Attachments

Attachment 1 – Title 42 Authorization

Attachment 2 – ASCIA letter of support

Attachment 3 – Cognitive testing results

Attachment 4 – Screenshots of online questionnaire

Attachment 5 – SSCIA questionnaire

Attachment 6 – 60-day notice

Attachment 7 – 30-day notice

Attachment 8 – Survey invitation email

Attachment 9 – Thank you email

Attachment 10 – 1st reminder email (from BJS)

Attachment 11 – 2nd reminder email (from ASCIA)

Attachment 12 – Telephone scripts for non-respondents

Attachment 13 – End of study message

Attachment 14 – Letter from Arc's National Center on Criminal Justice and Disability

DERIVATION

Title I
THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968
(Public Law 90-351)

42 U.S.C. § 3711, *et seq.*

AN ACT to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

As Amended By

THE OMNIBUS CRIME CONTROL ACT OF 1970
(Public Law 91-644)

THE CRIME CONTROL ACT OF 1973
(Public Law 93-83)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
(Public Law 93-415)

THE PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976
(Public Law 94-430)

THE CRIME CONTROL ACT OF 1976
(Public Law 94-503)

THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979
(Public Law 96-157)

THE JUSTICE ASSISTANCE ACT OF 1984
(Public Law 98-473)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT OF 1986
(Public Law 99-570-Subtitle K)

THE ANTI-DRUG ABUSE ACT OF 1988
TITLE VI, SUBTITLE C - STATE AND LOCAL NARCOTICS CONTROL
AND JUSTICE ASSISTANCE IMPROVEMENTS
(Public Law 100-690)

THE CRIME CONTROL ACT OF 1990
(Public Law 101-647)

BRADY HANDGUN VIOLENCE PROTECTION ACT
(Public Law 103-159)

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994
(Public Law 103-322)

NATIONAL CHILD PROTECTION ACT OF 1993, AS AMENDED
(Public Law 103-209)

and

CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998
(Public Law 105-251)

BUREAU OF JUSTICE STATISTICS
CHAPTER 46 - SUBCHAPTER III
[TITLE I - PART C]

42 USC § 3731 **[Sec. 301.] Statement of purpose**

It is the purpose of this subchapter [part] to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter [part], the Bureau shall give primary emphasis to the problems of State and local justice systems.

42 USC § 3732 **[Sec. 302.] Bureau of Justice Statistics**

(a) Establishment. There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter [part] as "Bureau").

(b) Appointment of Director; experience; authority; restrictions. The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau. The Bureau is authorized to–

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter [part]; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decisionmaking;
(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter [title];

(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national

clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti- drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;

(20) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VIII [part H] of this chapter [title].

(d) Justice statistical collection, analysis, and dissemination. To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to–

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter [title];

(4) seek the cooperation of the judicial branch of the Federal Government in

gathering data from criminal justice records; and

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(e) Furnishing of information, data, or reports by Federal agencies. Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State and local government and judiciary. In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

42 USC § 3733 **[Sec. 303.] Authority for 100 per centum grants**

A grant authorized under this subchapter [part] may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter [part] , that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

42 USC § 3735 **[Sec. 304.] Use of data**

Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

Association of State Criminal Investigative Agencies

August 1, 2016

Dear State Criminal Investigative Agency:

The Association of State Criminal Investigative Agencies (ASCIA), Georgia Bureau of Investigation (GBI), and Tennessee Bureau of Investigation (TBI) express our commitment to working with the Bureau of Justice Statistics (BJS) to better understand the role of state criminal investigative agencies with law enforcement use of force investigations. BJS and their data collection partner, Research Triangle Institute (RTI) International, will begin these activities in fall 2016 and provide results to participating agencies shortly after.

The project proposed by BJS seeks to provide a brief survey to a representative of the 49 state criminal investigative agencies in an effort to determine what types of law enforcement use of force cases are investigated (i.e., officer involved shootings, force that results in severe bodily injury, etc.). The survey focuses on the past three calendar years (2013-2015) and asks about the law enforcement agencies your organization provided use of force investigative services to, number of cases investigated, how your agency became involved in external investigations, the types of information collected, how case information is stored and how cases are closed out.

The results of this survey will be provided to ASCIA and non-member respondents in order to inform the Use of Force Investigations Committee and ASCIA executive board of the workload these cases have brought to their members and how agencies are handling these cases. Furthermore, the project will assist BJS in determining if state criminal investigative agencies collect data on use of force that is considered nationally representative. BJS is currently looking for data sources that provide investigative outcomes on use of force cases in order to better account for the prevalence of excessive force in the U.S.

The success of this project is dependent on the participation of all 49 state criminal investigative agencies. We will be providing BJS and RTI with the contact information of the representative from each of the member states. BJS will only use the data collected in this survey for research and statistical purposes. We encourage you to respond to the survey when it is received as the information obtained will benefit us all.

Sincerely,

Vernon Keenan
Director, Georgia Bureau of Investigation
Chair, ASCIA Use of Force Investigations Committee

Mark Gwyn
Director, Tennessee Bureau of Investigation
ASCIA President

SHARING IDEAS FOR BETTER LAW ENFORCEMENT

www.ascia.org

Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force
Cognitive Testing

Working with ASCIA, BJS and RTI participated in the ASCIA Use of Force Committee Conference call on February 10, 2016. At this time, BJS provided a summary on the purposes of the survey and the type of information it sought to collect. Once the meeting had commenced, six agencies had volunteered to be involved in the pilot testing: Georgia Bureau of Investigation, Louisianan State Police, Michigan State Police, Pennsylvania State Police, Tennessee Bureau of Investigation, and South Carolina Law Enforcement Division. BJS chose to keep the pilot to no more than five agencies since the universe (N=49) is small. BJS chose the five sites that were most diverse in practices and based on ASCIA input who would likely provide active feedback. All but South Carolina were included in the pilot testing.

The initial survey was sent on March 11, 2016. The ASCIA members were given two weeks to complete the survey and provide feedback. The eight expert reviewers from the five ASCIA agencies were given an electronic draft of the survey instrument and asked to comment on question wording, and response categories, as well as overall structure and layout. Respondents were also advised to time themselves as they went through the survey. Responses were primarily received as written annotations within the document. All five pilot sites provided feedback via email on the survey. Once survey responses were obtained, a 60-minute debriefing call was held on April 1, 2016. During the call, BJS and RTI facilitated discussion on all the instrument items and reviewed recommended changes. Additional feedback was solicited on the introduction, question ordering, mode of data collection and reference periods. The pilot sites unanimously agreed the primary mode should be web survey as they generally use this mode to collect information from ASCIA members. A number of changes to the survey were made based on the feedback received (addressed in Part A) and skip patterns were placed in such a way to ease programming of the web survey. Once the survey was revised, it was sent back out to the Georgia Bureau of Investigation and Pennsylvania State Police for review as they provided the most feedback on the initial survey. No other comments were provided.

<u>Results and Revisions</u>

Three key issues were raised by the expert panel. First, the definition of use of force was unclear and could cause respondents to misreport data. We have addressed this issue by including a definition on "use of force investigation" on the cover page of the instrument (i.e., *For the purposes of this survey, a use of force investigation is defined as an investigation that determines if the use of force was legally justified. The type of force examined may differ depending on the case*) and also moving up the question on the types of use of force cases investigated immediately after providing counts on the number of cases investigated over a three year period.

Second, the pilot sites indicated that it was unclear if the questions were referencing all use of force investigations their agency conducted or just the subset of use of force investigations that were conducted for other agencies. This issue was resolved by:

1. Adding additional clarification to the introduction on the cover: *The SSCIA seeks information about the extent to which criminal investigative agencies are investigating law enforcement use of force cases for other agencies.*
2. Adding additional instructions to various sections in the survey:
    a. (Pg. 2) **The first set of questions are about the number of use of force cases you have investigated for YOUR agency (i.e., internal investigations). Include any use of force case that involved your agency's personnel even if another law enforcement agency's personnel was also involved.**
    b. (Pg. 3) **The remaining set of questions refer to the use of force cases you have investigated for OTHER law enforcement agencies (i.e., external investigations). These cases should only involve another law enforcement agency's personnel. Use of force cases that also involve your agency's personnel should be counted in internal investigations above.**
3. Breaking out internal and external counts into two separate sets of questions. We also added in the ability for agencies to provide an estimate for these counts to reduce burden. We provided further clarification on how to count cases that may span multiple calendar years.

Original item:

3. During the following years, how many cases involving law enforcement use of force did your agency investigate in your state? *If none, enter '0'.*
    A. 2013: _____
    B. 2014: _____
    C. 2015: _____
    D. Total (*sum of A, B, and C*): _____ (*If total is greater than 1, skip to Question 5*)

Changed to:

3. During 2013-2015, how many cases involving use of force did your agency investigate for **YOUR OWN AGENCY** (i.e., internal investigations)? *If an exact count is not possible, please provide an estimate. If none, please enter '0'. If an investigation spanned more than one year, count the investigation in the year it began.*

Year	Number of Internal Investigations
a. 2013	
b. 2014	
c. 2015	
d. Total (sum of 'a' to 'c')	

[If INTERNAL total = 0 ask Q4; If INTERNAL total 1 or greater, skip to Q5]

6. During 2013-2015, how many cases involving use of force did your agency investigate for **OTHER LAW ENFORCEMENT AGENCIES** in your state (i.e., external

investigations)? *If an exact count is not possible, please provide an estimate. If none, enter '0'. If an investigation spanned more than one year, count the investigation in the year it began.*

Year	Number of External Investigations
a. 2013	
b. 2014	
c. 2015	
d. Total (sum of 'a' to 'c')	

[If EXTERNAL total = 0 ask Q7; If EXTERNAL total 1 or greater skip to Q8]

Third, the pilot sites recommended that the best mode of administration was via the web with an electronic version suitable for printing (i.e. a corresponding PDF instrument). Based on this feedback the primary data collection mode will be online but we also offer a downloadable PDF that can be mailed, faxed or emailed.

Edits and revisions to individual questions were made based on the expert testing.

Originally, there was one follow-up question to #3 to determine why agencies did not investigate use of force cases. When #3 was broken out by internal vs external cases, we modified the original question into three new questions. We also added in meaningful skip patterns based on how Items 3-7 were answered.

Original item:

4. What are the reasons your agency did not investigate any law enforcement use of force cases in your state from 2013-2015? (*Mark all that apply*)
   - □ Our agency did not provide **any** investigative services
     Please explain: _____
   - □ Our agency was not requested to investigate any of these types of cases
   - □ Our agency did not have the funding or staff to investigate these types of cases
   - □ Use of force investigations are not state-mandated
   - □ Other (please specify): _____

{If Q3.d = '0' and you answered Q4, you do not need to continue the survey}

Changed to and added:

4. What are the reasons your agency did not investigate any use of force cases for your own personnel from 2013-2015? (*Mark all that apply*)
   a. Our agency did not have any personnel involved in use of force incidents
   b. Our agency did not have sufficient funding to investigate use of force cases
   c. Our agency did not have sufficient staff to investigate use of force cases

d. Our agency requested another law enforcement agency to conduct use of force investigations (please specify agency name):
_____
e. Other (please specify): _____

7. What are the reasons your agency did not conduct any use of force investigations for other agencies in your state from 2013-2015? (*Mark all that apply*)
    a. Our agency did not conduct **any** on-scene investigations (e.g., only provided forensic services)
    Please explain why: _____
    b. Our agency was not requested to investigate any use of force cases
    c. Our agency did not have sufficient funding to investigate use of force cases
    d. Our agency did not have sufficient staff to investigate these types of cases
    e. Use of an external agency for use of force investigations is not state-mandated
    f. Other (please specify): _____

[If EXTERNAL total = 0 and agency answers Q7, skip to end]

Furthermore, the pilot sites requested a new item be added in order to clarify how agencies handle their own use of fore investigations. This was anchored to the questions above:

5. In general, how are cases handled when the use of force incident involves officers/agents from your own agency? *(Mark only one)*
    a. Cases are investigated by the same regional office that employs the involved officers or agents
    b. Cases are investigated by a different regional office that does *not* employ the involved officers or agents
    c. Cases are referred to an outside agency for investigation (please specify agency name):
    _____
    d. Other (please specify): _____

Original question 5 was the most complicated item on the survey and one that we sought much feedback on in order to ease burden. The pilot sites found the question confusing and were not sure if they were only supposed to provide the jurisdictions they actually provided services to or those who they could have provided services to. There was also some confusion in terms of the time frame since 2013-2015 wasn't specified and rather past three years. Georgia Bureau of Investigation answered "all" but this was a 2016 change. Prior to 2016, they would have served all but Atlanta Police Department. Pennsylvania State Police expressed concern over the number of agencies they would have to list as they have 1,204 agencies in the state. They provide services to approximately 75% but would still have to list out 300 agencies they do not serve.

Original item:

5. During the past three years, how many law enforcement agencies in your state did you provide law enforcement use of force investigative services to? *If you serve all local jurisdictions in your state, please write 'all' and go to question 6.*

   Number of agencies served = _____

   <u>If your agency DID NOT provide services to the majority of agencies in your state (75% or more)</u>, <u>please provide a list of agencies served</u>. If your agency served 10 or fewer agencies, please list below. If your agency served more than 10 agencies, please attach a list of the jurisdictions covered.

   If your agency served 10 or fewer agencies, please list:

   1. _____
   2. _____
   3. _____
   4. _____
   5. _____
   6. _____
   7. _____
   8. _____
   9. _____
   10. _____

   <u>If your agency provided coverage for the majority of the state (75% or higher)</u>, <u>please provide a list of the jurisdictions that were NOT served</u>. If fewer than 10, provide below. If more than 10, please attach a list of the jurisdictions not covered.

   If your agency did NOT serve 10 or fewer agencies, please list:

   1. _____
   2. _____
   3. _____
   4. _____
   5. _____
   6. _____
   7. _____
   8. _____
   9. _____
   10. _____

This item was significantly revised based on expert feedback. It became clear that the representatives could give a percentage of the jurisdictions covered in their agency and describe those that they did not provide services to. It was also advised that we needed to clarify if we wanted to know only the agencies they did provide services to or those who they may have assisted but didn't need assistance from in the three year period.

Changed to:

9a. There are approximately **<<PREFILL NUMBER>>** local and county law enforcement agencies in your state.

During 2013-2015, approximately what percentage of these agencies did your agency

- actually provide use of force investigative services to **OR**
- would have provided these services for if they had a qualifying use of force incident?

Law enforcement agencies that would not have requested your agency to investigate a qualifying use of force incident should not be counted. (*Mark only one option that reflects your best estimate)*

- □ 0-10%
- □ 11-25%
- □ 26-50%
- □ 51-75%
- □ 76-90%
- □ 91-100%

9b. How would you characterize the jurisdiction populations of these agencies in #9a? (*Mark all that apply*)

- □ Very small (less than 25,000)
- □ Small (25,000 – 74,999)
- □ Medium (75,000 – 249,999)
- □ Large (250,000-999,999)
- □ Very large (1,000,000 or more)

9c. Briefly describe the agencies who were **NOT INCLUDED** in the percent estimate in #9a? *Only consider those who would not have requested your services if they would have had a qualifying use of force incident. For example, if you serve all but the largest agencies in your state, please list these largest agencies.*

_____
_____
_____

Original question 6 was split into questions 12 and 13. This revision will allow respondents to indicate if the number of *agencies* served is likely to increase or if the number of *cases* is likely to increase in the next year. The expert panel thought that this distinction was important as the factors that drive service to additional agencies is different than the factors that drive additional caseload. We also dropped the "don't know" after consulting with the survey development team at RTI, who instructed that this will lead to a large number of folks who will choose this option.

Original item:

6. In 2016, will the number of jurisdictions you can provide law enforcement use of force investigative services to decrease, increase, or remain about the same as 2013-2015? *Please*

*assess the number of agencies that you **could** serve in the state, rather than the number of agencies that might need services in the next year.*

- □ Decrease
- □ Remain about the same as 2013-2015
- □ Increase
- □ Don't know

Changed to:

10. Do you expect the **NUMBER OF AGENCIES** your agency provides use of force investigative services to decrease, increase, or stay the same in 2016? *Please assess the number of agencies that you **could** serve in the state, including agencies that might not have a qualifying use of force incident in the next year but would request your services.*
    - □ Decrease
    - □ Increase
    - □ Stay the same

11. Do you expect the **NUMBER OF USE OF FORCE CASES** your agency investigates for other law enforcement agencies to decrease, increase, or stay the same in 2016?
    - □ Decrease
    - □ Increase
    - □ Stay the same

Original question 7 on the types of use for force cases investigated was revised to include more nuanced response categories. The experts felt that yes/no responses to these questions would not yield useful information. The response categories were expanded to include "Always", "Sometimes," and "Never". This item was also moved earlier in the survey. The stem was also revised. Lastly, some of the definitions were modified to match what the FBI will be collecting in regards to use of force.

Original item:

7. During the past three years, identify the types of law enforcement use of force cases that you investigated in your state?

By Injury Severity	**Yes**	**No**
Any use of force that did not result in injury		
Any use of force that resulted in a subject sustaining minor or moderate bodily/physical injury (e.g., complaint of substantial pain, minor swelling, contusions)		
Any use of force that resulted in a subject sustaining serious bodily/physical injury (i.e., substantial risk of death, unconsciousness, lacerations, broken/fractured bones, gunshot wound)		
Any use of force that resulted in a subject's death		
Death of a subject in law enforcement custody not due to officer use of force (e.g., intoxication, suicide, natural causes)		
Level of Force Used by Officer(s)	**Yes**	**No**

Any incident involving physical force (i.e., use of any part of the officer's body to compel compliance)		
Any incident involving less-lethal weapons (i.e., use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority)		
Any incident involving the discharge of a firearm at a person that results in a hit		
Any incident involving the discharge of a firearm at a person that does not result in a hit		
Other (please specify):		

Changed to:

8. For the 2013-2015 cases investigated for other agencies in your state, how often did they involve the following?

By Injury Severity	**Always**	**Sometimes**	**Never**
a. Any use of force that did not result in injury	☐	☐	☐
b. Any use of force that resulted in a subject sustaining minor or moderate bodily/physical injury (e.g., complaint of substantial pain, minor swelling, contusions)	☐	☐	☐
c. Any use of force that resulted in a subject sustaining serious bodily/physical injury (i.e., any injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty)	☐	☐	☐
d. Any law enforcement use of force that resulted in a subject's death	☐	☐	☐
e. Death of a subject in law enforcement custody which was later found to NOT be due to officer use of force (e.g., intoxication, suicide, natural causes)	☐	☐	☐
f. Death of a subject in jail or prison custody from use of force	☐	☐	☐
g. Death of a subject in jail or prison custody which was later found to NOT be due to use of force (e.g., intoxication, suicide, natural causes)	☐	☐	☐
Level of Force Used by Officer(s)	**Always**	**Sometimes**	**Never**
h. Any incident involving physical force without a weapon (i.e., use of any part of the officer's body to compel compliance)	☐	☐	☐
i. Any incident involving less-lethal weapons (i.e., use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority)	☐	☐	☐

j. Any incident involving the discharge of a firearm at or in the direction of a person	☐	☐	☐
k. Other (please specify):	☐	☐	☐

Original question 8 asked agencies if they had provided services to agencies in other states. This question was only slightly modified to include a sub-question to capture the reason why a SCIA would not have provide services outside the state. The pilot sites were interested in knowing if there was prohibition to this practice.

Original item:

8. During the past three years, has your agency provided law enforcement use of force investigative services to law enforcement agencies in another state? ____ Yes ____ No

   If YES:

   a. For which states did you provide these services (please list): _____
   _____

   b. How many law enforcement agencies were served in these other states?
   _____

Changed to:

12. During 2013-2015, did your agency provide any direct use of force investigative services to law enforcement agencies in another state?
    a. Yes

       [If YES]:

       a. For which states did you provide these services (please list):
       _____

       b. How many law enforcement agencies were served in these other states? ☐

    □ No

       [If NO]:

       a. What is the **PRIMARY** reason you did not provide direct use of force investigative services to law enforcement agencies in other states? (*Mark only one*)
          - □ Services were not requested during 2013-2015
          - □ We cannot provide services in other states
          - □ Other (please specify):
          _____

Response categories in original question 9 were also improved to clarify the intent of the question. Additional response categories were developed to better represent respondent's arrangements with local agencies and different policies.

Original item:

9. During the past three years, how did you get involved in a law enforcement use of force investigation? (*Mark all that apply*)
   - □ Our agency's investigation was requested by the law enforcement agency involved
   - □ State mandated (Year enacted: _____)
   - □ Our agency took its own initiative to undertake investigations
   - □ Other (please specify): _____

Changed to:

13. During 2013-2015, how did your agency get involved in use of force investigations for other law enforcement agencies? (*Mark all that apply*)

    - □ Requested by the law enforcement agency involved but there is no pre-established formal agreement (e.g. memorandum of understanding)
    - □ Our agency has a pre-established formal agreement with the involved agency
    - □ Requested/instructed by an outside agency that had no direct involvement in the incident (e.g. Attorney General's Office)
    - □ Mandated by state statute (Year enacted: _____)
    - □ Mandated by proclamation of governor (Year enacted: _____)
    - □ Our agency took its own initiative to undertake investigations
    - □ Other (please specify): _____

Question 10 was slightly modified (the not applicable options was placed first) and was retained under question 14:

14. If there is no current state mandate for your agency to investigate use of force for other law enforcement agencies, is there legislation pending (i.e., introduced to the legislature) to require this? (*Mark only one*)

    - □ Not applicable--there is a state mandate
    - □ Yes
    - □ No
    - □ Don't know

Original question 11 asked about the type of evidence collected by SCIAs. The pilot sites felt this item overlapped with original question 17 (case elements) and did not feel this needed to be included. It was removed from the survey.

Original question 12 asks SCIAs to report if they also investigate the criminal acts the subject was engaged in prior to the use of force. SCIAs were particularly interested in this item as it provides context around caseload. The response categories were changed from yes/no to "Always," "Sometimes," and "Never." The sub-question that followed those who affirmed they conducted these types of investigations was also modified—the response categories were expanded and mirrored what was listed under new items 15a and 15b.

Original item:

12. During the past three years, did your agency ever investigate the criminal offense that may have occurred immediately prior to the law enforcement use of force? ____ Yes ____ No

    IF YES:

    What is the primary reason your agency conducted the predicating offense investigation? (*Mark only one*)

    - □ Requested by law enforcement agency involved
    - □ State mandated
    - □ Own initiative
    - □ Other (please specify): _____

Changed to:

15a. During 2013-2015, how often did your agency act as the primary investigative body for the criminal offense that may have occurred immediately prior to the use of force conducted by another agency's personnel (i.e., the predicating offense)?

a. Always
b. Sometimes
c. Never

If ALWAYS or SOMETIMES:

15b. What is the **PRIMARY** reason your agency was responsible for conducting the predicating offense investigation? (*Mark only one*)

- □ Requested by the law enforcement agency involved but there is no pre-established formal agreement (e.g., memorandum of agreement)
- □ Our agency has a pre-established formal agreement with the involved agency
- □ Requested/instructed by an outside agency that had no direct involvement in the incident (e.g. Attorney General's Office)
- □ Mandated by state statute
- □ Mandated by proclamation of governor
- □ Our agency took its own initiative to undertake the investigation
- □ Other (please specify):

  _____

Original question 13 response categories were changed from yes/no to "Always," "Sometimes," and "Never." Some of the response categories were clarified and alphanumeric bullets were added to the rows.

Original item:

13. During the past three years, how did your agency close out a law enforcement use of force case once the investigation was complete?

	Yes	**No**
Provided case findings to prosecutor		

Made recommendations as to the legality of the use of force to the prosecutor		
Provided case findings to the law enforcement agency involved		
Made recommendations as to the legality of the use of force to the law enforcement agency involved		
Made recommendations on whether the use of force was acceptable according to the law enforcement agency's policies and procedures		
Other (please specify):		

Changed to:

16. During 2013-2015, how did your agency close out use of force cases for other law enforcement agencies once the investigations were complete? (*Mark the appropriate box for each row*)

	Always	Sometimes	Never
a. Provided case findings to the district attorney	☐	☐	☐
b. Made recommendations whether the use of force was legally justified to the district attorney	☐	☐	☐
c. Provided case findings to the law enforcement agency involved	☐	☐	☐
d. Made recommendations whether the use of force was legally justified to the law enforcement agency involved	☐	☐	☐
e. Made recommendations whether the use of force was within policy to the law enforcement agency involved	☐	☐	☐
f. Other (please specify):	☐	☐	☐

Original questions 14 and 15 were re-written to better explore how case files are stored. The experts indicated that hard copies *and* electronic copies of documents may be maintained in both a centrally located repository and in various regional databases. These items were combined into one item. Additionally, a skip was added so that original item #16 was only asked of those agencies with an electronic records management system.

Original items:

14. During the past three years, how did your agency store law enforcement use of force case files? (*Mark only one*)
    - □ Electronic case/records management system
    - □ Paper only
    - □ Both electronic and paper

15. During the past three years, where were your law enforcement use of force case files stored? (*Mark only one*)
    - □ Centrally located in one place or system
    - □ Stored in multiple electronic systems
    - □ Stored in multiple physical locations around the state
    - □ Other (please specify): _____

Changed to:

17a. During 2013-2015, how were **ELECTRONIC** records for use of force cases investigated for other law enforcement agencies stored?

- □ Not applicable--Records are not stored electronically
- □ Stored centrally in one place or system
- □ Stored in multiple electronic systems

17b. During 2013-2015, how were **PAPER** records for use of force cases investigated for other law enforcement agencies stored?

- □ Not applicable--Hard copy records are not retained
- □ Stored centrally in one place or system
- □ Stored in multiple locations

[If agency uses electronic records go to Q18, if not skip to Q19]

Original question 16 was modified to in order to clarify that that tracing feature applies to external cases rather than internal cases. The pilot sites stated that internal cases are sometimes tracked differently and easier to identify than those cases conducted for other agencies. It was also suggested we ask if this feature will be implemented in the future.

Original item:

16. Does your system allow you to flag or note when the case involves law enforcement use of force? ____ Yes ____ No

    IF NO:
    How would you determine if your past cases involved law enforcement use of force?
    _____

Changed to:

18. During 2013-2015, did your electronic record management system allow you to flag the case involves use of force conducted by another law enforcement agency?
    - □ Yes
    - □ No

    [If NO]:

    a. How would you determine if your past cases involved law enforcement use of force?

    _____

    _____

    _____

    b. Have you recently implemented or plan on adding a flagging feature to your record management system?
        - □ Yes— already implemented after 2015

□ Yes—plan to add in the future
□ No

Original question 17 included modifications to the response categories. These were modified based on pilot site feedback to better reflect accessibility to the data rather than how the data is actually stored. Originally, the response categories asked about paper versus electronic storage but this didn't enable us to determine how readily available to data would be for reporting purposes. The pilot sites also suggested adding in a comments box for each data element to allow SCIAs to note any nuances with their data systems. None of the data element categories were changed.

Original item:

17. Are the following details available for law enforcement use of force cases investigated by your agency in the past three years, 2013-2015?

	No—Not captured	Yes—stored electronically	Yes—Stored in paper files only
Officer(s) demographics (e.g., sex, race, ethnicity, age)			
Officer(s) tenure			
Subject demographics (e.g., sex, race, ethnicity, age)			
Address of the incident			
Date & Time of incident			
Reason for initial contact between the subject and officer (e.g., call for service, vehicle stop, street stop, warrant service, etc.)			
If subject committed any crimes immediately before the use of force			
Type of subject resistance (e.g., barricade self, resist handcuffing, attempt escape, flee, etc.)			
If subject had any physical impairment (e.g., mental health, intoxication)			
Weapon display, threat or use by subject			
Type of force utilized by officer(s), including use of less-lethal weapons			
Type of injury sustained by subject			
Type of injury sustained by officer(s)			
Subject attempt, injure or kill bystander			
If officer(s) used firearm, number of shots fired			
Number of officer(s) at the incident			
If any other law enforcement agencies provided assistance during the incident			
For shooting incidents: If officer(s) used less lethal techniques before discharging firearm			
Criminal legality of the officer(s) involved			
Administrative outcome of the officer(s) involved (i.e., determination if the officer(s) acted within agency policy)			

Changed to:

19. For cases investigated for other agencies in 2013-2015, how accessible would the following case elements be?

	Not accessible (data element not typically recorded)	**Somewhat accessible** (individual case files would have to be consulted to get this data element)	**Accessible** (data element can easily be extracted electronically into a spreadsheet)	**Comments**
a. Officer(s) demographics (e.g., sex, race, ethnicity, and age)	☐	☐	☐	
b. Officer(s) tenure	☐	☐	☐	
c. Subject demographics (e.g., sex, race, ethnicity, and age)	☐	☐	☐	
d. Address of the incident	☐	☐	☐	
e. Date & Time of incident	☐	☐	☐	
f. Reason for initial contact between the subject and officer (e.g., call for service, vehicle stop, or street stop)	☐	☐	☐	
g. Any crimes committed by the subject immediately before the use of force	☐	☐	☐	
h. Type of subject resistance (e.g., barricade self, resist handcuffing, attempt escape, or flee)	☐	☐	☐	
i. Subject's apparent physical impairment (e.g., mental health or intoxication)	☐	☐	☐	
j. Weapon display, threat or use by subject	☐	☐	☐	
k. Type of force utilized by officer(s), including use of less-lethal weapons	☐	☐	☐	
l. Type of injury sustained (including death) by subject	☐	☐	☐	
m. Type of injury sustained (including death) by officer(s)	☐	☐	☐	
n. Subject attempted, injured or killed bystander	☐	☐	☐	

o. Number of shots fired (if officer(s) used firearm(s))	☐	☐	☐	
p. Number of officer(s) involved	☐	☐	☐	
q. Number of officer(s) firing service weapon	☐	☐	☐	
r. Assistance by other law enforcement agencies during the incident	☐	☐	☐	
s. Use of less lethal techniques by officer(s) before discharging firearm in shooting incidents	☐	☐	☐	
t. Criminal outcome for officer(s) involved (i.e., use of force was or was not legally justified)	☐	☐	☐	
u. Administrative outcome of the officer(s) involved (i.e., determination if the officer(s) acted within agency policy)	☐	☐	☐	

The pilot sites suggested a general comments box at the end of the survey to address any concerns or aspects of use of force investigations for other agencies. This will be an un-validated text box.

New item:

20. Are there any other details about your agency's investigation of use of force incidents that you would like to share?

_____

_____

_____

Lastly, the thank you text at the end of the survey was retained as original.

ORIGINAL SURVEY SENT TO PILOT SITES

ASCIA Coverage Survey

The Bureau of Justice Statistics (BJS) in cooperation with the Association of State Criminal Investigative Agencies (ASCIA) and through the Research Triangle Institute (RTI) International is conducting this survey of ASCIA members to learn about (a) the scope of ASCIA member involvement in local law enforcement agencies' use of force investigations, (b) the methods by which ASCIA gets engaged or involved in these efforts, and (c) the data systems that ASCIA agencies use to record and report on use of force investigations.

The ASCIA Coverage Survey seeks information about the extent to which criminal investigative agencies are investigating law enforcement use of force cases. The survey focuses on the past three years (2013-2015) and asks about the jurisdictions your agency provided law enforcement use of force investigative services to, number of cases investigated, how your agency becomes involved in these investigations, the types of information collected, how case information is stored and how cases are closed out. The survey should be completed by a representative who is most knowledgeable about your agency's procedures for handling cases involving law enforcement use of force.

Contact Information

1. Official name of agency: _____

2. Person completing the form:
   - □ Name: _____ (First & Last)
   - □ Title: _____
   - □ Telephone: ( ) _____
   - □ Fax: ( ) _____
   - □ Email: _____

Coverage

3. During the following years, how many cases involving law enforcement use of force did your agency investigate in your state? *If none, enter '0'.*
   - □ 2013: _____
   - □ 2014: _____
   - □ 2015: _____
   - □ Total (*sum of 'a'-'c'*): _____ (*If total is greater than 1, skip to Question 5*)

4. What are the reasons your agency did not investigate any law enforcement use of force cases in your state from 2013-2015? (*Mark all that apply*)
   - □ Our agency did not provide **any** investigative services
     Please explain: _____
   - □ Our agency was not invited to investigate any of these types of cases
   - □ Our agency did not have the funding or staff to investigate these types of cases
   - □ Use of force investigations are not state-mandated
   - □ Other (please specify): _____

{If Q3.d = '0' and you answered Q4, you do not need to continue the survey}

5. During the past three years, how many law enforcement agencies in your state did you provide law enforcement use of force investigative services to? *If you serve all local jurisdictions in your state, please write 'all' and go to question 6.*

   Number of agencies served = _____

   If your agency DID NOT provide services to the majority of agencies in your state (75% or more), please provide a list of agencies served. If your agency served 10 or fewer agencies, please list below. If your agency served more than 10 agencies, please attach a list of the jurisdictions covered.

   If your agency served 10 or fewer agencies, please list:

   11. _____
   12. _____
   13. _____
   14. _____
   15. _____
   16. _____
   17. _____
   18. _____
   19. _____
   20. _____

   If your agency provided coverage for the majority of the state (75% or higher), please provide a list of the jurisdictions that were NOT served. If fewer than 10, provide below. If more than 10, please attach a list of the jurisdictions not covered.

   If your agency did NOT serve 10 or fewer agencies, please list:

   11. _____
   12. _____
   13. _____
   14. _____
   15. _____
   16. _____
   17. _____
   18. _____
   19. _____
   20. _____

6. In 2016, will the number of jurisdictions you can provide law enforcement use of force investigative services to decrease, increase, or remain about the same as 2013-2015? *Please assess the number of agencies that you **could** serve in the state, rather than the number of agencies that might need services in the next year.*

Commented [HS1]: For the pilot sites: You do not need to attach a list. We are looking primarily for feedback on how we can best obtain this information with low burden on the respondent.

□ Decrease
□ Remain about the same as 2013-2015
□ Increase
□ Don't know

7. During the past three years, identify the types of law enforcement use of force cases that you investigated in your state?

By Injury Severity	**Yes**	**No**
Any use of force that did not result in injury		
Any use of force that resulted in a subject sustaining minor or moderate bodily/physical injury (e.g., complaint of substantial pain, minor swelling, contusions)		
Any use of force that resulted in a subject sustaining serious bodily/physical injury (i.e., substantial risk of death, unconsciousness, lacerations, broken/fractured bones, gunshot wound)		
Any use of force that resulted in a subject's death		
Death of a subject in law enforcement custody not due to officer use of force (e.g., intoxication, suicide, natural causes)		
Level of Force Used by Officer(s)	**Yes**	**No**
Any incident involving physical force (i.e., use of any part of the officer's body to compel compliance)		
Any incident involving less-lethal weapons (i.e., use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority)		
Any incident involving the discharge of a firearm at a person that results in a hit		
Any incident involving the discharge of a firearm at a person that does not result in a hit		
Other (please specify):		

8. During the past three years, has your agency provided law enforcement use of force investigative services to law enforcement agencies in another state? ____ Yes ____ No

   If YES:
   c. For which states did you provide these services (please list): _____
   _____

   d. How many law enforcement agencies were served in these other states? _____

Investigative Processes

9. During the past three years, how did you get involved in a law enforcement use of force investigation? (*Mark all that apply*)
   □ Our agency was invited by the law enforcement agency involved

□ State mandated (Year enacted: _____)
□ Our agency took its own initiative to undertake investigations
□ Other (please specify): _____

10. If there is no current state mandate for your agency to investigate law enforcement use of force, is there legislation pending (i.e., introduced to the legislature) to require this? (*Mark only one*)
    □ Yes
    □ No
    □ Don't know
    □ Not applicable--there is a state mandate

11. For the law enforcement use of force cases that occurred 2013-2015, what sources of information did you collect?

	Yes	**No**
Incident reports		
Officer(s) statement/interviews		
Subject(s) statement/interviews		
Other on-scene witness statements/interviews		
Interviews/statements of (subject) family members		
Interviews/statements of (officer) family members		
Copy of arrest warrants		
Copy of search warrants involving the subject and/or officer		
Video recordings from officers' vehicles		
Video recordings from body cameras		
Copy of CAD reports		
Copy of audio recordings from 911		
Copy of radio logs		
Copy of EMS Reports		
Contact information of EMS staff who responded and/or transported subject to hospital		
Latest firearm qualification record for Officer(s)		
Training record for Officer(s)		
Internal Affairs and Personnel Files		
Copy of the agency's policy and procedures relative to use of force and firing of duty weapon		
Other Items (please specify)		

12. During the past three years, did your agency ever investigate the criminal offense that may have occurred immediately prior to the law enforcement use of force? ____ Yes ____ No

    IF YES:

What is the primary reason your agency conducted the predicating offense investigation? (*Mark only one*)

- □ Invited by law enforcement agency involved
- □ State mandated
- □ Own initiative
- □ Other (please specify): _____

13. During the past three years, how did your agency close out a law enforcement use of force case once the investigation was complete?

	Yes	No
Provided case findings to prosecutor		
Made recommendations as to the legality of the use of force to the prosecutor		
Provided case findings to the law enforcement agency involved		
Made recommendations as to the legality of the use of force to the law enforcement agency involved		
Made recommendations on whether the use of force was acceptable according to the law enforcement agency's policies and procedures		
Other (please specify):		

Case Management

14. During the past three years, how did your agency store law enforcement use of force case files? (*Mark only one*)
    - □ Electronic case/records management system
    - □ Paper only
    - □ Both electronic and paper

15. During the past three years, where were your law enforcement use of force case files stored? (*Mark only one*)
    - □ Centrally located in one place or system
    - □ Stored in multiple electronic systems
    - □ Stored in multiple physical locations around the state
    - □ Other (please specify): _____

16. Does your system allow you to flag or note when the case involves law enforcement use of force?
    ____ Yes ____ No

    IF NO:
    How would you determine if your past cases involved law enforcement use of force?
    _____
    _____

17. Are the following details available for law enforcement use of force cases investigated by your agency in the past three years, 2013-2015?

	No—Not captured	Yes—Stored electronically	Yes—Stored in paper files only
Officer(s) demographics (e.g., sex, race, ethnicity, age)			
Officer(s) tenure			
Subject demographics (e.g., sex, race, ethnicity, age)			
Address of the incident			
Date & Time of incident			
Reason for initial contact between the subject and officer (e.g., call for service, vehicle stop, street stop, warrant service, etc.)			
If subject committed any crimes immediately before the use of force			
Type of subject resistance (e.g., barricade self, resist handcuffing, attempt escape, flee, etc.)			
If subject had any physical impairment (e.g., mental health, intoxication)			
Weapon display, threat or use by subject			
Type of force utilized by officer(s), including use of less-lethal weapons			
Type of injury sustained by subject			
Type of injury sustained by officer(s)			
Subject attempt, injure or kill bystander			
If officer(s) used firearm, number of shots fired			
Number of officer(s) at the incident			
If any other law enforcement agencies provided assistance during the incident			
For shooting incidents: If officer(s) used less lethal techniques before discharging firearm			
Criminal legality of the officer(s) involved			
Administrative outcome of the officer(s) involved (i.e., determination if the officer(s) acted within agency policy)			

Thank You!

This concludes the survey. Thank you for your time and participation. BJS and RTI will be analyzing and disseminating information obtained from this survey through the ASCIA Use of Force Committee meetings in the coming months. If you have any questions about the survey, please

contact Shelley S. Hyland, BJS Program Manager (202-616-1706, Shelley.Hyland@ojp.usdoj.gov) or Azot Derecho, RTI Data Analyst (919-541-7231, Derecho@rti.org).

Progress 4%

Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force (SSCIA)

The Bureau of Justice Statistics (BJS) in cooperation with the Association of State Criminal Investigative Agencies (ASCIA) and through the Research Triangle Institute (RTI) International is conducting this survey of state criminal investigative agencies to learn about (a) the scope of involvement in other law enforcement agencies' use of force investigations, (b) the methods by which these agencies become involved in these efforts, and (c) the data systems that state criminal investigative agencies use to record and report on use of force investigations for other agencies.

The SSCIA seeks information about the extent to which criminal investigative agencies are investigating law enforcement use of force cases for other agencies. The survey focuses on the past three calendar years (2013-2015) and asks about the law enforcement agencies your organization provided use of force investigative services to, the types of use of force investigated, number of cases investigated, how your agency becomes involved in external investigations, the types of information collected, how case information is stored and how cases are closed out.

Completion Instructions

- The survey should be completed by a representative who is most knowledgeable about your agency's procedures for handling cases about use of force for other law enforcement agencies.
- For the purposes of this survey, a use of force investigation is defined as an investigation that determines if the use of force was legally justified. The type of force examined may differ depending on the case.
- **Please do not leave any items blank.** If the answer to a question is unknown or not available, write "DK" in the space provided. If the answer is not applicable, write "NA" in the space provided. If the answer to a question is none or zero, write "0" in the space provided.
- **Please submit your completed questionnaire by XX XX, 2016.**
- If you have questions about the survey, items on the questionnaire, or how to submit completed responses, please contact the Survey Team at RTI by email at **TBD@rti.org** or call the Help Line at XXX-XXX-XXXX (toll free). The Help Line is available from 9:00 a.m. to 5:00 p.m. (EST). When communicating about the survey, please reference your Agency ID .
- If you have general comments or suggestions for improving the survey, please contact Shelley S. Hyland, Program Manager, Bureau of Justice Statistics, by phone at 202-616-1706 or by email at Shelley.Hyland@usdoj.gov.
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection. Although this survey is voluntary, we need your participation to make the results comprehensive, accurate, and timely. We greatly appreciate your assistance. The dataset for this collection will be made available for public download through the National Archive of Criminal Justice Data. The only identifying information that will be included on the dataset will be the agency name and state.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 53 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531.

OMB No. xxxx-xxxx: Approval Expires xx/xx/xxxx

Progress 10%

1. Official name of agency:

<<< >>>

Progress 47%

2. Person completing the form:

First Name:

Last Name:

Title:

Telephone:

Fax:

Email:

<<< >>>

Progress 57%

Coverage

The first set of questions are about the number of use of force cases you have investigated for YOUR agency (i.e., internal investigations). Include any use of force case that involved your agency's personnel even if another law enforcement agency's personnel was also involved.

3. During 2013-2015, how many cases involving use of force did your agency investigate for **YOUR OWN AGENCY**? *If an exact count is not possible, please provide an estimate. If none, please enter '0'. If an investigation spanned more than one year, count the investigation in the year it began.*

	Number of Internal Investigations
a. 2013	
b. 2014	
c. 2015	
d. Total (sum of 'a' to 'c')	

4. What are the reasons your agency did not investigate any use of force cases for your own personnel from 2013-2015? (*Mark all that apply*)

- ☐ Our agency did not have any personnel involved in use of force incidents
- ☐ Our agency did not have sufficient funding to investigate use of force cases
- ☐ Our agency did not have sufficient staff to investigate use of force cases
- ☐ Our agency requested another law enforcement agency to conduct use of force investigations (please specify agency name):
- ☐ Other (please specify):

<<< >>>

Progress 63%

5. In general, how are cases handled when the use of force incident involves officers/agents from your own agency? (*Mark only one*)

- ◉ Cases are investigated by the same regional office that employs the involved officers or agents
- ○ Cases are investigated by a different regional office that does not employ the involved officers or agents
- ○ Cases are referred to an outside agency for investigation (please specify agency name):
- ○ Other (please specify):

<<< >>>

Progress 84%

The remaining set of questions refer to the use of force cases you have investigated for OTHER law enforcement agencies (i.e., external investigations). These cases should only involve another law enforcement agency's personnel. Use of force cases that also involve your agency's personnel should be counted in internal investigations above.

6. During 2013-2015, how many cases involving use of force did your agency investigate for **OTHER LAW ENFORCEMENT AGENCIES** in your state (i.e., external investigations)? *If an exact count is not possible, please provide an estimate. If none, enter '0'. If an investigation spanned more than one year, count the investigation in the year it began.*

Year	Total Number
a. 2013	
b. 2014	
c. 2015	
d. Total (sum of 'a' to 'c')	

7. What are the reasons your agency did not conduct any use of force investigations for other agencies in your state from 2013-2015? (*Mark all that apply*)

- ☐ Our agency did not conduct any on-scene investigations (e.g., only provided forensic services)
  Please explain why:
- ☐ Our agency was not requested to investigate any use of force cases
- ☐ Our agency did not have sufficient funding to investigate use of force cases
- ☐ Our agency did not have sufficient staff to investigate these types of cases
- ☐ Use of an external agency for use of force investigations is not state-mandated
- ☐ Other (please specify):

8. For the 2013-2015 cases investigated for other agencies in your state, how often did they involve the following?

By Injury Severity	Always	Sometimes	Never
a. Any use of force that did not result in injury	○	○	○
b. Any use of force that resulted in a subject sustaining minor or moderate bodily/physical injury (e.g., complaint of substantial pain, minor swelling, contusions)	○	○	○
c. Any use of force that resulted in a subject sustaining serious bodily/physical injury (i.e., any injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty)	○	○	○
d. Any law enforcement use of force that resulted in a subject's death	○	○	○
e. Death of a subject in law enforcement custody which was later found to NOT be due to officer use of force (e.g., intoxication, suicide, natural causes)	○	○	○
f. Death of a subject in jail or prison custody from use of force	○	○	○
g. Death of a subject in jail or prison custody which was later found to NOT be due to use of force (e.g., intoxication, suicide, natural causes)	○	○	○

Level of Force Used by Officer(s)		Always	Sometimes	Never
h. Any incident involving physical force without a weapon (i.e., use of any part of the officer's body to compel compliance)		○	○	○
l. Any incident involving less-lethal weapons (i.e., use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority)		○	○	○
j. Any incident involving the discharge of a firearm at or in the direction of a person		○	○	○
k. Other (please specify):		○	○	○

<<< >>>

Progress 100%

9a. There are approximately <<PREFILL NUMBER>> local and county law enforcement agencies in your state.

During 2013-2015, approximately what percentage of these agencies did your agency

- **actually provide use of force investigative services to OR**
- **would have provided these services for if they had a qualifying use of force incident?**

Law enforcement agencies that would not have requested your agency to investigate a qualifying use of force incident should not be counted. (Mark only one option that reflects your best estimate)

- ○ 0-10%
- ○ 11-25%
- ○ 26-50%
- ○ 51-75%
- ○ 76-90%
- ○ 91-100%

9b. How would you characterize the jurisdiction populations of these agencies in #9a? (*Mark all that apply*)

- ○ Very small (less than 25,000)
- ○ Small (25,000 – 74,999)
- ○ Medium (75,000 – 249,999)
- ○ Large (250,000-999,999)
- ○ Very large (1,000,000 or more)

9c. Briefly describe the agencies who were NOT INCLUDED in the percent estimate in #9a? Only consider those who would not have requested your services if they would have had a qualifying use of force incident. For example, if you serve all but the largest agencies in your state, please list these largest agencies.

OMB No. XXXX-XXXX; Approval Expires XX/XX/201X

Bureau of Justice Statistics

Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force (SSCIA)

The Bureau of Justice Statistics (BJS) in cooperation with the Association of State Criminal Investigative Agencies (ASCIA) and through the Research Triangle Institute (RTI) International is conducting this survey of state criminal investigative agencies to learn about (a) the scope of involvement in other law enforcement agencies' use of force investigations, (b) the methods by which these agencies become involved in these efforts, and (c) the data systems that state criminal investigative agencies use to record and report on use of force investigations for other agencies.

The SSCIA seeks information about the extent to which criminal investigative agencies are investigating law enforcement use of force cases for other agencies. The survey focuses mainly on the past three calendar years (2013-2015) and asks about the law enforcement agencies your organization provided use of force investigative services to, the types of use of force investigated, number of cases investigated, how your agency becomes involved in external investigations, the types of information collected, how case information is stored and how cases are closed out.

Completion Instructions

- The survey should be completed by a representative who is most knowledgeable about your agency's procedures for handling cases about use of force for other law enforcement agencies.
- For the purposes of this survey, a use of force investigation is defined as an investigation that determines if the use of force was legally justified. The type of force examined may differ depending on the case.
- **Please do not leave any items blank.** If the answer to a question is unknown or not available, write "DK" in the space provided. If the answer is not applicable, write "NA" in the space provided. If the answer to a question is none or zero, write "0" in the space provided.
- **Please submit your completed questionnaire by XX XX, 2016.**
- If you have questions about the survey, items on the questionnaire, or how to submit completed responses, please contact the Survey Team at RTI by email at **TBD@rti.org** or call the Help Line at XXX-XXX-XXXX (toll free). The Help Line is available from 9:00 a.m. to 5:00 p.m. (EST). When communicating about the survey, please reference your Agency ID.
- If you have general comments or suggestions for improving the survey, please contact Shelley S. Hyland, Program Manager, Bureau of Justice Statistics, by phone at 202-616-1706 or by email at Shelley.Hyland@usdoj.gov.
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection. Although this survey is voluntary, we need your participation to make the results comprehensive, accurate, and timely. We greatly appreciate your assistance. The dataset for this collection will be made available for public download through the National Archive of Criminal Justice Data. The only identifying information that will be included on the dataset will be the agency name and state.

Contact Information

1. Official name of agency: _____

2. Person completing the form:

   Name: _____ (First & Last)
   Title: _____
   Telephone: ( ) _____
   Fax: ( ) _____
   Email: _____

Coverage

The first set of questions are about the number of use of force cases you have investigated for YOUR agency (i.e., internal investigations). Include any use of force case that involved your agency's personnel even if another law enforcement agency's personnel was also involved.

3. During 2013-2015, how many cases involving use of force did your agency investigate for **YOUR OWN AGENCY**? *If an exact count is not possible, please provide an estimate. If none, please enter '0'. If an investigation spanned more than one year, count the investigation in the year it began.*

Year	Number of Internal Investigations
a. 2013	
b. 2014	
c. 2015	
d. Total (sum of 'a' to 'c')	

[If INTERNAL total = 0 ask Q4; If INTERNAL total 1 or greater, skip to Q5]

4. What are the reasons your agency did not investigate any use of force cases for your own personnel from 2013-2015? (*Mark all that apply*)
   - □ Our agency did not have any personnel involved in use of force incidents
   - □ Our agency did not have sufficient funding to investigate use of force cases
   - □ Our agency did not have sufficient staff to investigate use of force cases
   - □ Our agency requested another law enforcement agency to conduct use of force investigations (please specify agency name): _____
   - □ Other (please specify): _____

5. In general, how are cases handled when the use of force incident involves officers or agents from your own agency? *(Mark only one)*
   - □ Cases are investigated by the same regional office that employs the involved officers or agents
   - □ Cases are investigated by a different regional office that does *not* employ the involved officers or agents
   - □ Cases are referred to an outside agency for investigation (please specify agency name): _____
   - □ Other (please specify): _____

The remaining set of questions refer to the use of force cases you have investigated for OTHER law enforcement agencies (i.e., external investigations). These cases should only involve another law enforcement agency's personnel. Use of force cases that also involve your agency's personnel should be counted in internal investigations above.

6. During 2013-2015, how many cases involving use of force did your agency investigate for **OTHER LAW ENFORCEMENT AGENCIES** in your state (i.e., external investigations)? *If an exact count is not possible, please provide an estimate. If none, enter '0'. If an investigation spanned more than one year, count the investigation in the year it began.*

Year	Number of External Investigations
a. 2013	
b. 2014	
c. 2015	
d. Total (sum of 'a' to 'c')	

[If EXTERNAL total = 0 ask Q7; If EXTERNAL total 1 or greater skip to Q8]

7. What are the reasons your agency did not conduct any use of force investigations for other agencies in your state from 2013-2015? (*Mark all that apply*)

   □ Our agency did not conduct **any** on-scene investigations (e.g., only provided forensic services)
   Please explain why: _____
   □ Our agency was not requested to investigate any use of force cases
   □ Our agency did not have sufficient funding to investigate use of force cases
   □ Our agency did not have sufficient staff to investigate these types of cases
   □ Use of an external agency for use of force investigations is not state-mandated
   □ Other (please specify): _____

[If EXTERNAL total = 0 and agency answers Q7, skip to end]

8. For the 2013-2015 use of force cases investigated for other agencies in your state, how often did these cases involve the following?

By Injury Severity	**Always**	**Sometimes**	**Never**
a. Any use of force that did not result in injury	☐	☐	☐
b. Any use of force that resulted in a subject sustaining minor or moderate bodily/physical injury (e.g., complaint of substantial pain, minor swelling, contusions)	☐	☐	☐
c. Any use of force that resulted in a subject sustaining serious bodily/physical injury (include any injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty)	☐	☐	☐
d. Any law enforcement use of force that resulted in a subject's death	☐	☐	☐
e. Death of a subject in law enforcement custody which was later found to NOT be due to officer use of force (e.g., intoxication, suicide, natural causes)	☐	☐	☐
f. Death of a subject in jail or prison custody from use of force	☐	☐	☐
g. Death of a subject in jail or prison custody which was later found to NOT be due to use of force (e.g., intoxication, suicide, natural causes)	☐	☐	☐
Level of Force Used by Officer(s)	**Always**	**Sometimes**	**Never**
h. Any incident involving physical force without a weapon (i.e., use of any part of the officer's body to compel compliance)	☐	☐	☐
i. Any incident involving less-lethal weapons (i.e., use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority)	☐	☐	☐
j. Any incident involving the discharge of a firearm at or in the direction of a person	☐	☐	☐
k. Other (please specify):	☐	☐	☐

9a. There are approximately **<<PREFILL NUMBER>>** local and county law enforcement agencies in your state.

During 2013-2015, approximately what percentage of these agencies did your agency

- actually provide use of force investigative services to **OR**
- would have provided these services for if they had a qualifying use of force incident?

Law enforcement agencies that would not have requested your agency to investigate a qualifying use of force incident should not be counted. (*Mark only one option that reflects your best estimate)*

□ 0-10%
□ 11-25%
□ 26-50%
□ 51-75%
□ 76-90%
□ 91-100%

9b. How would you characterize the jurisdiction populations of these agencies in #9a? (*Mark all that apply*)

□ Very small (less than 25,000)
□ Small (25,000 – 74,999)
□ Medium (75,000 – 249,999)
□ Large (250,000-999,999)
□ Very large (1,000,000 or more)

9c. Briefly describe the agencies who were **NOT INCLUDED** in the percent estimate in #9a? *Only consider those who would not have requested your services if they would have had a qualifying use of force incident. For example, if you serve all but the largest agencies in your state, please list these largest agencies.*

_____
_____
_____
_____

10. Do you expect the **NUMBER OF AGENCIES** your agency provides use of force investigative services to decrease, increase, or stay the same in 2016? *Please assess the number of agencies that you **could** serve in the state, including agencies that might not have a qualifying use of force case in the next year, but would request your services.*

□ Decrease
□ Increase
□ Stay the same

11. Do you expect the **NUMBER OF USE OF FORCE CASES** your agency investigates for other law enforcement agencies to decrease, increase, or stay the same in 2016?
    - □ Decrease
    - □ Increase
    - □ Stay the same

12. During 2013-2015, did your agency provide any direct use of force investigative services to law enforcement agencies in another state?

    - □ Yes

      [If YES]:

      a. For which states did you provide these services (please list):
      _____

      b. How many law enforcement agencies were served in these other states? ☐

    - □ No

      [If NO]:

      a. What is the **PRIMARY** reason you did not provide direct use of force investigative services to law enforcement agencies in other states? (*Mark only one*)
         - □ Services were not requested during 2013-2015
         - □ We cannot provide services in other states
         - □ Other (please specify): _____

Investigative Processes

13. During 2013-2015, how did your agency get involved in use of force investigations for other law enforcement agencies? (*Mark all that apply*)

    - □ Requested by the law enforcement agency involved but there is no pre-established formal agreement (e.g., memorandum of understanding)
    - □ Our agency has a pre-established formal agreement with the involved agency
    - □ Requested/instructed by an outside agency that had no direct involvement in the incident (e.g., Attorney General's Office)
    - □ Mandated by state statute (year enacted: _____)
    - □ Mandated by proclamation of governor (Year enacted: _____)
    - □ Our agency took its own initiative to undertake investigations
    - □ Other (please specify): _____

14. If there is no current state mandate for your agency to investigate use of force for other law enforcement agencies, is there pending legislation to require this?

- □ Not applicable--there is a state mandate
- □ Yes
- □ No
- □ Don't know

15a. During 2013-2015, how often did your agency act as the primary investigative body for the criminal offense that may have occurred immediately prior to the use of force conducted by another agency's personnel (i.e., the predicating offense)?

- □ Always
- □ Sometimes
- □ Never

If ALWAYS OR SOMETIMES:

15b. What is the **PRIMARY** reason your agency was responsible for conducting the predicating offense investigation? (*Mark only one*)

- □ Requested by the law enforcement agency involved but there is no pre-established formal agreement (e.g., memorandum of understanding)
- □ Our agency has a pre-established formal agreement with the involved agency
- □ Requested/instructed by an outside agency that had no direct involvement in the incident (e.g., Attorney General's Office)
- □ Mandated by state statute
- □ Mandated by proclamation of governor
- □ Our agency took its own initiative to undertake the investigation
- □ Other (please specify):

_____

16. During 2013-2015, how did your agency close out use of force cases for other law enforcement agencies once the investigations were complete? (*Mark the appropriate box in each row)*

	Always	**Sometimes**	**Never**
a. Provided case findings to the district attorney	☐	☐	☐
b. Made recommendations whether the use of force was legally justified to the district attorney	☐	☐	☐
c. Provided case findings to the law enforcement agency involved	☐	☐	☐
d. Made recommendations whether the use of force was legally justified to the law enforcement agency involved	☐	☐	☐
e. Made recommendations whether the use of force was within policy to the law enforcement agency involved	☐	☐	☐
f. Other (please specify):	☐	☐	☐

Case Management

17a. During 2013-2015, how were **ELECTRONIC** records for use of force cases investigated for other law enforcement agencies stored?

- □ Not applicable--Records are not stored electronically
- □ Stored centrally in one place or system
- □ Stored in multiple electronic systems

17b. During 2013-2015, how were **PAPER** records for use of force cases investigated for other law enforcement agencies stored?

- □ Not applicable--Hard copy records are not retained
- □ Stored centrally in one place or system
- □ Stored in multiple locations

[If agency uses electronic records go to Q18, if not skip to Q19]

18. During 2013-2015, did your electronic record management system allow you to flag the cases involving use of force conducted for another law enforcement agency?
    - □ Yes
    - □ No

[If NO]:

a. How would you determine if your past cases involved law enforcement use of force?

_____

_____

_____

b. Have you recently implemented or plan on adding a flagging feature to your record management system?
    - □ Yes— already implemented after 2015
    - □ Yes—plan to add in the future
    - □ No

19. How accessible are the following elements for use of force cases investigated for other agencies during 2013-2015? *(Mark the appropriate box for each data element)*

	Not accessible (data element not typically recorded)	**Somewhat accessible** (individual case files would have to be consulted to get this data element)	**Accessible** (data element can easily be extracted electronically into a spreadsheet)	**Comments**
a. Officer(s) demographics (e.g., sex, race, ethnicity, and age)	☐	☐	☐	
b. Officer(s) tenure	☐	☐	☐	
c. Subject demographics (e.g., sex, race, ethnicity, and age)	☐	☐	☐	
d. Address of the incident	☐	☐	☐	
e. Date & Time of incident	☐	☐	☐	
f. Reason for initial contact between the subject and officer (e.g., call for service, vehicle stop, or street stop)	☐	☐	☐	
g. Any crimes committed by the subject immediately before the use of force	☐	☐	☐	
h. Type of subject resistance (e.g., barricade self, resist handcuffing, attempt escape, or flee)	☐	☐	☐	
i. Subject's apparent physical or mental impairment (e.g., mental health, intoxication, intellectual disability, physical disability)	☐	☐	☐	
j. Weapon display, threat or use by subject	☐	☐	☐	
k. Type of force utilized by officer(s), including use of less-lethal weapons	☐	☐	☐	
l. Type of injury sustained (including death) by subject	☐	☐	☐	
m. Type of injury sustained (including death) by officer(s)	☐	☐	☐	
n. Subject attempted, injured or killed bystander	☐	☐	☐	
o. Number of shots fired (if officer(s) used firearm(s))	☐	☐	☐	
p. Number of officer(s) involved	☐	☐	☐	

q.	Number of officer(s) firing service weapon(s)	☐	☐	☐	
r.	Assistance by other law enforcement agencies during the incident	☐	☐	☐	
s.	Use of less lethal techniques by officer(s) before discharging firearm in shooting incidents	☐	☐	☐	
t.	Criminal outcome for officer(s) involved (i.e., use of force was or was not legally justified)	☐	☐	☐	
u.	Administrative outcome for the officer(s) involved (i.e., determination if the officer(s) acted within agency policy)	☐	☐	☐	

20. Are there any other details about your agency's investigation of use of force cases that you would like to share?

_____

_____

_____

Thank You!

This concludes the survey. Thank you for your time and participation. BJS and RTI will be analyzing and disseminating information obtained from this survey through the ASCIA Use of Force Committee meetings in the coming months. If you have any questions about the survey, please contact Shelley S. Hyland, BJS Program Manager (202-616-1706, Shelley.Hyland@ojp.usdoj.gov) or Azot Derecho, RTI Data Analyst (919-541-7231, Derecho@rti.org).

DEPARTMENT OF JUSTICE

[OMB Number 1140–0010]

Bureau of Alcohol, Tobacco, Firearms and Explosives; Agency Information Collection Activities; Proposed eCollection eComments Requested; Application To Transport Interstate or Temporarily Export Certain National Firearms Act (NFA) Firearms (ATF F 5320.20)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 81 FR 10911, on March 2, 2016, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 6, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Andrew Ashton, Specialist, National Firearms Act (NFA) Branch, 244 Needy Road, Martinsburg, WV 25405 at telephone: 304–616–4541. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Application to Transport Interstate or Temporarily Export Certain National Firearms Act (NFA) Firearms.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 5320.20.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: Certain National Firearms Act firearms may not be transported interstate or temporarily exported by any person, other than a qualified Federal firearms licensee, without approval from ATF. The regulation requires a written request and this form provides for the regulatory requirements and may be used as a written request.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,000 respondents will take 10 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 3,300 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: May 3, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–10668 Filed 5–5–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 5, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Shelley Hyland, Statistician, Law Enforcement Statistics, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Shelley.Hyland@usdoj.gov;* telephone: 202–616–1706).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the

information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* No agency form number at this time. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be state criminal investigative agencies (SCIAs). *Abstract:* The President's Task Force on 21st Century Policing called for law enforcement agencies to use external and independent criminal investigation of use of force incidents. In some states, the criminal investigative agency serves as the primary body that local and county law enforcement agencies use as the independent investigator. However, it is currently unknown how common this is nationwide. This survey will be administered to all state criminal investigative agencies (SCIAs) in order to determine the extent to which SCIAs are investigating use of force cases for other law enforcement agencies. SCIAs will be asked about the types of use of force incidents investigated and the jurisdictions covered within the state. The survey will also assess how SCIAs become involved in these investigations, how cases are closed, the data systems that SCIAs use to record and report on use of force investigations, and the total number of law enforcement use of force cases investigated in a three year period.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An agency-level survey will be sent to a representative at all 49 SCIAs. The expected burden placed on these respondents is about *52.5* minutes per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection: The total respondent burden is approximately 42.9 burden hours.*

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: May 3, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–10763 Filed 5–5–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Hexavalent Chromium Standards for General Industry, Shipyard Employment, and Construction

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Hexavalent Chromium Standards for General Industry, Shipyard Employment, and Construction,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 6, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201601-1218-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Hexavalent Chromium Standards for General Industry, Shipyard Employment, and Construction information collection requirements respectively codified in regulations 29 CFR 1910.1026, 1915.1026, and 1926.1126. These regulations require an Occupational Safety and Health Act (OSH Act) covered employer subject to one of the Standards to monitor employee exposure to hexavalent chromium, to provide medical surveillance, and to establish and maintain accurate records of employee exposure to hexavalent chromium and employee medical records. Employers, employees, physicians, and the Government use these records to ensure that exposure to chromium does not harm employees. OSH Act sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0252.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for

given that a proposed Consent Decree in *United States* v. *The Bear's Club Founding Partners, Ltd., et al.,* No. 9:15–cv–81466–WPD, was lodged with the United States District Court for the Southern District of Florida on July 7, 2016.

The proposed Consent Decree concerns a complaint filed by the United States, on behalf of the United States Army Corps of Engineers, against The Bear's Club Founding Partners, Ltd., The Bear's Club Development Co., The Bear's Club Builders LLC, Bear's Club Management Corp., Clarendon Properties Group, Inc., Ivan Charles Frederickson, Ira Fenton, and Robert B. Whitley to obtain a civil penalty and other appropriate relief for violating section 404 of the Clean Water Act, 33 U.S.C. 1344, by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations against the foregoing Defendants by directing them to pay a civil penalty. The Defendants have already completed mitigation sufficient to offset the loss of aquatic resources caused by the alleged violations.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Carlos J. Raurell, Assistant United States Attorney for the United States Attorney's Office for the Southern District of Florida, and Andrew J. Doyle, Senior Attorney for the United States Department of Justice, Environment and Natural Resources Division, P.O. Box 7611, Washington, DC 20044 and refer to *United States* v. *The Bear's Club Founding Partners, Ltd., et al.,* DJ #90–5–1–1–20788.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Florida, 400 North Miami Avenue, Miami, FL 33128. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/Consent_Decrees.html.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2016–16597 Filed 7–13–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1121—NEW]

Agency Information Collection Activities; Proposed Collection Comments Requested;

New collection: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 FR 27475, on May 6, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until August 15, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Shelley Hyland, Statistician, Law Enforcement Statistics, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Shelley.Hyland@usdoj.gov;* telephone: 202–616–1706). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
— Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
— Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* No agency form number at this time. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be state criminal investigative agencies (SCIAs). *Abstract:* The President's Task Force on 21st Century Policing called for law enforcement agencies to use external and independent criminal investigation of use of force incidents. In some states, the criminal investigative agency serves as the primary body that local and county law enforcement agencies use as the independent investigator. However, it is currently unknown how common this is nationwide. This survey will be administered to all state criminal investigative agencies (SCIAs) in order to determine the extent to which SCIAs are investigating use of force cases for other law enforcement agencies. SCIAs will be asked about the types of use of force incidents investigated and the jurisdictions covered within the state. The survey will also assess how SCIAs become involved in these investigations, how cases are closed, the data systems that SCIAs use to record and report on use of force investigations, and the total number of law enforcement use of force cases investigated in a three year period.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An agency-level survey will be sent to a representative at all 49 SCIAs. The expected burden placed on these

respondents is about 53 minutes per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden is approximately 44 burden hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: July 11, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–16641 Filed 7–13–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Certification by School Official

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Certification by School Official,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 15, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201601-1240-012* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Certification by School Official information collection. In order to qualify as an eligible dependent for black lung benefits, a child aged 18- to 23-years must be a full-time student as described in the Black Lung Benefits Act, 30 U.S.C. 901 *et. seq.,* and regulations 20 CFR 725.209. A school official completes a Certification by School Official (Form CM–981) to verify whether a Black Lung beneficiary's dependent between the ages of 18 to 23 years qualifies as a full-time student. This information collection has been classified as a revision, because of questions added to Form CM–981 that provide clearer language on what information the school registrars need to provide, *i.e.* contact information and expected graduation date and because of formatting changes. Black Lung Benefits Act section 426 authorizes this information collection. *See* 30 U.S.C. 936.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0031. The current approval is scheduled to expire on July 31, 2016; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 21, 2016 (81 FR 3477).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0031. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Certification by School Official.

OMB Control Number: 1240–0031.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 493.

Total Estimated Number of Responses: 493.

Total Estimated Annual Time Burden: 82 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 7, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–16681 Filed 7–13–16; 8:45 am]

BILLING CODE 4510–XCK–P

SUBJECT: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force

Dear «Salutation» «ContactLastName»:

On behalf of the Bureau of Justice Statistics (BJS) and in cooperation with the Association of State Criminal Investigative Agencies (ASCIA), I am inviting you to participate in a survey conducted by RTI International. The purpose of the Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force is to learn about (a) the scope of involvement in other law enforcement agencies' use of force investigations, (b) the methods by which these agencies become involved in these efforts, and (c) the data systems that state criminal investigative agencies use to record and report on use of force investigations for other agencies. We are inviting all 49 state criminal investigative agencies to participate in the survey and hope your agency will complete the online survey.

BJS will use the data collected in this survey for research and statistical purposes only, as described in Title 42, USC §3735 and 3789g. Findings from the survey will be available on the BJS website at http://www.bjs.gov/. Additionally, all state criminal investigative agencies who participate will receive a copy of the findings.

Your time is valuable and I understand that you receive a number of data requests throughout the year; however, I would greatly appreciate it if you would take the time to complete our survey. The survey focuses on the past three calendar years (2013-2015) and asks about the percent of law enforcement agencies your organization could have and did provide use of force investigative services to, the types of use of force cases investigated, number of cases investigated for your own agency and other agencies, how your agency becomes involved in external investigations, the types of case information collected, how case information is stored and how cases are closed out.

You may access the survey at <<URL>>, using your agency specific survey access code: <<access code>>. You may also download a copy of the survey from the website in order to view the contents before completing the survey. You are encouraged to download the survey and share it with others at your agency who might be able to provide some of the requested information. **I ask that you complete the survey by [DATE].**

If you have questions about the survey or need to update your contact information (including e-mail address), please contact Azot Derecho, the RTI data collection task leader, via phone at (800) ###-#### or e-mail at xxxxxx@rti.org. If you have any general comments about this data collection, please contact Shelley Hyland, BJS Program Manager, at 202-616-1706 or Shelley.Hyland@usdoj.gov.

Thank you in advance for your time and consideration.

Sincerely,

Jeri M. Mulrow
Acting Director
Bureau of Justice Statistics

Enclosures: ASCIA letter of support

SUBJECT: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force, THANK YOU!

Dear «Salutation» «ContactLastName»:

On behalf of the Bureau of Justice Statistics (BJS), Association of State Criminal Investigative Agencies (ASCIA) and RTI International, I would like to thank you for participating in the Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force. I truly appreciate your support in completing this survey. Your participation is vital to the success of this national collection.

This << email>> confirms that we have received your survey and are currently processing the data. RTI will contact you if we have any questions about the answers your agency has submitted. We anticipate that data collection will be completed by <<date>>. Once the data have been processed, BJS and RTI will publish a brief report with key findings and distribute to the participating agencies.

In the meantime, if you have any general comments or questions, please feel free to contact me at 202-616-1706 or Shelley.Hyland@USDOJ.gov. If you have questions about the survey or need to update your contact information (including e-mail address), please contact Azot Derecho, the RTI data collection task leader, via phone or e-mail at (800) ###-#### or xxxxxx@rti.org.

Sincerely,

Shelley S. Hyland, Ph.D.
Program Manager
Bureau of Justice Statistics

SUBJECT: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force, REMINDER

Dear «Salutation» «ContactLastName»:

The Bureau of Justice Statistics (BJS) recently e-mailed you a link to a web survey seeking information about your agency's involvement in use of force investigations for other local and county law enforcement agencies for the Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force.

We have not yet received your completed survey and we ask you to **complete the survey by [DATE]**. Your responses are very important. They will allow us to assess the extent to which state criminal investigative agencies are acting as the primary investigator on law enforcement use of force cases for other agencies and how prevalent this is nationwide.

Please complete the survey by using the following link: «URL» and entering your agency specific survey access code «PIN».

If you would prefer to complete the survey on paper, we have attached a PDF version of the survey to this email. You can email <<email>>, fax <<fax number>> or mail <<mailing address>> the survey to RTI International.

If you have questions about the survey or have difficulty accessing the website, please contact Azot Derecho by phone at **(###) ###-####** or e-mail at xxxxxx@rti.org. If you have any general comments about this data collection, please contact me at 202-616-1706 or Shelley.Hyland@USDOJ.gov

On behalf of the Bureau of Justice Statistics, we are grateful for your participation. Thank you for your time and attention.

Shelley S. Hyland, Ph.D.
Project Manager
Bureau of Justice Statistics

SUBJECT: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force, SECOND REMINDER

Dear «Salutation» «ContactLastName»:

Your agency was selected to participate in the Bureau of Justice Statistics (BJS) Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force. As the Director of the Georgia Bureau of Investigation and Chair of the Association of State Criminal Investigative Agencies (ASCIA) Use of Force Investigations Committee, I fully endorse this project.

About a month ago, a survey invitation was e-mailed to you on <<date>> and asked you to respond by <<date>>. BJS is surveying all 49 state criminal investigative agencies in order to determine the extent to which our agencies investigate use of force incidents for other law enforcement agencies.

I recognize that you may not have received the previous email messages or that you may not have responded because of time constraints. I appreciate that your time is limited; however, the reliability of the study directly depends on the participation of surveyed agencies. The survey includes items that are relevant to all state criminal investigative agencies and your responses are essential for us to determine the workload that these cases have brought on our agencies.

You may access the survey by using the following link: «URL» and entering your agency specific survey access code «PIN».

Please submit your questionnaire by «date». If you have questions about the survey or have difficulty accessing the website, please contact Azot Derecho, the data collection task leader at RTI International, by phone or e-mail at (800) ###-#### or xxxxxx@rti.org. If you have any general comments about this data collection, please contact Shelley Hyland, BJS Program Manager, at 202-616-1706 or Shelley.Hyland@USDOJ.gov.

Sincerely,

Vernon Keenan
Director, Georgia Bureau of Investigation
Chair, ASCIA Use of Force Investigations Committee

Sample Call Script for Nonresponse Telephone Calls

[IF CALL RINGS TO A GATEKEEPER]

Hello, this is <<INSERT NAME>> calling on behalf of the Bureau of Justice Statistics in the U.S. Department of Justice regarding the Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force. I am following up on a survey invitation that we sent addressed to <<POC NAME>>. May I speak with <<POC NAME>>?

[IF CALL RINGS TO POC]

Hello, this is <<INSERT NAME>> calling on behalf of the Bureau of Justice Statistics in the U.S. Department of Justice regarding the Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force. A few weeks ago, we sent you an email message inviting your agency to participate in the survey. We did not hear back from your agency and I wanted to follow up with you to confirm that you received the messages that we sent.

Have you received our communications?

[IF YES]

[IF QUESTIONS ABOUT THE SURVEY]

- The purpose of the survey is to determine the extent to which criminal investigative agencies are investigating law enforcement use of force cases for other agencies.
- The survey focuses on the past three calendar years (2013-2015).
- The survey asks about the law enforcement agencies your organization provided use of force investigative services to, the types of use of force investigated, number of cases investigated, how your agency becomes involved in external investigations, the types of information collected, how case information is stored and how cases are closed out.
- BJS will use the data collected through this survey only for research and statistical purposes.
- The survey will take approximately 52 minutes to complete.

[OFFER ASSISTANCE TO COMPLETE]

Is there anything I can do to assist you in completing the survey? A paper version is available if you would prefer to submit the information by mail. Alternatively, I can complete the survey with you over the phone.

[IF AGENCY SAYS THEY DO NOT INTEND TO RESPOND]

Thank you for letting us know. Would you be willing to share with us why you have chosen not to participate?

[IF NO]

Let me review the information we have on file for your agency. [REVIEW E-MAIL ADDRESS AND MAILING ADDRESS.]

Ask for the POC's preferred method of contact and offer to re-send the information.

SUBJECT: Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force, FINAL EMAIL

Dear «Salutation» «ContactLastName»:

We have made several attempts to contact you over the past few weeks regarding your participation in the Bureau of Justice Statistics (BJS) Survey of State Criminal Investigative Agencies on Law Enforcement Use of Force. Your agency is extremely important to this national data collection.

I am writing today to let you know that there are only a couple of weeks remaining to complete the survey. We must receive your response by **[DATE]** or data on your agency will be excluded from the study results. Your participation is vital to the success of the survey. The survey asks about the law enforcement agencies your organization provided use of force investigative services to, the types of use of force investigated, number of cases investigated, types of information collected, and how case information is stored. It will include items that are relevant to all state criminal investigative agencies. The reliability of the study's results directly depends on the participation of all state criminal investigative agencies; **your agency cannot be replaced**.

The online survey will remain open until «Date». **Please complete the questionnaire by using the following link: «URL» and entering your agency specific survey access code «PIN».**

Alternatively, if you would prefer to complete the survey on paper, we have attached a PDF version of the survey to this email. You can email <<email>>, fax <<fax number>> or mail <<mailing address>> the survey to RTI International.

If you have questions about the operation of the web survey, have difficulty accessing the website, or need instruction in completing the paper survey, please contact Azot Derecho, the RTI data collection task leader, by phone or e-mail at (800) ###-#### or xxxxxx@rti.org. If you have any general comments about this data collection, please contact Shelley Hyland, BJS Program Manager, at 202-616-1706 or Shelley.Hyland@USDOJ.gov. They will be happy to assist you with any questions you might have.

Sincerely,

Jeri M. Mulrow
Acting Director
Bureau of Justice Statistics

The Arc
For people with intellectual and developmental disabilities

MEMO

DATE: July 5, 2016
TO: Shelley Hyland
FROM: Leigh Ann Davis
RE: BJS Survey of SCIAs Law Enforcement Use of Force

Overview:
The Arc's National Center on Criminal Justice and Disability® receives funding from the Bureau of Justice Assistance (BJA) U.S. Department of Justice and is the first national effort of its kind to bring together both victim and suspect/offender issues involving people with intellectual and developmental disabilities (or I/DD) under one roof. NCCJD's goal is to build the capacity of the criminal justice system to respond to gaps in existing services for people with disabilities, focusing on people with I/DD who remain a hidden population within the criminal justice system with little or no access to advocacy supports or services. For more information about NCCJD, see: http://www.thearc.org/NCCJD

NCCJD has assisted on cases where force was used by law enforcement on people with disabilities, and lawsuits followed claiming misuse of force. Use of force is an especially important issue when it comes to interacting with people with intellectual or developmental disabilities (I/DD), because they often have different ways of communicating that officers are not typically aware of unless they have family members or friends with an I/DD. Until and unless officers receive appropriate training and opportunities to really get to know people with I/DD, they are less likely to know how to successfully use de-escalation techniques, and may even unknowingly contribute to escalating situations.

Because of this, it is critical that any use of force data gathering process include asking about varying types of disabilities, and the types of disabilities must be clearly defined. For example, diagnoses such as mental illness, autism and intellectual disability (with no particular diagnosis associated with the ID) should be included, and there should be a clear explanation that mental illness and I/DD are not the same thing. This data is needed in order to pinpoint how many people with different types of disabilities are involved in use of force incidents and why. We need to have a better understanding of how many people with different types of disabilities are involved in use of force issues. This type of information can help determine where to focus limited resources in training law enforcement, and where to target training efforts regarding use of force nationally.

Additional comments as requested by BJA:

The collection of use of force data as it pertains to people with disabilities is needed for the following reasons:

- Individuals with I/DD and mental illness are overrepresented within the criminal justice system: The Bureau of Justice Statistics indicates that for 2011-2012, over 30% of jail inmates reported having a 'cognitive' disability; 6.5 times higher than the general population.
- Approximately 85-89% of people with I/DD are considered to have a mild disability or to be high-functioning making it difficult for law enforcement to identify disabilities by visual cues only
- People with I/DD may try to conceal their disability in order to be accepted by others, creating another barrier to appropriate identification of disabilities.
- I/DD is not mental illness, so interventions that work with individuals who have mental illness may not work with those who have I/DD; requires different identification, accommodation, support & response processes.
- Use of force complications:
    - Interactions that may not prove problematic within the general population may become so involving individuals with I/DD, including statements and waivers.
    - Officers are often unprepared for contact with those who have I/DD, leading to potential 'use of force' incidents that could have been avoided with proper training. Without training, officers can agitate people with I/DD and escalate a situation, instead of improve it.
    - Training for police in relating to people with I/DD is necessary, and by finding out exactly how many use of force incidents are occurring with people who have I/DD, that training can be better targeted.
    - Police training that contains a mental health component is not likely to specifically address individuals with I/DD, so it is imperative to include in the survey questions about what type of disability the person has.
    - By collecting data that can be used to train officers, the amount of use of force incidents will hopefully be reduced.
    - It is also important to create better screening/identification tools that can determine what type of disability the individual has. Current surveys do not specify is someone has an I/DD versus a mental illness, for example.
    - The nuances involved in identifying and understanding people with I/DD, as well as the subjective, unsettled nature of "use of force" definitions place both those with I/DD and police officers at risk. By determining the scope of the issue, the best training will be ensured for police officers.

Please contact Leigh Ann Davis, Director of Criminal Justice Initiatives, with any questions. She may be reached at 202.534.3727 or LDavis@thearc.org