

SUPPORTING STATEMENT
1110-0058
National Incident-Based Reporting System (NIBRS)

The Uniform Crime Reporting (UCR) Program is requesting a revision of the NIBRS data collection to add the following data values and offenses as a result of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) recommendations that were subsequently approved by the Director of the Federal Bureau of Investigation (FBI). The new data includes the addition of domestic violence data values; the expansion of the offense of Negligent Manslaughter to collect fatalities resulting from the impaired, distracted (while using a cell/smart phone), or reckless driving of a vehicle/vessel; and two new fraud offenses (Identity Theft and Hacking/Computer Invasion) to Cargo Theft (Data Element 2A) within the NIBRS.

In addition to the revision request, the FBI is also requesting a 3-year extension of this data collection.

History

The UCR Program has worked diligently over the last several years with members of the Office of Violence Against Women, the National Sheriff's Association (NSA) and Mothers Against Drunk Driving to develop implementation strategies for adding the following data values and offenses to the NIBRS data collection.

At the request of an APB Subcommittee member, the FBI UCR Program was asked to change the NIBRS Data Element 31 (Aggravated Assault/Homicide Circumstances) in order to collect domestic violence data. Consequently, the CJIS APB voted to change the antiquated circumstance code of "Lovers' Quarrel" to "Domestic Violence." In 2014, the FBI UCR Program also presented a proposal for defining Domestic Violence which was also approved by the CJIS APB. During the same meeting the APB recommended the UCR Program allow the collection of Victim/Offender Relationships for Crimes Against Property, and added the Victim/Offender Relationship codes of "ex-boyfriend" and "ex-girlfriend." During the 2015 meetings, the FBI recommended and the APB approved combining the two relationship codes referenced above to one code (XR=Ex-Relationship) to more closely align the other relationship codes collected in NIBRS, ex., SE=Spouse, GP=Grandparent, SP=Stepparent, etc. These recommendations were approved by the FBI Director on October 6, 2015 and February 9, 2016.

In 2014, the Association of State Uniform Crime Reporting Program (ASUCRP), the NSA, the NSA Traffic Safety Committee, and the NSA Crime Victim Services Committee proposed the FBI UCR Program allow reporting of fatalities resulting from impaired operation of a vehicle as Negligent Manslaughter offenses within the NIBRS. Further, the UCR Program requested to expand this collection to include vessels and distracted driving incidents where a cell/smartphone was a factor. On October 27, 2016, the CJIS APB voted to collect driving under the influence, distracted driving (using a cell/smartphone), and reckless driving traffic fatality incidents under Negligent

Manslaughter. In order to collect and distinguish these offenses from other Negligent Manslaughter offenses, the definition was amended and specific data elements were modified (see supplementary documents detailing the exploratory interview results).

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 the NIBRS. These new offenses were not taken into consideration as cargo-related offenses at that time. Therefore, the UCR Program training staff proposed adding them to the list of cargo-related offenses in 2016. As a result, the CJIS APB also voted to add the two fraud offenses identified above to the Cargo Theft collection on October 27, 2016.

With the changes passed by the APB and the recommended changes resulting from the exploratory interviews, a revision of this currently approved collection, *National Incident-Based Reporting System*, is being requested in addition to a 3-year extension. (See supplementary documents detailing the exploratory interview results.)

A. Justification

1. Necessity of Information Collection

Under the authority of:

- Title 28, United States Code (U.S.C.), § 534(a) and (c), *Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials*, June 11, 1930;
- Anti-Arson Act 1982;
- Hate Crime Statistics Act of 1990, in the notes to 28 U.S.C. § 534, as amended;
- Public Law (PL) 109-177 (H.R. 3199), March 9, 2006, *USA Patriot Improvement and Reauthorization Act* of 2005;
- PL 110-457, Title II, Section 237 (a), (b), December 23, 2008, the *William Wilberforce Trafficking Victims Reauthorization Act* of 2008;
- *Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act*, October 28, 2009, Section 4708 amends the Hate Crime Statistics Act (28 U.S.C. 534 note);

the FBI was designated by the Attorney General to acquire, collect, classify, and preserve national data on criminal offenses as part of the Uniform Crime Reports.

Throughout its first 60 years of operation, the FBI UCR Program remained virtually unchanged in terms of the data collected and disseminated. As time progressed, a broad utility evolved for UCR Program data and law enforcement expanded its capabilities to supply crime information. In the late 1970s, the law enforcement community called for a thorough evaluative study of the UCR Program with the objective of recommending an

expanded and enhanced FBI UCR Program to meet law enforcement needs in the 21st century.

The FBI fully concurred with the need for an updated Program to meet contemporary needs and provided its support, formulating a comprehensive redesign effort along with the Bureau of Justice Statistics (BJS). Following a multiyear study, a “Blueprint for the Future of Uniform Crime Reporting Program” was developed. Using the “Blueprint” and in consultation with local and state law enforcement executives, new guidelines for the Uniform Crime Reports were formulated and the NIBRS was the result of the study. The NIBRS offers law enforcement more comprehensive data than ever available for management, training, planning, etc.

NIBRS is capable of producing more detailed, accurate, and meaningful data than the Summary Reporting System (SRS) because NIBRS collects data about when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators. Although most of the general concepts for collecting, scoring and reporting UCR Program data in the SRS apply in the NIBRS, such as jurisdictional rules, there are some important differences in the two systems. The most notable differences that give the NIBRS an advantage over the SRS are:

- No Hierarchy Rule in a multiple-offense incident. NIBRS reports every offense occurring during the incident where SRS would report just the most serious offense and the lower-listed offense(s) would not be reported.
- NIBRS provides revised, expanded, and new offense definitions.
- NIBRS provides more specificity in reporting offenses, using offense and arrest data for 23 Group A offense categories, while in the SRS, only ten Part I offenses can be reported.
- NIBRS can distinguish between attempted and completed Group A crimes.
- NIBRS also provides crimes against society not available in SRS.
- The victim-to-offender data, circumstance reporting, drug related offenses, offenders suspected use of drugs, computer crimes, and animal cruelty offenses are expanded in NIBRS.
- NIBRS update reports are directly tied to the originally submitted incident.

The NIBRS is a necessity in order for the FBI to maintain a database and serve as the national clearing house for the collection and dissemination of crime data and to ensure publication of the *Semiannual Report, Crime in the United States, Hate Crime Statistics, and Law Enforcement Officers Killed and Assaulted*.

2. Needs and Uses

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

The NIBRS is needed to enhance the quantity, quality, and timeliness of crime statistical data collected by the law enforcement community and is needed to improve the methodology used for compiling, analyzing, auditing, and publishing the collected crime data. NIBRS data are used for research and statistical purposes. The national UCR Program is able to generate reliable information on incident data. These data serve as a valuable resource to city, county, state, tribal, and federal law enforcement agencies (LEAs), as well as academia, other government agencies, the media, and the public. Examples of other agencies' uses are:

- The FBI serves as the national clearing house for storage of all NIBRS statistics; therefore, these data are available upon request to any requester. During 2015, the FBI UCR Program received 124 requests for NIBRS data.
- The Department of Justice's (DOJ), Bureau of Justice Assistance (BJA) utilize the FBI UCR Program data for awarding local law enforcement formula grants.
- The FBI is meeting its obligatory/mandated purpose to generate/maintain reliable information for use in law enforcement administration, operation, and management.
- Criminologists, sociologists, legislatures, municipal planners, median and other students of criminal justice use the data for varied research and planning purposes.
- Data collection permits studies among neighboring jurisdictions and among those with similar populations and other common characteristics.
- Special interest groups, media, and academia request NIBRS information for research.
- Annual UCR Program's data are provided to the Inter-University Consortium for Political and Social Research (ICPSR). This central repository serves as a single facility from which colleges/universities can obtain social science data. The ICPSR website currently stores 24 years of NIBRS data. NIBRS data focuses on

a variety of aspects of a crime incident and is divided into ten segments consisting of the following: (1) agency name, (2) geographic location, (3) population; (4) administrative (incident date and time); (5) offenses (offense type, location, weapon use, and bias motivation); (6) property (type of property loss, property description, property value, drug type and quantity); (7) victim (age, sex, race, ethnicity, and injuries); (8) offender (age, sex, race, and ethnicity) (9) arrestee (arrest date, age, sex, race, and weapon use); and, (10) Group B Arrest report (arrestee data for Group B crimes).

3. Use of Information Technology

All FBI UCR Program participants submit their NIBRS crime data electronically. The FBI provides two electronic options for submitting NIBRS data: Extensible Markup Language (XML) or the NIBRS Flat File Data Specification. The XML interface specification complies with the National Information Exchange Model (NEIM) and Logical Entity Exchange Specifications (LEXS), which are both data standards for information exchange. The NIBRS Flat File Data Specification is a position-based format. These electronic submissions are currently received from state UCR systems and local LEAs via e-mail at <ucrstat@leo.gov>.

NIBRS data are designed to be generated as a byproduct of existing incident-based automated record systems. Thus, an agency can build its own incident-based reporting (IBR) system to suit its individual needs; i.e., it can have a different file structure than used by the national UCR Program and include additional data elements and data values. However, when it is time to report to the national UCR Program, the agency extracts from its IBR system only the data required by the NIBRS for submission to the FBI. Once the NIBRS data is received at the FBI, it is ingested into the UCR System and then converted to the SRS for inclusion in the *Crime in the United States* annual publication. The original NIBRS submissions are also maintained in the UCR System for use in the annual NIBRS publication.

Forty-eight states in the nation have their own UCR programs which streamline the collection of data from local LEAs, ensure consistency and comparability of data, and provide a higher quality of service to the law enforcement community. The establishment of a state UCR program is not limited to state governments. Territorial, tribal, and federal agencies may also institute UCR programs. Provided they are willing to meet the following requirements:

- The state UCR program must conform to the national UCR Program's submission standards, definitions, specifications, and required deadlines.
- The state UCR program must establish data integrity procedures and have personnel assigned to assist contributing agencies and quality assurance practices and crime reporting procedures.

- The state UCR program's submissions must cover more than 50 percent of the LEAs within its established reporting domain and be willing to cover any and all UCR-contributing agencies who wish to use the UCR program from within its domain. (An agency wishing to become a UCR program is willing to report for all of the agencies within the state).
- The state UCR program must furnish the FBI UCR Program with all of the UCR data collected by the LEAs within its domain.

The collection of UCR Program crime data begins at the local agency level when the law enforcement officers submit administrative and operational data to record management personnel from hardcopy or electronic incident reports. The local agency record managers then compile the crime data and submit it to their state UCR programs. States that participate in the FBI UCR Program have a centralized repository serving as a state UCR program. Many state programs have established electronic communications with the LEAs throughout their state, as well as the national UCR Program. This link allows for information technology interaction within the required electronic data submission formats.

4. Efforts to Identify Duplication

This information collection was authorized in direct response to the June 11, 1930, enactment of Title 28, U.S. Code, § 534. The FBI is the only federal agency collecting extensive incident-based crime data reported by LEAs in the United States. However, the DOJ administers another statistical program, the National Crime Victimization Survey (NCVS) that also measures the magnitude, nature, and impact of crime in the nation.

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

The FBI UCR Program and the NCVS were created to serve different purposes. The national UCR Program's primary objective is to provide a reliable set of criminal justice statistics for law enforcement administration, operation, and management. The NCVS was established to provide previously unavailable information about crime, victims, and offenders (including crime not reported to police). The two collections measure an overlapping, but non-identical set of crimes. NCVS includes crimes both reported and not reported to law enforcement, but excludes homicide, arson, commercial crimes, and crimes against children under age 12, which are captured in the UCR Program data. Because of the methodology, the NCVS and UCR Program definitions of some crimes differ. And lastly, the two collections calculate crime rates using different bases. UCR

Program rates are per capita (number of crimes per 100,000 persons), whereas the NCVS rates are per household (number of crimes per 1,000 households).

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

The National Highway Traffic Safety Administration (NHTSA) collects data on alcohol impaired driving fatalities and has data available from studies on distracted driving incidents. Currently, the NHTSA collections accident data from thirty-two states via the State Data Programs. The Administration also gathers these and other types of vehicular data from the Fatality Analysis Reporting System and the National Center for Statistics and Analysis. While the NHTSA can supply data regarding the number of alcohol-related and distracted driving fatalities, it cannot provide the incident-based relational data provided by the NIBRS.

5. Minimizing Burden on Small Businesses

This information will have no significant impact on small businesses. The law enforcement community requested that crime statistics be collected on a monthly basis since police records are run on a calendar month, however, the FBI minimizes burden on small LEAs by allowing them to submit quarterly, twice a year, or once a year. Although monthly is recommended, upon approval by the FBI UCR Program, agencies can submit data at intervals that minimizes the burdens of the agency.

6. Consequences of Not Conducting or Less Frequent Collection

In order to serve as the national repository for crime reporting and to produce a reliable dataset, the NIBRS LEAs and state UCR programs submit NIBRS data monthly. When it is time to report to the national UCR Program, agencies extract from its IBR system only the data required by the NIBRS for submission to the FBI. There is an ever-increasing need for timely and accurate data dissemination by the FBI to assist our partners in law enforcement.

Conducting this collection less frequently will result in oversized data files and will overtax the agencies IBR systems when downloading the files. At this time, it takes approximately two hours to extract a NIBRS monthly submission from an agencies' IBR system. In turn, after submission to the FBI, the state UCR programs expect a quick turn around on their submission errors. The states want their submissions processed, errors reviewed and promptly returned to them. In order for the FBI to thoroughly review the data and provide error input, the data must be sent in according to the standard guidelines and deadlines to allow ample time for quality review.

The national UCR Program is moving toward the capability of operating on a machine-to-machine platform by utilizing an XML submission platform. The XML will allow the individual agencies that report UCR Program data to submit information directly to and receive data directly from CJIS data collection servers. Over time this will increase the efficiency of the data and decrease the time it takes to accurately process and store the data.

With the increasing demand for timelier data, the FBI UCR Program has established a task force comprised of the ASUCRP representatives and the FBI CJIS Division's Crime Statistics Management Unit. The task force convened to discuss risks, issues, and options that are currently available for reporting timely data and will be providing recommendations for receiving timelier crime data in the near future.

7. Special Circumstances

All NIBRS LEAs and state UCR programs submit their data to the FBI UCR Program on a monthly basis. Monthly reports or submissions should be received at the FBI by the seventh day after the close of each month. Annual deadlines are also designated in order to collect and assess the data submissions in a timely manner. There are times when special circumstances may cause an agency to request an extension. The FBI's UCR Program has the authority to grant these extensions. Participation in the national UCR Program is voluntary.

8. Public Comments and Consultations

The 60 and 30 day notices have been submitted and published in the Federal Register with no public comments received.

9. Provision of Payments or Gifts to Respondents

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

10. Assurance of Confidentiality

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

A victim's home address is not collected in NIBRS. The location of the incident is reported as a general location type such as park, community center, school, grocery store, or residence. The address of the reporting agency is collected within the NIBRS master file.

11. Justification for Sensitive Questions

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

12. Estimate of Respondent’s Burden

The estimated hour burden on the respondents for this data collection is as follows:

Number of respondents: 6,648 NIBRS respondents
 Frequency of responses: Monthly
 Total annual responses: 76,119
 Minutes per response: 120
 Annual hour burden: 152,238 hours

State Program and Local LEA Outreach:
 Number of respondents: 100
 Frequency of responses: Varies
 Minutes per response: 180
 Annual hour burden: 300 hours

Total Annual Burden: 152,538 hours

	SRS			
Number of months submitted	Number of Agencies	Number of Responses	120 Minute Burden	Totals
1 month	110	110	13,200	
2 months	24	48	5,760	
3 months	39	117	14,040	
4 months	43	172	20,640	
5 months	29	145	17,400	
6 months	42	252	30,240	
7 months	46	322	38,640	
8 months	79	632	75,840	
9 months	60	540	64,800	
10 months	77	770	92,400	
11 months	177	1,947	233,640	
12 months	5,922	71,064	8,527,680	

Non-responsive				614
Total Agencies	6,648			6,648
Annual Responses		76,119		76,119
Form Completion Hr Burden			9,134,280 minutes	152,238 hours

The two hour response burden is the time it takes for an agency to extract the NIBRS data from their already existent incident-based records management system (RMS). While the addition of the new collections (domestic violence, fraud offenses in cargo theft, and negligent manslaughter) to the NIBRS collection, the response burden could increase. However, the UCR Program believes this increase would be minimal, as many agencies may already collect these data sets and data values within their IBR systems. In the absence of NIBRS, the agencies would still operate its own incident-based RMS, entering data into their system, and performing its own data quality which is not included in this burden estimate. NIBRS data are designed to be generated as a byproduct of agencies already existing incident-based RMSs. Thus, an agency can build its own IBR RMS to suit its individual needs; i.e., it can have a different file structure than used by the national UCR Program and include additional data elements and data values. However, when it is time to report to the national UCR Program, the agency extracts from its RMS only the data required by the NIBRS for submission to the FBI.

The FBI and the BJS are continuing their partnership through the National Crime Statistics Exchange (NCS-X) to increase NIBRS participation over the next three years. In addition to this initiative, the FBI UCR Program will transition to a NIBRS-only data collection by January 1, 2021 under the FBI Director’s Priority Initiative for modernizing crime data.

Finally, the FBI UCR Program frequently has operational and administrative questions for the state program managers and local LEAs. In order for the FBI to conduct this outreach with a larger universe of contributors, the national UCR Program is including an additional 300 annual burden hours to this information collection request.

13. Estimate of Cost Burden

There are no direct costs to law enforcement to participate in the FBI UCR Program other than their time to respond. However, the NCS-X team projects for agencies that do not have an incident-based RMS, the cost could range from half a million to one million dollars to build a system, dependent on the size of the agency.

Costs to agency RMSs are very difficult to obtain. Vendors do not divulge costs due to the fact that vendors charge differently from agency to agency and many costs are built

into the vendors contracts. Depending on the vendor contracts, changes mandated by law are included within the original contract with no additional costs. However, an estimate has been projected that agencies pay a \$107,000 maintenance fee every year for system maintenance costs.

The current NIBRS reporting LEAs already have an existing incident-based RMS that they have to maintain for their own purposes. NIBRS is a data extract from that system. The agency would have information technology costs to maintain their systems even if they didn't report NIBRS data to the FBI UCR Program.

14. Cost to Federal Government

According to the cost module provided by the FBI CJIS Division, Resource Management Section, Fee Programs Unit, the following are projections based upon prior collection activity, as well as activities anticipated over the next three years for both the NIBRS and SRS. The cost module does not separate the costs between the two methods of collecting UCR data.

<u>Data Collection and Processing Costs</u>	
Administrative	\$ 51,366.58
Application for Resources Support	\$ 33,313.62
Assessments/Analysis – External Customers	\$ 50,520.46
Budget Activities, Strategic Planning & Program Control	\$ 245,155.22
Communication/Reporting	\$ 132,441.55
Curriculum Design – External Customers	\$ 98,745.93
Customer Service Group	\$ 8,610.83
Customer Service Support	\$ 52,773.95
Data Entry	\$ 18,476.56
Development, Test, and Integration	\$ 279,530.52
Editing	\$ 285,589.82
Human Resource Management	\$ 172,388.58
Liaison, Correspondence, Data Requests	\$ 694,243.64
Life Cycle Records Management	\$ 23,322.74
Manage Congressional Correspondence	\$ 15,548.49
Manage Freedom of Information Act Requests	\$ 15,548.49
Marketing	\$ 23,214.69
Operational Assistance	\$ 60,685.07
Operations Research and Analysis	\$ 4,589.31
Perform Strategic Planning	\$ 28,704.05
Perform Unit Budget Activities	\$ 13,667.22
Policy, Development, and Program Planning	\$ 290,486.20
Project and Program Management	\$ 213,406.96
Provide Technical, Statistical, Mathematical Assistance/ Training	\$ 3,511.71

Provide Training Instruction – External Customers	\$ 223,899.58
Request for Information	\$ 8,748.18
Research and Analysis	\$ 224,431.85
SENTINEL Management	\$ 23,322.74
Software Maintenance	\$ 37,137.98
Source Selection Support	\$ 6,833.61
Special Interest Research	\$ 1,529.77
Special Studies Using UCR Data	\$ 279,492.14
Training/Leadership Development	\$ 4,680.04
UCR Automation/Development	\$ 222,424.57
UCR Data Analysis	\$ 697,374.36
UCR Data Collection	\$ 235,854.05
UCR Publications/Reports	\$ 424,671.11
<u>Writing Services/Support</u>	<u>\$ 206,237.60</u>
Total Cost to Federal Government	\$ 5,412,479.77

15. Reason for Change in Burden

There will be an increase in burden for the individual respondents as a result of including the burden estimate for state program manager and local LEA outreach; however, the overall annual burden hours have decreased. This adjustment, from 154,080 to 152,538 is a decrease of 1,542. This decrease in burden is due to the methods used to calculate the total burden hours. During the 2015 revision of the NIBRS the total number of annual responses was determined by multiplying the number of respondents by 12, the frequency of responses.

Total annual responses – 77,040
Minutes per response – 120
Annual burden hour – $77,040 \times 120 = 9,244,800/60 = 154,080$

During this revision/extension the annual respondent figure was calculated by the actual number of months (1-12) the respondents submitted data (See chart above under 12. Estimate of Respondent’s Burden).

Total annual responses – 76,119
Minutes per response – 120
Annual burden hour – $76,119 \times 120 = 9,134,280 \text{ minutes}/60 = 152,238$

16. Anticipated Publication Plan and Schedule

Published data are derived from data submissions furnished to the FBI from local, county, state, tribal, and federal LEAs throughout the country. NIBRS data is converted to SRS data and published in *Crime in the United States*, however, the 2016 NIBRS publication is scheduled for release in December 2017.

Request for missing January-June data	August and September, current year
Request for missing 12 month data	February-March, following year
Deadline to submit data	End of March
Data Processing/Analysis	July (current year)-April (following year)
Publication data	September, following year/ <i>CIUS</i> December, following year/ <i>NIBRS</i>

17. Display of Expiration Date

All information collected under this clearance will display the Office of Management and Budget (OMB) Clearance Number and Expiration Date on the NIBRS Technical Specification document.

18. Exception to the Certification Statement

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