities anticipated over the next three years for both the NIBRS and the Summary Reporting System. The cost module does not separate the costs between the two methods of collecting UCR data.

Staff Costs for Data Collection and Processing

CSMU Correspondence/Documents	$458,966
Data Requests	$162,592
Data Collection/Analysis	$1,771,397
Publications/Reports	$307,368
Total Cost to Federal Government	$2,700,323

15. Reason for Change in Burden

There is no change in burden on the individual respondents; however, the overall annual burden hours have decreased due to the NIBRS agencies burden being reported with the NIBRS ICR. This is an adjustment; a change from 8,989 to 5,300, which is a decrease of 3,689.

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/*Hate Crime Statistics*

17. Display of Expiration Date

All information collected under this clearance will display the OMB Clearance Number and Expiration Date.

18. Exception to the Certification Statement

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