SUPPORTING STATEMENT
1110-0054
MONTHLY RETURN OF HUMAN TRAFFICKING OFFENSES KNOWN TO
LAW ENFORCEMENT

A.   Justification

1.   Necessity of Information Collection

Public Law 110-457, Title II Section 237 (a), (b), December 23, 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 required the Federal Bureau of Investigation (FBI) to implement the collection of human trafficking data as a Part I crime in the Uniform Crime Reporting (UCR) Program. PL110-457 mandates the FBI to collect subcategories for "state sex crimes" that do, or do not involve force, fraud, or coercion for persons under 18 years of age, or 18 years of age and older; and furthermore, to distinguish between incidents of assisting or promoting prostitution, purchasing prostitution, and prostitution from city, county, state, federal, and tribal law enforcement agencies. In response to this congressional mandate to collect the offense of Human Trafficking as a Part I crime, in 2015, the FBI's UCR Program developed the *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* for law enforcement agencies (LEAs) nationwide.

The Human Trafficking form collects two situations: Commercial Sex Acts and Involuntary Servitude. The number of offenses reported to law enforcement are collected in column 2; the number of those offenses collected in column 2 which are found to be false or baseless is collected in column 3; column 4 shows the number of actual offenses reported by subtracting column 3 from column 2; the total number of offenses cleared by arrest or exceptional means is collected in column 5; and column 6 includes the number of clearances reported in column 5 which involved an offender under 18 years of age.

Sex Crimes are already collected on the existent *Return A* and *Age, Sex, and Race* forms. Human Trafficking offenses were added to the *Age, Sex, and Race* forms, as well as expanding the prostitution categories.

2.   Needs and Uses

The FBI UCR Program serves as the national clearinghouse for the collection and dissemination of human trafficking crime data and publishes these statistics on an annual basis. The *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* form is a necessary mechanism to enable LEAs to report incidents of human trafficking to the FBI. As participation in this data collection increases, this information will serve as a valuable resource to LEAs, the academic community, government entities, the public, and the media. Examples of agencies' uses are:

a. The FBI serves as the national clearinghouse for storage of all human trafficking statistics; therefore, the data is available to anyone upon request. From 2013-2017, the FBI UCR Program received 82 requests for human trafficking data.

b. Law enforcement uses UCR data for administration, operation, management, and to determine effectiveness and placement of resources.

c. The FBI UCR Program's Crime Data Explorer web application also provides nationwide human trafficking crime data to users around the country.

3.   Use of Information Technology

All FBI UCR Program participants submit their crime data electronically. The FBI provides three different options for state UCR program and individual LEA participants to submit human trafficking data: Extensible Markup Language (XML), Flat File Data specification, and the FBI-provided Microsoft Excel Summary Workbook.

XML interface specification complies with the National Information Exchange Model and Logical Entity Exchange Specifications, which are both data standards for information exchange used by law enforcement. The Flat File Data Specification is submitted as 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, which is translated into a standard format for processing of data into the UCR Technical Refresh System. State UCR programs and individual LEAs currently submit these electronic submissions via e-mail at <ucrstat@leo.gov>.

FBI UCR Program crime data collection begins at the local agency level when law enforcement officers 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 and have established electronic communications with LEAs throughout their state, as well as the FBI UCR Program. This link allows for information technology interaction within the required electronic data submission formats.

4.   Efforts to Identify Duplication

Public Law 110-457, Title II, Section 237 (a), (b), December 23, 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, mandated the FBI to establish a human trafficking data collection within the UCR system.

The U.S. Department of Justice's Civil Rights Division created a Human Trafficking Prosecution Unit within the Criminal Section. Human trafficking crimes, like other civil rights crimes, require notification to the Criminal Section.

The Bureau of Justice Assistance (BJA) has also funded 42 Human Trafficking Task Forces to bring together federal, state, and local law enforcement authorities, government agencies, and non-governmental victim-service providers in a multi-disciplinary approach to identify human trafficking crimes. BJA also maintains a national database called the Human Trafficking Reporting System (HTRS), which is managed by Northeastern University. The HTRS primarily collects data from federal and international agencies. Various reports are available at this link < http://www.northeastern.edu/humantrafficking/reports-new>.

5.   Minimizing Burden on Small Businesses

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

6.   Consequences of Not Conducting or Less Frequent Collection

Public Law 110-457, Title II Section 237 (a), (b), December 23, 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, mandates the FBI UCR Program to collect human trafficking data. If the FBI were to discontinue the collection of this data, the FBI UCR Program would be out of compliance with this law. To help reduce the burden, the FBI UCR Program has provided agencies with electronic data submission methods.

In order to serve as the national repository for crime reporting and to produce a reliable dataset, the FBI collects monthly statistics, which are reported by participating FBI UCR Program contributors. Although monthly reports are preferred, the FBI UCR Program allows agencies to submit data quarterly, twice a year, and even once a year, upon approval by the FBI UCR Program, in order to minimize their burden.

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

7.   Special Circumstances

While some agencies submit data on a quarterly, biannual, or annual basis, most data are collected/received from FBI UCR Program participants on a monthly basis. Monthly reports/submissions should be received at the FBI by the seventh day of each month. Annual deadlines are designated to collect/assess receipt of monthly submissions. Participation in the national UCR Program is voluntary.

8.   Public Comments and Consultations

The *Federal Register* 60 and 30 day notices have been submitted and no public comments were received.

9.   Provision of Payments or Gifts to Respondents

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

10.   Assurance of Confidentiality

The FBI UCR Program does not assure confidentiality. However, this information collection does not contain personally identifiable information, which may reveal the identity of an individual. The data obtained is considered to be in the public domain.

11.   Justification for Sensitive Questions

This information collection does not seek 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	4,131
Number of non-respondents	5,541
Frequency of responses	Monthly
Total annual responses:	46,873
Minutes per response to complete form:	14
Annual hour burden to complete form:	10,937 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:	11,237

	Summary Reporting System (SRS)			
Number of months submitted	**Number of Agencies**	**Number of Responses**	**14 min. Burden**	**Totals**
1 month	63	63	882	

2 months	32	64	896	
3 months	24	72	1,008	
4 months	29	116	1,624	
5 months	17	85	1,190	
6 months	31	186	2,604	
7 months	16	112	1,568	
8 months	25	200	2,800	
9 months	15	135	1,890	
10 months	25	250	3,500	
11 months	658	7,238	101,332	
12 months	3,196	38,352	536,928	
Nonresponsive				5,541
Total Agencies				4,131
Annual Responses				46,873
Form Completion Hour Burden			656,222 minutes	10,937 hours

The FBI UCR Program frequently has operational and administrative questions for the state UCR program managers and local LEAs. 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. The FBI UCR Program disseminates the electronic version of the *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* free of charge via the Microsoft Excel Workbook Tool. Costs to agency records management systems (RMS) are very difficult to obtain. Vendors do not divulge costs due to the fact vendors charge differently from agency to agency. Many costs are built into the vendor's Service Level Agreement contracts. Depending on the vendor contracts, changes mandated by law could be included within the original contract with no additional costs. However, an estimate has been projected wherein agencies pay a $107,000 maintenance fee every year for system maintenance costs.

14. Cost to Federal Government

According to the cost model provided by the FBI Criminal Information Services (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 National Incident-Based Reporting System (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	$	57,323.65
Application for Resources Support	$	102,408.71
Budget Activities, Strategic Planning & Program Control	$	246,410.76
Communication/Reporting	$	243,362.19
Conduct UCR Audits	$	445,639.38
Crime Data Explorer	$	51,131.81
Develop and Implement Policy	$	89,290.89
Editing	$	155,135.97
Graphics	$	37,903.52
Human Resource Management	$	3,377.87
Liaison, Correspondence, Data Requests	$	396,264.71
Manage Acquisition Review Process	$	1,765.64
Marketing	$	37,654.64
Media Requests	$	52,985.40
New UCR	$	351,744.48
New UCR Contingency Planning	$	6,813.66
New UCR Metrics and Reporting	$	4,214.21
New UCR Operations and Maintenance	$	156,141.15
New UCR Operations and Maintenance Enhancements	$	8,992.64
Operational Assistance	$	88,985.98
Operational Product Compilation	$	43,488.76
Perform Section Budget Activities	$	26,195.09
Perform Strategic Planning	$	75,182.11
Policy, Development, and Program Planning	$	281,749.12
Project and Program Management	$	151,469.22
Provide Technical, Statistical, Mathematical Assistance/Training	$	59,546.50
Publication	$	45,439.28
Research and Analysis	$	287,208.15
Special Studies Using UCR Data	$	83,601.53
Support UCR Program Development	$	301,690.13
UCR Automation/Development	$	311,085.66
UCR Data Analysis	$	394,412.67
UCR Data Collection	$	391,888.47
UCR Operations and Maintenance	$	217,716.14
UCR Operations and Maintenance Enhancements	$	186,297.66
UCR Publications/Reports	$	500,207.31
UCR Quality Assurance and Content Management	$	14,221.54
UCR Security	$	12,997.37
Writing Services/Support	$	293,842.59
Total Cost to Federal Government	**$ 6,215,786.56**	

15.   Reason for Change in Burden

The burden decreased for the individual respondents because the 2016 renewal included the burden hours for programming human trafficking. This adjustment from 1585,853 to 11,237 is a decrease of 1,574,616.

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. Data are published on an annual basis.

Request missing data from agencies	February-Early-March, following year
Deadline to submit data	End of March
Data Processing/Analysis	May (current year)-April (following year)
Publication data	September, following year/*Crime in the United States* and Crime Data Explorer

17.   Display of Expiration Date

All information collected under this clearance will display the Office of Management and Budget's Clearance Number and Expiration Date on the *Monthly Return of Human Trafficking Offenses Known to Law Enforcement*.

18.   Exception to the Certification Statement

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

PART B. Statistical Methods

1. Respondent Universe

The potential respondent universe of the *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* includes respondents from U.S. LEAs who voluntarily report human trafficking crimes to the FBI's UCR Program via the SRS. During 2017, approximately 9,672 SRS LEAs participated in the FBI UCR Program. Of those agencies, 4,131 voluntarily reported human trafficking data. LEAs consist of local, county, state, tribal and federal agencies that correlate to all population group sizes and have many diverse attributes. These agencies include a mix of population density and degrees of urbanization; various compositions of population particularly youth concentration; population mobility with respect to residents' mobility, commuting patterns, and transient factors; different economic conditions including median income, poverty level, and job availability; areas with different modes of transportation and highway systems; different cultural factors and educational, recreational, and religious characteristics; family conditions with respect to divorce and family cohesiveness; climate; effective strength of law enforcement; policies of other components of the criminal justice system; citizens' attitudes toward crime; and crime reporting practices of the citizenry.

Response rates have gradually increased over the years. The FBI UCR Program began publishing Human Trafficking data in the *Crime in the United States* 2014 (2013 data). Over the last two years, the number of Summary Reporting System (SRS) agencies submitting human trafficking data has increased over 25 percent from those agencies reporting in 2015. The total number of participating agencies reflects a 2.4 percent increase over those participating in 2016.

SRS Reporting Agencies		
Years	Number of Agencies	Percent
2017	4,131	42.8%
2016	4,010	40.4%
2015	1,410	14.1%

The table below provides the total number of SRS agencies who are providing human trafficking data.

SRS Human Trafficking Agencies, 2017			
	Population Group	Number of Agencies	Population Covered
Cities	Group I (250,000 inhabitants and more)	31	22,871,561
	Group II (100,000 to 249,999 inhabitants)	60	9,244,899
	Group III (50,000 to 99,999	121	8,301,519

	inhabitants)		
	Group IV (25,000 to 49,999 inhabitants)	220	7,808,907
	Group V (10,000 to 24,999 inhabitants)	475	7,668,979
	Group VI (Less than 10,000 inhabitants)[1,2]	2,164	5,592,895
Counties	Group VIII (Nonmetropolitan County)[2]	559	5,961,853
	Group IX (Metropolitan County)[2]	501	25,728,266
	Total	**4,131**	**93,178,879**

[1] Includes universities and colleges to which no population is attributed.
[2] Includes state police to which no population is attributed.

In 2017, 42.7 percent of SRS agencies submitted human trafficking data accounting for 43.7 percent of the SRS universe population.

SRS Human Trafficking Participation, 2017	
Number of Months Submitted	**Number of Agencies**
1 month	63
2 months	32
3 months	24
4 months	29
5 months	17
6 months	31
7 months	16
8 months	25
9 months	15
10 months	25
11 months	658
12 months	3,196
# of agencies not reporting human trafficking	5,541
Total	**4,131**

This increase in participation is a positive response to collecting these data, but several factors still pose a challenge to collection:

- States do not have the resources required to make the necessary technical changes or to align their local and state statutes with federal requirements.
- States do not have adequate resources to train participants on how to recognize and properly record human trafficking incidents.
- States do not perceive human trafficking as a priority or a significant problem within their state.

The FBI is currently undergoing a transition to move SRS agencies to the NIBRS by January 1, 2021. To assist agencies with this transition, select LEAs and state UCR Programs received funding through the National Crime Statistics Exchange (NCS-X) to assist with the transition. Sixty-two LEAs received grant money to assist in their transition to NIBRS, while 25 state UCR Programs received money to help improve their RMSs to receive NIBRS data. NIBRS is the path forward and will improve the way the nation collects, reports, analyzes, and uses its crime statistics to enable informed tactical and strategic decision-making.

An analysis of the NIBRS agencies participating in human trafficking revealed 95.6 percent participation and represented 98.8 percent of the NIBRS universe population. These findings suggest that as SRS agencies transition to NIBRS, participation should increase. NIBRS eases the ability for LEAs to report human trafficking data because it is collected within the NIBRS record layout. With the SRS LEAs and state UCR programs receiving NCS-X funds to transition to NIBRS, funds will now be available to make the necessary technical changes to collect human trafficking data.

Beginning in 2014, the FBI also began reporting human trafficking arrest data by field office for violations of sections of the U.S. Code relevant to human trafficking. The FBI collects arrests by Field Offices from the FBI's internal case-management system.

2.   Collection of Information Procedures

Human trafficking data are collected/received from state UCR program participants on a monthly basis. The FBI UCR Program has established various timeframes and deadlines for acquiring the monthly data. State UCR programs and direct contributing agencies are directed to submit their monthly reports/submissions to the FBI by the seventh day after the close of each month. Annual deadlines are also designated in order to collect/assess receipt of monthly submissions. Although monthly reports are preferred by agencies, the state UCR programs, upon approval, may submit their data at intervals, e.g., monthly, quarterly, semi-annually, and annually; this minimizes the burden to the agencies.

LEAs participating in the SRS submit human trafficking data to the FBI UCR Program via electronic files or by using the Microsoft Excel Workbook Tool, which contains an electronic version of the *Monthly Return of Human Trafficking Offenses Known to Law Enforcement*.

As the UCR human trafficking data collection is intended to collect all reported human trafficking offenses from LEAs in the U.S., sampling methodologies are not used. Estimation procedures will not be applied to human trafficking as only a small percentage of data is currently being collected. The response rates are still low and may not be a true representation of the offense. Human trafficking data are not estimated for non-participating LEAs due to the already low occurrence of human trafficking incidents as reported by the 73 percent of participating states. At the end of each reporting year, the FBI UCR Program requests for state program and direct contributor personnel to verify all human trafficking incident data submitted to the program.

3.	Response Rates/Non-Response

The *Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* mandated the FBI UCR Program to collect human trafficking data, but was not a mandate for the state UCR participating LEAs. When the FBI was tasked to develop new unfunded information collections, the costs associated with the implementation of the changes are imposed upon law enforcement. Historically, the resource issue has hampered the FBI's ability to collect new initiative data from its contributors. As stated earlier, the NIBRS transition grant monies will provide SRS agencies with the means to program, collect, and distribute human trafficking data. The FBI UCR Program provided training, liaison, and reference material to LEAs in order to increase responsiveness and data submission.

The FBI UCR Program was also asked by the Anti-Human Trafficking National Training and Technical Assistance Program for Law Enforcement Task Forces to add verbiage to the BJA Human Trafficking Task Force Grants, which will require a task force receiving BJA monies to submit their Human Trafficking data to the national UCR Program. This verbiage was added to the BJA grants in 2017. Although these task forces are small, the data received should dramatically increase the numbers reported to the FBI UCR Program. To date, the UCR Program has not received human trafficking statistics from these task forces. However, when data is received, it will be submitted through the applicable state UCR program.

The human trafficking data is relatively new with only five years of data published. The number of LEAs submitting data has increased each year. As more agencies participate, future publications will depict a more complete account of the human trafficking occurrences in the U.S.

Response rates are maximized through liaison with state UCR programs. Communications encouraging data submissions occur frequently because of the relationship between FBI UCR staff and LEAs. FBI UCR staff have a strong understanding of contextual challenges agencies face in reporting valid and reliable data and assist agencies in overcoming non-response challenges. There has been some confusion when interpreting the Human Trafficking–Commercial Sex Acts definition within UCR, which has resulted in non or under-reporting of human trafficking statistics. To mitigate this issue the FBI UCR Program presented recommended "standards" to provide guidance for users to follow when presented with a

potential human trafficking case through the CJIS APB. The FBI plans to implement this change in January 2021.

> The mission of the FBI UCR Program is to acquire human trafficking data, establish guidelines for the collection of such data, and publish human trafficking data. Although the FBI makes every effort through its editing procedures, training practices, and correspondence to ensure the validity of the data it receives, the accuracy of the statistics depends primarily on the adherence of each contributor to the established standards of reporting.

> It is very important for the data to be accurate and reliable as LEAs use UCR data to track crime, determine staffing level needs, and tactically place officers in the field. The UCR data is also used for administration, operational, and management within LEAs. Agencies use other agencies' crime statistics and staffing levels to justify their own crime statistics and staffing levels to obtain funding.

> 4.   Collection Development

> During the implementation of the human trafficking information collection, extensive research regarding the offense of human trafficking was conducted. Discussing the steps necessary to begin the collection of human trafficking information within the scope of the FBI's UCR Program as mandated were members of the CJIS Division's Global Law Enforcement Support Section, UCR Program Office, Information Technology Management Section; the Office of the General Counsel, Criminal Justice Information Law Unit, Division 9; the Criminal Investigative Division (CID), Civil Rights Unit; FBI Office of Congressional Affairs; Bureau of Justice Statistics; and the special interest group, Polaris Project, a leading organization in the global fight against human trafficking and modern day slavery.

The primary emphasis in developing an approach for collecting national human trafficking statistics was to meet the requirements of the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*, and to avoid placing significant new reporting burdens on LEAs contributing data to the FBI UCR Program. To accomplish this goal, a data collection was developed based on the program's existing reporting systems, the NIBRS and the SRS. Furthermore, the method by which human trafficking is collected by the FBI UCR Program was fully vetted and approved by the FBI's CJIS APB process. The APB was established to ensure a "shared management" concept with the nation's law enforcement community for all criminal justice information systems managed by the CJIS Division. It ensures law enforcement has the opportunity to discuss and vote on any policy or procedural changes to CJIS systems affecting law enforcement's ability to share information to the nation. The APB reviews policy, technical, and operational issues related to the CJIS services and recommends to the Director appropriate changes. In addition to the APB, the CJIS Advisory Process also includes five Regional Working Groups and many Subcommittees, including the UCR Subcommittee. The CJIS Advisory Process is an effective way to test concepts and develop the shared systems that support law enforcement and criminal justice agencies.

The Working Groups review topic papers on operational, policy, and technical issues related to CJIS Division programs and policies and make recommendations to the APB or one of its Subcommittees. All fifty states, as well as U.S. territories, federal agencies, tribal representatives, and the Royal Canadian Mounted Police are organized into five Working Groups. Working Group meetings are conducted as closed meetings and take place once each cycle, with two cycles per year.

The UCR Subcommittee is comprised of APB members and other UCR subject-matter specialists. The UCR Subcommittee was established to review recommendations for the consideration of the entire APB. The Chair of the APB, in consultation with the Designated Federal Officer (DFO) may invite any governmental or quasi-governmental entity who is involved in CJIS activities to attend any meeting of the CJIS Subcommittees for the purpose of consultation or providing information. Subcommittee meetings take place at least once each cycle.

The APB meets at the end of each cycle or twice during each calendar year. A notice of these meetings is published in the *Federal Register*, and the meetings are conducted in open session unless determined otherwise by the DFO. The APB is composed of 35 executive representatives from criminal justice agencies and national security agencies throughout the U.S. It ensures law enforcement has the opportunity to discuss and vote on any policy or procedural changes to CJIS systems affecting law enforcement's ability to share information to the nation.

During 2011, the new *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* form was pretested by conducting interviews with nine individuals. Six were law enforcement officers from the FBI Police and three were retired law enforcement officers now serving as FBI UCR Program Law Enforcement Officers Killed and Assaulted Program Training Specialists. The purpose of the interviews was to test cognitive and usability elements of the Human Trafficking form. The interviews identified issues and the appropriate changes were made to the form.

The current *Monthly Return of Human Trafficking Offenses Known to Law Enforcement* form remains the same and therefore, requires no additional testing. No comments or suggestions of problems with the form have been reported through the CJIS APB Working Groups, UCR Subcommittee, CJIS APB, or the Association of State Uniform Crime Reporting Programs. These groups meet frequently throughout each year and are dedicated to improving the collection, use, and utility of crime data as reported through the FBI UCR Program and all state and local crime reporting programs.

5.   Contact Information

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