

SUPPORTING STATEMENT
1110-0015
HATE CRIME INCIDENT REPORT

The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program requests a 3-year extension of this currently approved collection.

A. Justification

1. Necessity of Information Collection

Under the authority of:

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

The FBI was designated by the Attorney General to acquire, classify, and preserve national data on crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, ethnicity, gender, or gender identity including where appropriate the crimes of murder, nonnegligent manslaughter; rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property from city, county, state, federal, and tribal law enforcement agencies throughout the country in order to generate reliable information on crime(s) motivated from a person's bias(es).

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

2. Needs and Uses

The FBI-provided Microsoft Excel Summary Workbook, Hate Crime Technical Specification, and Extensible Markup Language (XML) are needed to provide law enforcement agencies (LEAs) a mechanism to report hate crime incident data to the FBI UCR Program. The UCR Program's Hate Crime Data Collection (HCDC) are used in many ways and serve many purposes. They provide law enforcement with data for use in budget formulation, planning, resource allocation, assessment of police operations, etc., to help address the crime problem at various levels. Chambers of commerce and tourism agencies examine these data to see how they impact the particular geographic jurisdictions they represent. Criminal justice researchers study the nature, cause, and movement of crime over time. Legislators draft anti-crime measures using the research findings and recommendation

of law enforcement administrators, planners, and public and private entities concerned with the problem of crime. The news media use the crime statistics provided by the FBI UCR Program to inform the public about the state of crime.

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

The hate crime data serves as a valuable resource to city, county, state, federal, and tribal LEAs, as well as academia, other government agencies, public, and media. These hate crime data are of invaluable use for research and statistical analysis. Examples of other agencies' uses are:

- a. State UCR Programs and direct submission LEAs obtain data files of their agencies' reported annual data.
- b. State and national legislators, Congress, the White House, civil rights groups (Arab American Institute, Anti-Defamation League, Sikh Coalition, etc.) citizens, social scientists, and the media request hate crime data.
 - i. From 2014 to present, the FBI UCR Program has received 1,861 data requests from the entities listed above.
- c. Annual UCR Program data are provided to the Inter-University Consortium for Political and Social Research (ICPSR). This central repository serves as a single facility for which colleges/universities can obtain social science data. The ICPSR website currently stores thirteen years of the UCR Program's hate crime data. These data files contain the number of victim and offenders involved in each hate crime incident, type of victims, bias motivation, offense type, and location type.
- d. The FBI UCR Program's Crime Data Explorer web application provides nationwide hate crime data to users around the country.

3. Use of Information Technology

All FBI UCR Program participants submit their hate crime data electronically. The FBI provides three electronic options for Summary Reporting System (SRS) state UCR programs and individual LEA participants to submit hate crime data: XML, Hate Crime Technical Specification, and the FBI-provided Microsoft Excel Summary Workbook. Once the hate crime data are received at the FBI, it is ingested into the Hate Crime database and included in the *Hate Crime Statistics* annual publication.

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 used by law enforcement. The Hate Crime Technical Specification is submitted as a standard American Standard Code for Information Interchange text file. Finally, the FBI-provided Microsoft Excel Summary Workbook allows agencies to submit data via an Excel Workbook that is translated into a standard format for processing of data into the UCR Technical Refresh System. These electronic submissions are currently received from state UCR Programs and individual LEAs via e-mail at <ucrstat@leo.gov>.

UCR Program hate crime collection begins at the local agency level when law enforcement officers (LEOs) submit administrative and operational data to their 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. Many state UCR programs have a centralized repository, effectively establishing electronic communications with 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 enactment of Title 28, Section 534, U.S. Code and the Hate Crime Statistics Act of 1990. The FBI is the only federal agency collecting extensive hate crime incident data reported to LEAs in the United States. However, the Department of Justice administers another statistical collection that also measures the magnitude, nature, and impact of crime, including hate crime, in the nation, via the National Crime Victimization Survey (NCVS).

Unlike the UCR Program, which provides a measure of the number of crimes reported to 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 programs.

The UCR Program's HCDC and the NCVS were created to serve very different purposes. The UCR Program's primary objective is to provide a reliable set of criminal justice statistics for law enforcement administration, operation, and management. The NCVS was established to provide previously unavailable information about crime, victims, and offenders (including crime not reported to police). The two collections measure an overlapping, but non-identical set of crimes. NCVS includes crimes both reported and not reported to law enforcement. NCVS excludes the offenses of homicide, arson, commercial crimes, and crimes against children under age 12; these offenses are included in the UCR HCDC. The definitions used within each collection vary due to the differing methodologies. Finally, the two collections calculate crime rates using different basis. UCR rates are per capita (number of crime per

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

The strengths and restraints of both program make it possible the use the UCR Hate Crime Data Collection and NCVS to achieve a greater understanding of crime trends and the nature of crime in the United States.

5. Minimizing Burden on Small Entities

This information will have no significant impact on small entities. The FBI minimizes burden on small LEAs by allowing them to submit quarterly, biannually, or annually. Although quarterly submissions are recommended upon approval by the FBI UCR Program, agencies can submit data at intervals that minimize the burden of the agency.

6. Consequences of Not Conducting a Less Frequent Collection

The primary emphasis in developing an approach for collecting national hate crime statistics was to avoid placing major new reporting burdens on LEAs contributing data to the UCR Program. Because hate crime is not a separate, distinct crime but rather traditional offenses motivated by the offender's bias, it can be collected by merely capturing additional information about offenses already reported to UCR. LEAs are encouraged to submit hate crime statistics quarterly, although agencies submitting data via XML and the Microsoft Excel Summary Workbook submit hate crime incidents on a monthly basis.

The Hate Crime Incident Report provides aggregate data for incidents and offenses by bias motivation; the types of victims (individual [adults and juveniles], businesses, institutions, and society); the number of offenders (adults and juveniles), and when possible, the race and ethnicity; location type; and hate crime incidents by jurisdiction. As the FBI is the only agency collecting this data, users would lose the ability to analyze this supplemental data if this information was not collected.

The law enforcement community has an ever-increasing need for timely and accurate data. Obtaining monthly and quarterly statistics enables law enforcement to develop effective measures to combat bias-motivated crime and supply to the community an accounting of public safety.

LEAs use FBI UCR Program data to track crime, task force placement, staffing levels and officer placement. The FBI UCR Program's data are used for administration, operation, management, and to determine effectiveness of task forces. Agencies will justify staffing levels and officer counts compared to other LEAs in order to receive additional staffing levels or equipment. Some agencies use other agencies' crime statistics and staffing levels to justify their own crime statistics and staffing levels in order to obtain funding.

7. Special Circumstances

Hate crime data are collected/received from UCR Program participants on a monthly/quarterly basis. The FBI's UCR Program has established various timeframes and deadlines for acquiring the data. Monthly/quarterly reports/submissions should be received by the FBI by the seventh day after the close of each quarter/month. Annual deadlines are also designated in order to collect/assess receipt of monthly/quarterly submissions. There are times when special circumstances may cause an agency to request an extension. The FBI's UCR Program has the authority to grant these extensions. Participation in the national UCR Program is voluntary.

8. Public Comments and Consultations

The Department published the 30-day notice for the HCDC in the Federal Register on Friday, October 20, 2017; Volume 82, Number 202, Pages 48848-48849, allowing for a 30-day comment period. Two comments were received from the ADL and the Sikh Coalition highlighting their appreciation for and importance of the UCR Program's HCDC, as well as some suggestions for improved data. Their comments have been attached.

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

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

11. Justification for Sensitive Questions

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

12. Estimate of Respondent's Burden

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

Number of respondents: 11,414 SRS respondents
Frequency of responses: 4 times per year
Total annual responses: 33,683 responses
Minutes per response: 7 minutes
Annual hour burden: 3,930 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: 4,230 hours

	SRS			
Number of months submitted	Number of Agencies	Number of Responses	7 Minute Burden	Totals
1 quarter ¹	191	191	1,337	
2 quarters	181	362	2,534	
3 quarters	742	2,226	15,582	
4 quarters	7,726	30,904	216,328	
Non-responsive				2,574
Total Agencies	8,840			
Annual Responses		33,683		
Form Completion Hr Burden			235,781 minutes	3,930 hours

¹ Although some LEAs report their hate crime data on a monthly basis, all output reports were developed to present data by quarter.

The FBI UCR Program frequently has operational and administrative questions for the state program managers and local LEAs, such as the timeliness initiative. In order for the FBI to conduct this outreach with a larger universe of contributors, the FBI 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. With the renewal of this collection, respondents are not expected to incur any capital, start-up, or system maintenance costs associated with this information collection. Costs to agency Records Management Systems are very difficult to obtain. Vendors do not divulge costs because they charge differently from agency to agency and many costs are built into the vendor's contracts. Depending on the contract, changes mandated by law may be included with no other additional costs. However, an estimate has

been projected that agencies pay a \$107,000 maintenance fee every year for system maintenance costs.

14. Cost to the Federal Government

The following is a cost model provided by the FBI Criminal Justice Information Services (CJIS) Division, Resource Management Section, Fee Programs Unit, for the entire FBI UCR Program. These are projections based upon prior collection activity, as well as activities anticipated over the next three years for the National Incident-Based Reporting System (NIBRS) and SRS. This cost model does not separate the costs between the two methods of collecting UCR data.

Data Collection and Processing Costs

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 a burden estimate for state program manager and local LEA outreach; however, the overall annual burden hours have decreased. This adjustment from 62,564 to 3,930 is a decrease of 58,634. The decrease in burden occurred for two different reasons: 1) SRS agencies transitioning to NIBRS, 2) the methods used to calculate the total burden hours. During the 2014 extension of the Hate Crime Incident Report, the total number of annual responses was determined by multiplying the number of respondents by 4, the frequency of responses.

Total annual responses – 11,357 respondents x 4 responses/year = 45,428
Minutes per response – 7; 317,996 x 4/60 minutes (1 hour) = 5,300
Annual burden hour – 5,300

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

Total annual respondents – 11,414 respondents x (1-4) responses/year = 33,683
Minutes per responses – 7; 235,781 x 7/60 minutes (1 hour) = 3,930
Annual burden hour – 3,930 = 300 burden hours for state program manager and local LEA outreach = 4,230

16. Anticipated Publication Plan and Schedule

Published data are derived from data submissions furnished to the FBI UCR Program from local, county, state, tribal, and federal LEAs throughout the country. Currently, the FBI UCR Program publishes data on an annual basis (see below). However, as plans for more timely submissions are established, the program may modify this schedule.

Request missing data from agencies	February-March, following year
Deadline to submit data	End of March
Data Processing/Analysis	July (current year)-April (following year)
Publication data	November, following year

17. Display of Expiration Date

The FBI UCR Program will display the Expiration Date and OMB Clearance Number on the Microsoft Excel Summary Workbook.

18. Exception to the Certification Statement

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