

MEMORANDUM

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SUBJECT: FBI Request for OMB Clearance for exploratory interviews for the revisions of the new National Incident-Based Reporting System (NIBRS) for collecting Domestic Violence, Cargo Theft, and Negligent Manslaughter.

The Federal Bureau of Investigation (FBI) is requesting clearance for conducting exploratory interviews for additional data values and definitions to be implemented into the existing National Incident-Based Reporting System (NIBRS) in order to capture data about domestic violence, cargo theft, and negligent manslaughter that come to the attention of law enforcement agencies. The NIBRS is a component of the Uniform Crime Reporting (UCR) Program, which collects detailed, accurate, data about when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators from law enforcement agencies on an annual basis. The results of the exploratory interviews will be used to assess the comprehension of newly introduced categories of domestic violence, cargo theft, and negligent manslaughter.

In NIBRS, law enforcement agencies collect detailed data regarding individual crime incidents and arrests and submit them in separate reports using prescribed data elements and data values to describe each incident and arrest. Therefore, NIBRS involves incident-based reporting. The NIBRS collects data on each incident and arrest within 24 crime categories made up of 52 specific crimes called Group A offenses. For each of the offenses coming to the attention of

law enforcement, various attributes about the crime are collected. In addition to the Group A offenses, there are 10 Group B offense categories for which only arrest data are reported. The current request for approval, under the FBI UCR Generic Clearance (1110-0057), is for exploratory interviews of the NIBRS data collection with fifteen law enforcement personnel. The exploratory interviews will require approximately 15 burden hours.

For this clearance, the UCR Program will conduct exploratory interviews to identify any problems with the general understanding of the new offenses and their definitions or confusion with the wording of the instructions. The results of the exploratory interviews will allow for the UCR Program to fine tune the language to be used with the introduction of new offenses and data values.

Purpose of the Research

At the request of a member of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) the FBI UCR Program presented a proposal for defining and reporting Domestic Violence in NIBRS. In 2014, the CJIS APB voted to change circumstance code for “Lovers’ Quarrel” to “Domestic Violence” in the NIBRS Data Element 31 (Aggravated Assault/Homicide Circumstances), approved the definition for Domestic and Family Violence, allowed the collection of Victim/Offender Relationships for Crimes Against Property, and added the Victim/Offender Relationship codes of “ex-boyfriend” and “ex-girlfriend.” In 2015, the FBI recommended combining the two relationship codes above to one code (XR=Ex-Relationship) to more closely align the other relationship codes collected in NIBRS. This recommendation was also approved by the APB.

When Cargo Theft became a UCR data collection requirement in 2010, the NIBRS fraud offenses were added as cargo theft related offenses for identifying cargo theft as either yes or no in Data Element 2A in NIBRS. In 2012, the CJIS APB voted to approve the addition of two new fraud offenses of 26F=Identity Theft and 26G=Hacking/Computer Invasion to NIBRS. These new offenses were not taken into consideration as cargo related offenses at that time. Therefore, the UCR Trainers staff presented a proposal for adding them to the list of cargo related offenses in 2016, which was approved by the APB.

In 2014, the Association of State Uniform Crime Reporting Programs (ASUCRP), the National Sheriffs’ Association (NSA), the NSA Traffic Safety Committee, and the NSA Crime Victim Services Committee proposed the FBI UCR Program allow reporting of a fatalities resulting from impaired operation of a vehicle as Negligent Manslaughter offenses within NIBRS. Further, the UCR Program requested to expand this collection to include vessels and distracted driving incidents where a cell/smartphone was a factor. In 2016, the APB voted to collect driving under the influence, distracted driving (using a cell/smartphone), and reckless driving traffic fatality incidents under Negligent Manslaughter.

The goals of the exploratory interviews are to:

- Assess the comprehension of terms and definitions included in the collection, including whether respondents interpret questions consistently; and

- Assess the reliability and validity of the answers supplied from the participants.

Design of the NIBRS Instrument

The NIBRS is an incident-based reporting system which means data are collected on each single occurrence. The NIBRS data are designed to be generated as a byproduct of local, state, and federal automated records systems. Thus, an agency can build its own system to suit its individual needs, including all the information required for administrative and operational purposes. However, the state programs and direct contributing agencies must use the NIBRS Technical Specification format for submitting their data to the national UCR Program.

The NIBRS is used by participating law enforcement agencies to report offenses and relevant details by incident, using up to 58 data elements to collect details about offenses, offenders, victims, property, and arrestees reported to police. Developed in the late 1980s, the NIBRS was designed as an automated system to modernize UCR, and includes automated checks to ensure the quality of data.

Originally designed with 52 data elements, the NIBRS captures up to 58 data elements via size types of data segments: administrative, offense, victim, property, offender, and arrestee. Although, in the late 1980s, the FBI committed to hold all changes to the NIBRS in abeyance until a substantial amount of contributors implemented the system, modifications have been necessary. The system's flexibility has allowed for the collection of four additional pieces of information to be captured within an incident: bias motivated offenses (1990), the presence of gang activity (1997) data for law enforcement officers killed and assaulted (2003) and data on cargo theft (2005). It has also permitted the addition of new codes to further specify location types and property types (2010). The CJIS APB approved to add the fraud offenses of identity theft and hacking/computer invasion were added to the NIBRS in 2012. These offenses were not added until a definition for cybercrime was agreed upon which occurred during the 2014 Fall Round of the CJIS APB. The Director of the FBI also approved the addition of an animal cruelty offense in September 2014.

On October 6, 2015, the Director of the FBI approved the APB recommendations to add the domestic violence elements to NIBRS:

- Define Domestic and Family Violence as:
 - The use, attempted use, or threatened use of physical force or a weapon; or the use of coercion or intimidation; or committing a crime against property by a current or former spouse, parent, or guardian of the victim; a person with whom the victim shares a child in common; a person who is or has been in a social relationship of a romantic or intimate nature with the victim; a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian; or by a person who is or has been similarly situated to a spouse, parent, or guardian of the victim.

- Modify Data Element 35 (Relationship of Victim to Offender) to state “This data element is Mandatory when one of the offenses entered in Data Element 24 [Victim Connected to UCR Offense Code] is a Crime Against Person or a Crime Against Property, and Data Element 36 [Offender Sequence Number] is other than 00 = Unknown Offender.”
- Add data values “XB = Ex-Boyfriend” and “XG = Ex-Girlfriend” for Data Element 35 (Relationship of Victim to Offender).

On February 9, 2016, the FBI Director approved the APB recommendation to combine the Ex-Boyfriend and Ex-Girlfriend Relationship of Victim to Offender Code into one (XR = Ex-Relationship) in the NIBRS.

On October 27, 2016, the CJIS APB voted to add the following offenses Cargo Theft related offenses to the NIBRS:

- **26F Identity Theft** – Wrongfully obtaining and using another person’s personal data (e.g., name, date of birth, Social Security number, driver’s license number, credit card number).
- **26G Hacking/Computer Invasion** – Wrongfully gaining access to another person’s or institution’s computer software, hardware, or networks without authorized permissions or securing clearances.

On October 27, 2016, the CJIS APB voted to collect Vehicular/Vessel Negligent Manslaughter (Impaired and/or Distracted Operator) offenses under Negligent Manslaughter in NIBRS. (All additions are **bolded** below).

- Modify the definition of Negligent Manslaughter:
 - The killing of another person through negligence.
 - This offense includes killings from hunting accidents, gun cleaning, children playing with guns, **and arrests associated with DUI, distracted driving (using a cell/smartphone), and reckless driving traffic fatalities.**
 - It does not include deaths of persons due to their own negligence and accidental deaths not resulting from gross negligence, and accidental traffic fatalities.
- Modify Data Element 8 = Suspected of Using
 - C = Computer Equipment (**Handheld Devices**)
- Modify Data Element 13 = Type of Weapon/Force Involved
 - 35 = Motor Vehicle/**Vessel**

- Modify Data Element 31 = Aggravated Assault/Homicide Circumstances verbiage for Negligent Manslaughter
 - o **Accidental** traffic fatalities, accidental deaths, or deaths of victims due to their own negligence are not to be included as negligent manslaughters. LEAs should report information regarding all other negligent manslaughters regardless of actions to prosecute.

Selection of Law Enforcement Participants in Exploratory Interviews

The law enforcement community is typically organized and identified based upon the type of community they serve. Within the contributor community of the UCR Program, these community types are identified as those which serve incorporated cities, the unincorporated communities of counties, state police, campus police, and federal law enforcement. These broad categories can be further divided based upon the size of the populations they serve. In an effort to gain a broader perspective, participants were selected from various law enforcement agencies throughout Connecticut.

The participants were selected based on the role they play within their agency. Since the NIBRS was designed to serve as an automated system, the primary participants selected for these interviews were records personnel. In most cases, the NIBRS submissions are prepared and submitted by personnel in these roles.

Exploratory Interview Procedures

The exploratory interviewing is tentatively scheduled for late February 2017 based on OMB approval. The interviews will assess two aspects of the revised NIBRS collection. The first component will specifically target possible comprehension problems associated with terminology, definitions, and criteria requirements. The second component will assess the validity and reliability of the answers supplied from the participants.

The fifteen law enforcement personnel will participate in the exploratory interviews after the examples containing the new NIBRS components have been distributed via e-mail from the FBI UCR Program. The method involves asking each participant to review the materials received in the e-mail prior to a telephone interview. During the telephone interviews, the FBI interviewer will ask specific, probing questions to determine how respondents came up with their answers. The objective is to identify problems of ambiguity or misunderstanding, identify potential instruction improvements, or highlight other difficulties respondents have answering questions. Participants will be provided three incident examples for domestic violence, four examples of negligent manslaughter involving traffic fatalities, and two examples for identity theft and hacking/computer invasion offenses for a Cargo Theft related incident. These incident scenarios will be used to determine if they meet the criteria for determining the offenses and to ensure the instrument provides consistent, reliable results for future research and analysis when these components are fully implemented. Each interview will take approximately one hour.

Three individuals from the Program Development Group will conduct the exploratory interviews over the phone with each participant. The interviewer will ask each question from the predetermined list and take detailed notes of responses provided by the participant.

Language

The exploratory interviews will be conducted in English.

Burden Hours for Exploratory Interviews

We request a total of 15 burden hours for 15 law enforcement personnel (sixty minutes per respondent). No incentives will be provided in exchange for participation.

Analysis Plan

During the exploratory interviews, participants will be asked to answer questions from a predetermined list based on each of the incident examples provided. Due to the limited number of participants, the analysis will be qualitative rather than quantitative. The notes taken by the interviewers will be analyzed for patterns of problems associated with the comprehension of certain questions.

The verbal responses will be categorized by whether there were comprehension problems and confusion related to the incident scenarios. Particular attention will be paid to differences that emerge from the different types of law enforcement agencies.

The FBI will produce a final report summarizing overall indications of problems with validity and comprehension. In addition, question-by-question summary will be provided of any difficulties encountered by participants and recommended changes to questions, instructions, and terminology. The report will include a summary of changes made to the Domestic Violence, Cargo Theft, and Negligent Manslaughter data collections to compensate these findings.

Informed Consent, Data Confidentiality and Data Security

The telephone invitations and a description of the exploratory interview that will be given to the participants prior to the telephone calls will provide the elements of informed consent. The telephone invitation will provide the purpose of the survey, the voluntary nature of the study, how the participants were selected, and a number to call with questions about the study. The telephone invitation and introduction to the survey will announce the estimated length of the interview in advance, allowing the participant the opportunity to decline if the burden would be unacceptable.

When the telephone interview begins, the exploratory interviewers will reiterate the points delivered during the telephone invitation on the voluntary nature of the exploratory interview and the purpose of the research. In addition, the participants will be assured that their responses will be protected to the extent that we are legally allowed and they may stop the interview at any time

for any reason. This information will be provided to the participants via e-mail for their positive response.