Supporting Statement for Paperwork Reduction Act Submissions
Extension of an approved data collection with an OMB control number for the National Use-of-Force Data Collection
OMB Control # 1110 - 0071

Part A. Justification

1. Necessity of Information:

Police-involved shootings and use of force have long been topics of national discussion, but a number of high-profile cases in which subjects died or were injured during law enforcement encounters have heightened awareness of these incidents in recent years. The opportunity to analyze information related to use-of-force incidents and to have an informed dialogue is hindered by the lack of nationwide statistics. The National Use-of-Force Data Collection will facilitate important conversations with communities regarding law enforcement actions in relation to decisions to use force and works in concert with recommendations from the President's Task Force on 21st Century Policing. Given a growing desire among law enforcement organizations to increase their own transparency and embrace principles of procedural justice, this collection will expand the measure to a broader scope of use-of-force incidents to include nonfatal instances.

There is no legal mandate to participate in this collection; however, the Federal Bureau of Investigation (FBI) vetted this topic through its Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) for approval. The CJIS APB is a committee comprised of representatives from the law enforcement and criminal justice communities who advise the FBI Director on matters related to the criminal justice information systems the CJIS Division manages. The APB meets semi-annually and provides recommended actions on policy and technical issues, to include the Uniform Crime Reporting (UCR) Program. On December 3, 2015, the CJIS APB made the following recommendations that were signed by the FBI Director in February 2016.

APB Recommendation 1

"The APB recommends the collection and reporting of use of force by a law enforcement officer (as defined by LEOKA) to the FBI. The collection and reporting would include use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person. The definition of serious bodily injury will be based, in part, upon 18 USC Section 2246 (4). The term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."

APB Recommendation 2

"The APB recommends collection of data elements included in the DICRA and other data elements as determined by a Task Force, to include at a minimum:

- Age, sex, race, ethnicity, height, and weight of the officer(s)
- Age, sex, race, ethnicity, height, and weight of the subject(s)
- Date and time of the incident
- Location of the incident [location codes from the NIBRS]
- Injury/Death of subject(s) [gunshot wound/apparent broken bones/possible internal injury/severe laceration/loss of teeth/other major injury/death]
- Officer(s) injured [yes/no]
- Officer injury type(s) [apparent broken bones/possible internal injury/severe laceration/loss of teeth/other major injury/unconsciousness/death]
- Reason for initial contact between subject and officer [request for response to criminal or suspicious activity/request for medical, mental health, or welfare assistance/routine patrol other than traffic stop/traffic stop/warrant service/other/unknown]
- Subject(s) resisted [yes/no]
- Was the threat of force by the subject(s) directed to the officer or to another party?
- Type of subject resistance/weapon involvement
- Apparent physical impairment of the subject (Yes/No/Unknown)
- Was the subject(s) armed or believed to be armed?
- Type of force used to cause injury or death [firearm/conducted energy device (Taser)/explosive device/pepper or OC spray/baton or blunt instrument/personal weapons/other]"

APB Recommendation 3

"The APB recommends the creation of a separate collection mechanism under the FBI CJIS for the reporting of use-of-force data. The new data collection will be maintained separately by the national UCR Program and apart from the criminal incident and offense information. CJIS Systems Officers, in consultation with UCR Program Managers, will determine if agencies within their jurisdiction may submit directly to the FBI. UCR Programs will have timely and on-going access to all data submitted directly to the FBI."

2. Needs and Uses:

The goal of this data collection on law enforcement officer use of force is to produce a national picture of the trends and characteristics of use of force by a law enforcement officer (as defined by the Law Enforcement Officer Killed and Assaulted [LEOKA] Program) for law enforcement and the communities they serve. The collection and reporting include uses of force that result in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person. The data collected

includes information on the circumstances, subjects, and officers surrounding the incident. The data collection focuses on information that is readily known and obtainable by law enforcement with the initial investigation following an incident rather than any assessment of whether the officer acted lawfully or within the bounds of department policies.

The National Use-of-Force Data Collection began collecting data from federal, state, local, and tribal law enforcement agencies on January 1, 2019. As of June 2020, the data collection has a coverage rate of approximately 40 percent as defined by the total law enforcement officer population. Based upon the agreed to Terms of Clearance, the FBI is preparing an initial release of information that details response percentages for key variables. Once higher coverage rates are attained, the FBI plans on incremental releases of variables to demonstrate the practical utility of the data collected within the specified Terms of Clearance (see below).

Terms of Clearance

In 2017, after consultation with OMB, the FBI agrees to the following terms of clearance describing the quality standards which will apply to the dissemination of the results. For the purpose of these conditions, "coverage rate" refers to the total law enforcement officer population covered by the National Use-of-Force Data Collection. In addition, "coverage rate" will be considered on both a state-by-state basis, as well as a national scale. "Key variables" include subject injuries received and type of force used. Item non-response refers to the percent of respondents that either do not answer the question associated with a key variable or answer "unknown and unlikely to ever be known."

For the first year of collection,

A. If the coverage rate is 80 percent or greater and the item non-response is 30 percent or less, no conditions apply to the dissemination of the results.
B. If the coverage rate is between 60 percent and 80 percent or the item non-response is greater than 30 percent, the FBI will not release counts or totals, but may release ratios or percentages.
C. If the coverage rate is between 40 percent and 60 percent, the FBI may release only the response percentages for the key variables across the entire population and for subpopulations which represent 20 percent or more of the total population.
D. If the coverage rate is less than 40 percent, the FBI will not disseminate results.

In subsequent years, if any combination of conditions C and D are met for three consecutive years, or if condition D is met for two consecutive years, then the FBI will discontinue the collection and explore alternate approaches for collecting the information, for example, by working cooperatively with the Bureau of Justice Statistics (BJS) to expand their current efforts to collect information on deaths in custody, to include law enforcement.

This year, the National Use-of-Force Data Collection achieved a response rate above 40 percent for the first time. Based on the above terms of collection, the UCR program will be moving forward with releasing response percentages for key variables and other analysis that fall within condition C.

3. Use of Technology:

The National Use-of-Force Data Collection provides a centralized repository for the responsible federal, state, local, or tribal representatives to submit data on the circumstances, individuals, and officers involved in use-of-force incidents. The system is a robust tool that enables the nation's law enforcement communities to capture, submit, and publish timely and accurate use-of-force data. Two types of interfaces are available to data contributors: The National Use-of-Force Data Collection portal for users who wish to utilize an FBI-developed interface to submit and manage their agencies use-of-force incidents, or a Bulk Data Submission capability, allowing agencies with existing automated data capture and reporting system to generate a standards-based electronic file for submission. This gives agencies the choice to report data in a manner that best aligns with their current technical capabilities and reporting processes. Within the portal, users are provided prompted-navigation through each screen; values such as; "Save," "Pending Investigation," and "Unknown" are provided to enable a contributor to start an incident report without having all of the data and then return to complete and submit the report at a later time. A Zero Report capability is also provided to allow agencies who have no use-of-force incidents within a month to report that there were no incidents. Zero Reports will allow the FBI to understand where there were no incidents versus agencies who did not report. Detailed information about these and other features are included within this document.

All users access the portal through the Law Enforcement Enterprise Portal (LEEP). The portal uses the LEEP authentication and the related user account within the use-of-force application to provide role-based access to information and functionality within the software. The FBI has established a National Use-of-Force Data Collection help desk that provides a full range of support including user enrollment, workflow navigation, and troubleshooting technical or access issues.

4. Efforts to Identify Duplication:

The FBI's National Use-of-Force Data Collection has the potential to create duplicative reporting of similar information by law enforcement agencies to the Department of Justice (DOJ). Both the National Use-of-Force Data Collection and the DOJ Death in Custody Reporting Act of 2013 (DICRA) collection amass data on fatalities that result from a use of force by law enforcement. However, information in the DOJ's collection on in-custody deaths that result from accidents, suicides, and natural causes are not part of the FBI's collection. Conversely, the FBI collects information on some nonfatal encounters between law enforcement and the police that are not within the scope of the DOJ's collection. The FBI's collection also provides a way to ascertain information about the officers involved in instances of use of force by law enforcement that is not collected within the DOJ's collection.

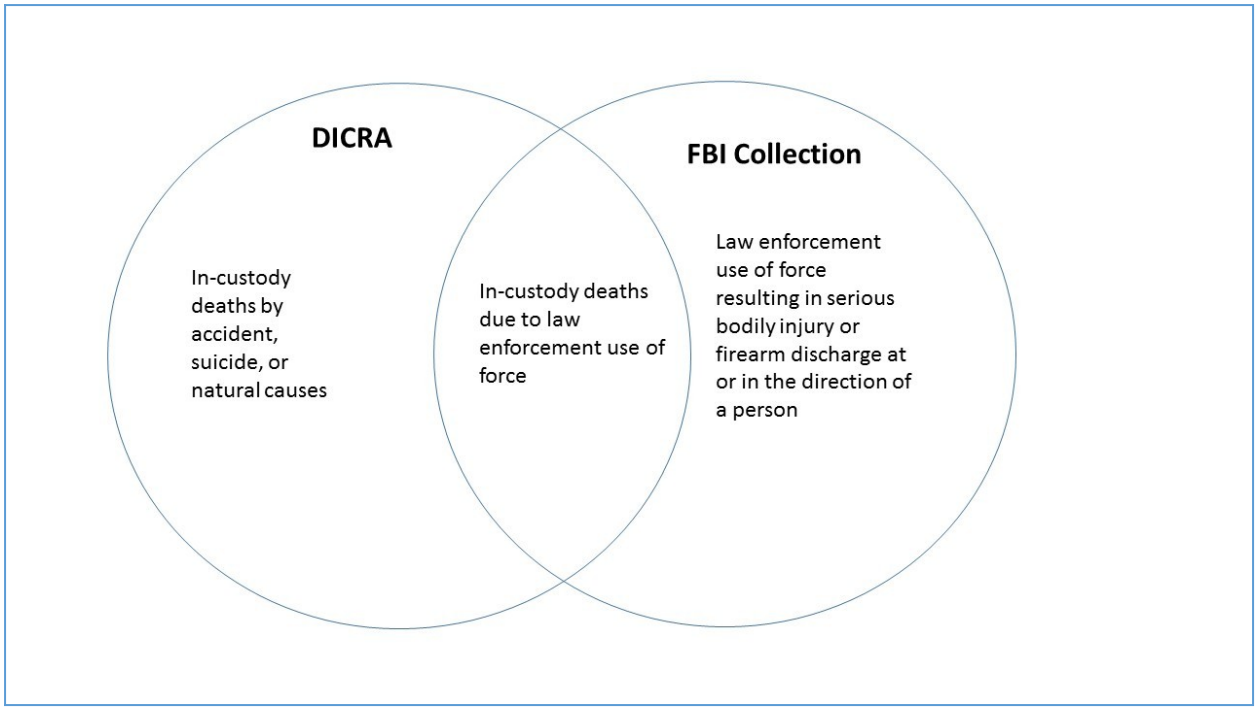

Figure 1. Scope of Data Collections from the DICRA and the FBI Use-of-Force Collection

While duplicative reporting may be unavoidable in the maintenance of two data collections within the DOJ, the FBI is working closely with the DOJ to ensure there is no duplicative record-keeping by law enforcement. The FBI and the DOJ use information and experiences gathered during interactions with pilot agencies during a study to explore the burden and impact of the duplicative reporting at the federal level on law enforcement agencies. The FBI and the Bureau or Justice Assistances (BJA) will develop a communications strategy in order to manage any release of information on the subject of law enforcement use of force. This strategy specifically addresses any differences between the two agencies' collections of use-of-force data in order to facilitate the proper interpretation of the data.

5. Methods to Minimize Burden on Small Businesses:

Small government entities may be impacted by the National Use-of-Force Data Collection. In mitigation, the FBI built the data collection tool as a web portal that will serve as a low/no-cost solution to law enforcement agencies who do not have or plan to build their own collection system.

6. Consequences of Less Frequent Collection:

Community leaders have called for changes to existing data collections on law enforcement use of force to understand facts and circumstances surrounding these incidents. The response of leadership from the law enforcement community has been overwhelmingly positive, as law enforcement executives clearly recognize the need for better use-of-force data in support of their own mission and for greater transparency with the communities they serve. Many of the major national and state law enforcement organizations have passed or are proposing resolutions and modeling policies to encourage their membership to provide better

information on use-of-force incidents for the benefit of their diverse communities. The United States Congress and state legislatures also are focusing attention on the current lack of standardized data available on law enforcement use-of-force incidents. The FBI reviewed and provided comment on seven separate pieces of legislation that were introduced into Congress from 2014 to 2017. The DICRA was signed into law by President Barack Obama in December 2014, reestablishing the DOJ data collection on in-custody deaths. In addition to activity on the national-level, many states, including Colorado and California, have passed additional legislation that requires the collection of use-of-force data by their law enforcement/criminal justice agencies.

The National Use-of-Force Data Collection will collect incident-level data on uses of force that result in the death or serious bodily injury of a person, or when a firearm is discharged at or in the direction of a person. In the absence of incident-level data meeting the scope of the data collection, law enforcement agencies are asked to submit a "zero report" on a monthly basis. The frequency of submission is in keeping with others associated with UCR and will ensure the data provided can provide the level of understanding needed on this important topic.

7. Special Circumstances Influencing Collection:

The FBI is requesting that all federal, state, local, and tribal law enforcement agencies submit monthly reports of use-of-force incidents, to also include Zero Reports if no law enforcement use-of-force incident occurred to better qualify any existing national trends. This is the same frequency of reporting requested for other UCR Program initiatives.

8. Public Comments and Consultations:

On May 4, 2020, a 60-day *Federal Register* Notice was published at CITATION. There were no comments received. (OR if there were pertinent- comments, state, "## comments were received and responded to".)

9. Payment of Gift to Claimants:

Not applicable.

10. Assurance of Confidentiality:

The greatest privacy risk from the National Use-of-Force Data Collection arises from the potential linkability of the information collected with outside sources of information to identify the officer(s) or subject(s) involved in a specific use-of-force incident. To mitigate this risk, access to individual incident information is restricted to the submitting agency of the incident and FBI employees supporting the National Use-of-Force Data Collection. Access to information within the National Use-of-Force Data Collection system is controlled by user role. The FBI has completed a Privacy Impact Assessment on the National Use-of-Force Data Collection, which is available at https://www.fbi.gov/file-repository/pia-national-use-of-force-data-collection.pdf/view.

Access to the raw data within the National Use-of-Force Data Collection is restricted to contributing law enforcement agencies and FBI personnel supporting the National Use-of-Force Data Collection. A sanitized data set from submitted National Use-of-Force Data Collection incidents will be created using industry standards to ensure that the information cannot be linked back to specific individuals while still allowing raw data to be used for statistical research purpose.

11. Justification for Sensitive Questions:

Not applicable.

12. Estimate of Hour Burden:

Burden estimates are based on sources from the FBI's UCR Program, BJS, and the Centers for Disease Control and Prevention (CDC). The BJS recently estimated that approximately 1,400 fatalities attributed to a law enforcement use of force occur annually (Planty, et al., 2015, *Arrest-Related Deaths Program: Data Quality Profile*, http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5260). In addition, the CDC estimates the incidences of fatal and nonfatal injury—including those due to legal intervention—from emergency department data. In their study, *The real risks during deadly police shootouts: Accuracy of the naïve shooter*, Lewinski, et al., (2015) estimate law enforcement officers miss their target approximately 50 percent of the time at the firing range. This information was used to develop a simple estimate for the number of times officers discharge a firearm at or in the direction of a person but do not strike the individual. In addition, the UCR Program collects counts of the number of sworn and civilian law enforcement employees in the nation's law enforcement agencies.

The following table shows burden estimates based on previous estimation criteria and current National Use-of-Force Data Collection enrollment numbers.

Estimated Burden for All Law Enforcement Agencies in Annual Collection

Timeframe	Reporting Group	Approximate number of officers from participating agencies	Maximum per capita rate of use-of-force occurrence per officer	Minimum per capita rate of use-of-force occurrence per officer	Maximum estimated number of incidents	Minimum estimated number of incidents	Estimated burden hours per incident	Maximum estimate total number of burden hours	Minimum estimate total number of burden hours
Collection (Annual)	All agencies submitting data	393,274	0.122	0.012	47,979	4,719	0.63	30,227	2,973

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 to the data collection and for any additional follow-up between the agency and the FBI UCR Program. Respondents may incur capital or start-up costs associated with this information collection, although it is difficult to obtain the costs to agency Records Management Systems as the vendor costs vary from agency-to-agency. Many costs are built into the vendors Service Level Agreement contracts. Depending on the vendor contracts, changes may be included within the original contract with no other additional costs. An estimate has been projected that agencies pay an $18,000 maintenance fee every year for system maintenance costs. However, these agencies are required to maintain their systems for their own purposes regardless of whether they report crime data to the FBI UCR Program.

14. Cost to Federal Government:

The following is a cost module provided by the FBI 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 both the National Incident-Based Reporting System (NIBRS) and the Summary Reporting System (SRS). The cost module does not separate the costs between the two methods of collecting UCR data.

Data Collection and Processing Costs

Activity	FY2019 Annualized Cost	FY2019 Annualized FTE
TDY Crime Data Program	$ 92,004.08	1.00
Police Use of Force (UoF)	$ 9,267.53	0.06
UCR Security	$ 9,869.80	0.05
Curriculum design - External Customers	$ 166,386.43	1.11
Administrative	$ 39,044.92	0.20
Assessments/analysis - External Customers	$ 63,363.71	0.40
Provide training instruction - External Customers	$ 229,750.16	1.52
New UCR Metrics and	$ 20,955.02	0.10

Activity	FY2019 Annualized Cost	FY2019 Annualized FTE
Reporting		
New UCR O&M	$ 1,039,673.00	6.22
NIBRS Transition Support to States/SFTP and Web Services	$ 15,914.12	0.10
Use-of-Force	$ 193,430.33	1.04
New UCR and Crime Data Explorer (CDE) O&M	$ 62,865.06	0.31
New UCR and CDE O&M	$ 320,556.22	1.97
Conduct UCR audits	$ 80,268.18	1.04
Editing	$ 120,701.94	1.70
Graphics	$ 37,986.43	0.50
Research and Analysis	$ 68,743.57	0.95
Project and Program Management	$ 84,213.69	1.05
Publication	$ 24,056.71	0.30
Video Production	$ 9,050.94	0.12
Writing Services/Support	$ 85,237.45	1.20
Research and Analysis	$ 138,102.45	0.75
Liaison, Education, and Promotion	$ 982,682.24	7.21
Policy, Development, and Management	$ 407,638.57	2.77
Administrative and Human Resource	$ 416,793.71	3.46
Budget Activities, Strategic Planning, and Program Control	$ 557,140.57	3.76
UCR Data Requests and Analysis	$ 691,632.75	6.16
UCR Dev/Ops (UCR-TR, CDE, UoF)	$ 801,010.71	6.05
UCR Data Collection & Public Distribution	$ 1,038,030.43	9.55
UCR Life Cycle Support	$ 70,139.67	0.40
UCR Business Management Support	$ 298,661.67	1.80
Program Management	$ 17,381.31	0.15
Conduct Audits	$ 106,545.90	2.00
Direct and Interpret Statistical Methodologies	$ 46,984.00	0.60
	$ 8,346,083.24	65.60

15. Reasons for Change in Burden:

Not applicable.

16. Plans for Publication:

In 2020, the National Use-of-Force Data Collection achieved agency participation above 40 percent. Per the Terms of Clearance set forth by OMB, the UCR Program plans to begin publishing response percentages for the key variables across the entire population and for subpopulations which represent 20 percent or more of the total population. Only with the new publication parameters, the FBI will continue to focus on aggregate counts of incidents by type and detailed characteristics of those incidents that meet at least an 80 percent item response rate. Those measures, however, will be published in such a manner that provides additional context of data quality and completeness. This could include lists of participating agencies along with associated agency characteristics such as size or type or maps showing the geographic distribution of participating agencies. In addition, the FBI may choose to exercise the option of publishing data in a state-by-state manner until such time that participation could be reasonably interpreted as nationally representative. No statements will be made representing data as a national estimate until the response rate reaches a minimum of 80 percent.

17. Expiration Date Approval:

The FBI does not want to display the expiration date for OMB approval of the information collection due to the mode of data collection. The National Use-of-Force Data Collection will be collected via Web form available on the restricted-access LEEP. To keep an expiration date current would require programming changes on the Web form.

18. Exceptions to the Certification Statement:

Not applicable.