MEMORANDUM

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SUBJECT: Federal Bureau of Investigation (FBI) Request for Office of Management and Budget (OMB) Clearance for developmental activities associated with the National Use-of-Force (UoF) Data Collection pilot study under the OMB clearance agreement (OMB Number 1110-0071).

Background

The National UoF Data Collection provides a mechanism for law enforcement agencies (LEAs) to report law enforcement uses of force for the purpose of compiling national statistics on these types of events. Submitting UoF information to the FBI will be voluntary and each LEA will be responsible for reporting information for their own officers connected to incidents meeting the criteria of the data collection. Reporting will be made either to a state Uniform Crime Reporting (UCR) program, a designated UCR program for a particular organization (such as with federal agencies), or directly to the FBI. Incident information will be reported electronically through a web application in the Law Enforcement Enterprise Portal (LEEP) or through a bulk submission of data from the state UCR program or federal domain managers.

The collection and reporting of UoF data will include any UoF that results in:

1. The death of a person due to law enforcement UoF,
2. The serious bodily injury of a person due to law enforcement UoF, or
3. The discharge of a firearm by law enforcement at or in the direction of a person not otherwise resulting in death or serious bodily injury.

For the purpose of this data collection, the definition of serious bodily injury is based in part on Chapter 18 United States Code Section 2246 (4) and 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."

The initial plan for a pilot study of the proposed data collection was published in the Federal Register on December 30, 2016, outlining its goals to assess both data reliability and data completeness.

Pilot

The pilot study consisted of two phases. Each phase included a set of target agencies and states allowing for sufficient data to evaluate intercoder reliability in the application of definitions and guidance. While survey design "best practices" can be used to inform the process of eliciting information from individuals providing law enforcement statistics for the UCR Program, the data collection is more similar to an extensive process of content analysis. Information captured within law enforcement records and narratives serve as the basis for the statistical information forwarded to the FBI. The challenge for the FBI UCR Program is to communicate coding schemes based upon a common set of definitions. Instructions and manuals, as well as training modules and curricula, were developed and served to help guide individuals at LEAs to translate their local records into a uniform manner. While basic instructions were provided during the pilot study, the results of the pilot study identified concepts with less consensus across locations and types of LEAs for the future development of in-depth instructions, manuals, training modules, and curricula.

Phase I

The activities of the first phase of the pilot focused on a prospective comparison of reported incidents submitted in the UoF data collection through the data collection tool on LEEP to the original records voluntarily provided by the reporting agency to the FBI. Those recruited agencies agreed to participate in the pilot study and understood local records would be forwarded to the FBI upon submission of statistical information to the UoF data collection tool. The local case information was redacted of any personally identifiable information prior to its forwarding to the FBI, and the FBI destroyed all local records upon completion of the pilot study.

Selection of the Agencies

The targeted agencies for participation in the pilot study included three groups of agencies, while also accepting agencies of any size who voluntarily approached the FBI to provide their information:

- The largest local LEAs with a workforce of 750 or more sworn officers were targeted. The group of the largest agencies included at least 68 agencies across 23 states based on information submitted to the UCR Program. Each state/local agency was approached through their UCR Program Manager for their voluntary agreement to provide data for submission to the UoF data collection and participate in the pilot study activities.
- The FBI identified state UCR programs to participate on a voluntary basis.
- All four Department of Justice (DOJ) LEAs were asked for voluntary participation.

These state UCR Programs were selected based upon the results of the canvass of the states during pre-testing and subsequent conversations with state representatives about the pilot study. These identified states represented UCR programs using the data collection tool on LEEP to manage the data collection for their UCR Programs.

It was expected in Phase I there would be sufficient data to meet one of the pilot objectives to evaluate intercoder reliability in the application of definitions and guidance. The FBI estimated up to 90 incidents to be reviewed from the set of target LEAs, which also involved interaction with UCR programs. Incident reports released to the FBI through December 31, 2017 from the participating agencies totaled 135. The FBI anticipated there would be additional incidents reported by the participating pilot agencies beyond December 31, 2017, due to an average lag time of approximately 35 days from the date of the incident to the final release of the incident report to the FBI National UoF Data Collection pilot.

Actual participation of pilot agencies resulted in 98 agencies enrolled in the pilot study. Of the 98 agencies, 24 fit the targeted group of agencies with 750 sworn officers or more and three DOJ agencies were also reflected. The remaining agencies provided additional diversity of agency size and type allowing for the FBI to further understand issues impacting data quality. (See Table 1.)

Table 1. Agencies Participating in the UoF Pilot Study

	Initial Telephone Contact	Agencies Enrolled	Agencies Withdrew	Final Agency Enrollment	750+ sworn officer	Less Than 750 sworn officers or unknown	Reports through State UCR Program	Directly Report to the FBI
City	44	52	5	46	19	27	23	23
County	23	34	8	26	4	22	9	17
State	4	24	6	18	1	17	14	4
Tribal	1	2	0	2	0	2	0	2
College or University	1	1	0	1	0	1	0	1
Federal	4	3	0	3	0	3	3	0
Other	1	2	0	2	0	2	1	1
Total	78	117	19	98	24	74	50	48
State Programs	12	--	--	--	--	--	--	--

Objectives

The objective of Phase I review was to ascertain whether the agencies were applying the definitions and using the provided instructions in a uniform manner. In particular, the records comparison investigated the application of the legal definition of "serious bodily injury" and the coder's understanding of how the definition could be operationalized. The records review and comparison also identified problematic areas where instructions needed more detail or more training should be provided to agencies. The data was also used in the planning of the second phase of the pilot involving site visits to a subset of agencies. Finally, the FBI worked with state UCR Program Managers in the pilot states to identify any potential problems with local and state record-keeping which impeded the ability to provide the UoF information to the FBI. Phase I of the pilot study began July 1, 2017 and was scheduled to conclude on September 30, 2017. However, those agencies actively participating in Phase I of the pilot study were asked to continue providing any supporting documentation for incidents entered in the second half of the pilot study to ensure a minimum of 90 incidents for analysis.

Initial Assessment

The Phase I assessment consisted of an administrative review and data quality review. As a prelude to the review of local agency records, the FBI asked each LEA specific questions about their participation in the National UoF Data Collection. The intent was to assess their understanding of and capabilities to comply with data collection guidelines. This occurred upon the submission of the first incident to the National UoF Data Collection pilot. Agencies which opted to participate in the pilot study were provided an overview of the intent of the collection and expressed an interest in wanting to assist the FBI with its development. In addition, information regarding the reasons for refusal were systematically recorded and reviewed for agencies opting not to participate in the pilot. This data was analyzed for detectable patterns by type of agency, region, or any other agency characteristic.

Following review of the LEA's provided documentation on the UoF incident, the FBI independently and blindly completed the fields in the Incident, Subject, and Officer sections of the data collection. The FBI assisted with assessing whether data collection guidelines were consistently interpreted and applied. The FBI will share a copy of the pilot study report with all participating agencies following OMB approval.

Informal Feedback Received During Pilot Study

In addition to reported data, interactions with participating pilot agencies also revealed issues which could affect participation and reporting in the National UoF Data Collection. These were roughly summarized into two categories:

- Concerns, problems, or difficulties experienced during enrollment, including the data collection system, or Portal
- Ambiguous questions or instructions related to the data collection itself

Some concerns arose regarding the security constraints involved in hosting the data collection portal on a restricted-access system. Currently, LEEP passwords expire after 90 days. If not accessed for 35 days, LEEP accounts are disabled, and if users do not access their LEEP account within 90 days, they are deemed inactive. Mitigations to these concerns include the LEEP Program Office approving the extension of password expirations to 365 days and account inactivity to 120 days. While these changes are not yet approved, they are forthcoming. Once agencies and individuals gained access to LEEP, additional impediments regarding the enrollment in the National UoF Data Collection Portal application itself were identified. Several LEAs had to work around firewall issues that would have otherwise prevented their access. Some agencies had trouble identifying the correct originating agency identifier (ORI) used for UCR reporting. The FBI UCR Program established a UoF Help Desk with a dedicated phone number (304-625-9998) and email address (<useofforce@fbi.gov>) allowing all participants to request assistance with these technical impediments.

User feedback indicated the Portal is user-friendly and intuitive. The FBI not only developed a user-friendly web form for UoF incident entries, but also included an entire management process to delegate control of the entries, modifications, deletions, and submissions to the host agency. This business process incorporates the ability of state UCR programs opting to manage their participating local agencies to establish accounts, run reports to determine information such as agencies who have not reported for the month and agencies who have submitted pending data values, manage the flow of data by providing a quality review prior to release of data to the FBI for use and publication, and modify user accounts as necessary as employees join or leave the agency. The frequently asked questions (FAQs), Quick Guides, and help videos included were reported to be useful. There were some suggestions for improvement of certain aspects of the Portal functionality. For example, one agency indicated they did not like the method to manually remove any additional agency involvement by ORI. This design choice was made purposely since the FBI would not know which agency data to delete. This design ensures state UCR managers concur with the removal of select agencies if a LEA changed its mind about multiple agency involvement. Better explanations and messaging in the Portal to direct users to these help documents may mitigate some of these concerns. The FAQ page will be made more easily identifiable and has been prioritized to improve the facilitation of this information.

Other concerns or questions from agencies were related to the data collection itself. Agencies had questions about the relationship between the National UoF Data Collection and the existing UCR Law Enforcement Officers Killed or Assaulted Program or the Death in Custody Reporting Act requirements. In addition, agencies still experienced confusion stemming from other definitions provided by local or state sources. When these questions arose, the FBI took the opportunity to address any concerns by explaining the differences or pointing to documentation and FAQs available in LEEP which provided clarifying explanations. Such correspondence was documented and included in future documents and guidance. Help documents and FAQs are kept up to date based on continuous feedback.

Finally, agencies provided specific information on categories appearing to be missing from lists (such as types of force or injury). More commonly, agencies sought clarification on whether a particular incident was within the scope of the collection or which agency was expected to be the primary reporting agency when multiple LEAs responded to an event with law enforcement UoF. These clarifications were noted as areas for further guidance to be provided to LEAs within the supporting help documentation and FAQs.

Methodology

The FBI employed a common intercoder reliability measure known as Cohen's kappa to quantify agreement between two independent coders. The first set of coded responses consisted of the information entered into the National UoF Data Collection by the original agency. The second set of coded responses reflected the consensus of the FBI UCR Program on the responses to the same set of questions based on information from the original records of the reporting agency voluntarily forwarded to the FBI. Cohen's kappa provided a direct comparison between the two sets of responses which also provided an adjustment for the likelihood responses could agree at random. The measure was used to identify particular questions with low reliability requiring more specific instructions and guidance in order to improve data quality.

The overall objectives of the Phase I of the pilot study were:

- To measure the extent LEAs exhibit a consistent interpretation of the variables in the National UoF Data Collection with the FBI as measured by the intercoder reliability measure of Cohen's kappa.
- To measure the extent LEAs exhibit a consistent interpretation of serious bodily injury as measured by intercoder reliability between FBI and agency.
- For the FBI to make corresponding recommendations regarding coding schemes and definitions.
- To identify what additional concepts may need to be explored with the subset of LEAs for Phase II.
- To systematically record reasons for refusals to participate in the pilot study.
- To work with UCR Program Managers in the pilot states to identify any potential problems with record-keeping impeding the ability to provide the UoF information to the FBI.

Reliability Analysis

The responses to the data collection on incidents from pilot agencies were compared to those provided by the UCR Program. The goal was to identify questions with low reliability for further exploration and targeted for greater explanation in instructions and FAQs, as well as possible adjustment of response categories. All Cohen's kappa coefficients are listed in Appendix A. However, only those questions which are considered to have moderate, weak, minimal or no agreement will be discussed in this paper.

The Cohen's kappa coefficients between .60 and .79 have moderate agreement among raters; coefficients between .40 and .59 have weak agreement; and coefficients less than .39 have minimal to no agreement[1]. Of the possible 85 questions/response categories, 21 had no valid Cohen's kappa coefficient due to the lack of variation in the data. These are areas the FBI will monitor as the data collection matures. In addition, questions on age, sex, and race/ethnicity for both officers and subjects were not evaluated. These questions are currently using recommended language and response categories used by federal statistical programs.

Questions with Moderate Agreement

Overall, there were 20 questions/response categories with moderate agreement (Cohen's kappa coefficients ranging from .60 to .79). These 20 questions can be further divided into incident-level, subject-level, and officer-level information. Out of 15 incident-level questions, 7 exhibited moderate agreement, while 13 of the 49 subject-level questions showed similar results. Of the 21 officer-level questions, 2 questions had Cohen's kappa coefficients between .710 and .633.

Table 2. Incident-level Questions with Moderate Agreement

Question	Kappa
Time of the incident	0.655
Location type of the incident	0.691
What was the reason for initial contact between subject(s) and officer(s)?	0.708
Did the officer approach the subject(s)?	0.823
Total number of officers who actually applied force during the time of the incident…	0.615
Number of officers from your agency who actually applied force during the time of incident…	0.625
Total number of other agencies involved…	0.708

[1] McHugh, Mary L. "Interrater reliability: the kappa statistic," *Biochemia Medica*, (Zagreb) 2012 Oct; 22(3): 276-282.

Table 3. Subject-level Questions with Moderate Agreement

Question	Kappa
Was there an apparent or known impairment in the mental or physical condition on the subject?	0.754
Alcohol	0.615
Was the threat by the subject(s) perceived by the officer(s) to be directed to the officer or to another party?	0.633
What resistance or weapon was or believed to be involved?	--
Resisted	0.690
Barricade	0.695
Firearm	0.683
At any time during the incident, was the subject armed or believed to be armed with a weapon (other than hands, fists, or feet)?	0.758
Type(s) of force used by law enforcement connected to serious bodily injury or death of the subject	--
Electronic	0.754
Baton	0.662
Projectile	0.662
Blunt Object	0.662
Physical	0.661
What were the subject's injuries received as a direct consequence of the use of force by law enforcement?	--
Severe Laceration	0.648

Table 4. Officer-level Questions with Moderate Agreement

Question	Kappa
Was the officer injured during the incident that precipitated the use of force?	0.710
What were the officer's injuries during the incident that precipitated the use of force (select all that apply)?	--
Other Major Injury	0.663

The cognitive testing conducted prior to the pilot indicated agencies concluded the time force was used by officers to be the best measure of the time of the incident. It was also indicated in the cognitive testing agencies would often have to estimate this time based upon information provided in the incident narrative. Further analysis suggests the findings related to time of incidents may be a result of this estimation of the time for both raters showing, on average, approximately three minutes' difference between the two raters.

Differences measured between the FBI rater and the local agency raters on total number of officers tended to show local agencies reported more officers than the FBI rater (11 of 19 incidents). This finding is consistent with anecdotal conversations with pilot agencies and site visits. Representatives from agencies were more apt to include any officer who potentially could be involved in a use-of-force incident regardless of whether the officer's actions could be

directly tied to the injury. This finding appears to be consistent for the question about other agencies involved in the incident.

Questions with Weak Agreement to No Agreement

Of the 85 questions/response categories within the data collection, only nine had a Cohen's kappa coefficient lower than .50. These questions/response categories with weak to no agreement appear to be mostly concentrated on information collected about the subject and, to a lesser extent, the officer. The two questions about height and weight of the officer have a high amount of missing data (50.6 percent of cases for both questions), which may contribute to the low reliability findings.

Table 5. Subject-level Questions with Weak Agreement

Question	Kappa
Was there an apparent or known impairment in the mental or physical condition on the subject: Drug	0.583
What resistance or weapon was or believed to be involved	--
Physical	0.558
Noncompliance	0.427
What were the subject's injuries received as a direct consequence of the use of force by law enforcement	--
Possible Internal Injuries	0.490
Other Major Injury	0.492

Table 6. Officer-level Questions with Weak Agreement

Question	Kappa
Height of the officer	0.572
Weight of the officer	0.509

Table 7. Subject-level Questions with Minimal to No Agreement

Question	Kappa
What resistance or weapon was or believed to be involved	--
Escape/Flee	0.370
Verbal	0.179

Table 8. Reliability Analysis by Region, Agency Size, and Agency Type for Key Variables

		Injury to Subject		Subject Resistance			
		Possible Internal Injury	Other Major Injury	Escape/Flee	Verbal	Hands/Fists/Feet	Other Passive Resistance
Region	Northeast	--	--	--	--	--	--
	Midwest	**	**	0.333	0.385	1.000	0.385
	South	**	1.000	0.270	**	**	0.603
	West	1.000	**	0.379	0.151	0.521	0.304
	Federal	**	**	0.720	**	**	0.720
Size	750+ Officer	0.66	**	0.388	**	0.573	0.459
	LT 750 Officers	**	**	0.308	0.233	**	0.244
Agency type	City	0.658	1.000	0.315	0.123	0.836	0.506
	County	**	**	0.459	0.220	0.117	0.348
	Tribal	**	**	1.000	**	**	**
	State	**	**	**	**	**	**
	Federal	**	**	0.720	**	**	0.720

**Cohen's kappa Coefficient was a constant

Low levels of agreement for subject-level questions appear to be concentrated in types of passive resistance or other questions which capture broad types of injuries. However, this finding may be a result of variation in the understanding and use of these categories across regions and types of agencies (see Table 8). The six subject-level response categories with the poorest reliability were further analyzed by region, size of LEA, and the type of LEA. In many cases, there is a tendency for these particular response categories to be used by certain areas of the country or certain types of agencies. It is unknown at this time if this indicates an underlying preference or assumption by the agency or if incidents are fundamentally different depending upon where the incident occurs. However, the FBI will continue to monitor the data collection for opportunities to improve guidance and training.

The response categories for types of resistance continue to be poor for city and county agencies. Both the tribal and federal agencies reflect a common understanding and usage of the four types of resistance analyzed in this section.

Assessment of Item-level Nonresponse

As of December 31, 2017, 159 incidents were entered by agencies participating in the Pilot Study as works in progress and/or submitted for review by the managing agency. As of December 31, 2017, 135 of these incidents have been released to the FBI. For the month of July, 59 agencies provided a *Zero Report* indicating no incidents meeting the criteria of the National UoF Data Collection occurred. For the month of August, 60 agencies submitted a *Zero Report*. For the month of September, 59 agencies submitted a *Zero Report*. Moving into Phase 2, for the month of October, 53 agencies submitted a *Zero Report*. For the month of November, 50 agencies submitted a *Zero Report*. For the month of December, zero agencies had submitted a *Zero Report* on December 31, 2017; however, LEAs are unable to provide a zero report for a

given month until the first of the following month. The FBI encourages agencies to make a good faith effort to submit data by the 15th of the following month. It should be noted LEAs are not limited to a specific timeframe in which retroactive data submissions will be accepted. Therefore, throughout the pilot study, agencies were constantly updating monthly submissions. For four of six months, the response rate for agencies was above 80 percent. The declining participation of the final two months could be attributed to the timing of such reports at a time when personnel have been out of the office for the holidays.

Table 9: Pilot Agencies by Response Type as of December 31, 2017

Month	Incident Report	Zero Report	Nonresponse	Response Rate
July	17	59	10	88.4
August	18	60	8	90.7
September	16	59	11	87.2
October	19	53	14	83.7
November	13	50	23	73.3
December*	2	0	84	2.6*

*Reports are still incomplete at this time. Agencies are encouraged to provide data by the 15th of every month and may experience an average lag of 35 days.

Additional follow up occurs monthly via reminder emails, phone calls, and pop-up notifications within the portal to prompt agencies to complete their monthly submissions and has been very successful in achieving responses. A supplementary report was run on January 23, 2018 to assess the success of the FBI's follow up regarding data submissions post December 31, 2017. As detailed in the table below, the response rate for all six months improved, with five of the six months now having a response rate above 80 percent, demonstrating the FBI's mitigation strategy is improving the response rate.

Table 10: Monthly Response Rate Percent Improvements

Month	Incident Report	Zero Report	Nonresponse	Response Rate	Percent Improvement
July	20	63	3	96.5	+8.4
August	20	60	6	93.0	+2.3
September	20	60	6	93.0	+5.8
October	22	57	7	91.9	+8.2
November	16	59	11	87.2	+13.9
December*	15	52	19	77.9	+75.3

Nearing the conclusion of Phase I, contacts with the agencies were reduced in order to give sufficient time for preparations for the site visits during Phase II. Once the site visits resumed, the FBI requested the agency records from any submitted incident occurring between July 1 and September 30, 2017. If pilot agencies were willing to provide agency records for any submitted incidents occurring October 1, 2017 to December 31, 2017, the FBI did accept it for quality review. Seventy-seven of the ninety-eight enrolled pilot agencies were deemed complete regarding data submission requirements. Eighteen agencies provided partial data throughout the six-month pilot study. Monthly data submissions were entered into the portal. For purposes of the pilot study only, the FBI also requested LEAs to provide hardcopy documentation to perform a blind quality review of the UoF incident data entered into the portal. This will not be a

requirement for the nationwide collection. Five of the eighteen agencies were unable to provide any of this documentation, although they did provide portal incident submissions. Their inability to provide this documentation was not dependent on the incident type, but rather revolved around ongoing investigations, as well as agency policies which precluded the release of hardcopy documentation without subpoena. The FBI does not anticipate these factors affecting an agency's ability to participate in the data collection. Five of the eighteen agencies did provide 16 out of 27 requested hardcopies. Reasons provided for the incomplete hardcopy submissions included miscommunications and not realizing they had not been provided. The remaining eight agencies which provided partial data were missing a month or more of data submissions. While the monthly submissions provided were Zero Reports, the missing monthly data submission(s) could not be assumed to also be a Zero Report. Therefore, the FBI is unsure if these agencies would have provided hardcopy documentation if needed. Reasoning provided for missing monthly submissions included forgetting to submit, due to this pilot study being a new and collateral duty. Three agencies did not provide data at all. One of these agencies was locked out of their LEEP account and did not re-establish access. One agency did not backfill the position of the sole point of contact responsible for UoF reporting when the individual accepted another position. One agency was nonresponsive to all efforts of communication by the FBI. Given the lag times observed by FBI staff between the date of the incident and the initial entry of statistical data, the FBI expected the response rate to improve. Additional follow-up with these agencies was conducted to ensure the maximum response rate was achieved, and the FBI will continue to work with pilot agencies to provide reminders to complete reports for the final two months of the pilot study. The FBI will continue to monitor paradata, such as legal and collective bargaining agreements or how agencies assign the task of completing the data collection, for example, to gain greater understanding of the elements that could lead to nonresponse and suggest "best practices" for agencies participating in the data collection.

Information learned from analysis of submitted incidents was further explored during the Phase II site visits. An area of focus for the FBI centers around agency nonresponse related to response rates and potential impediments which could prevent LEAs from being able to provide data to this collection. The National UoF Data Collection allowed agencies to set *pending* values to a temporarily missing value. Once an agency resolves a pending data element through investigation, they have the ability to then modify the submitted incident report to reflect the change. Early analysis focused on any patterns associated with these values to gain insight into which parts of the data collection may be problematic for participating agencies. The most common data elements reported *pending* were officer height and officer weight. The FBI found LEAs willingly utilized the *pending* value option, which increased monthly response rates and allowed them to provide data in a more timely fashion. LEAs indicated some unwillingness to submit an incident report if an investigation was still open and the *pending* value option was not available. Its accessibility allows agencies to confidently report UoF instances to the FBI monthly, which at a minimum provides an overview of how many deaths, serious bodily injuries, and firearm discharges at a person are occurring.

Assessment of Unit-level Nonresponse

In mid-2016, the FBI began engagement with 69 agencies affiliated with the Major Cities Chiefs Association and 91 agencies associated with the Major County Sheriff's Association, utilizing their conferences as platforms to communicate with LEAs about the pilot study. Interested

agencies were asked to provide contact information. Initially, 78 LEAs expressed an interest in participation via these conferences. Of these, 57 agencies verbally agreed to participate in the pilot study during preliminary phone conversations and twenty-one declined. Of the 57 preliminary verbal commitments, 49 agencies finalized their enrollment, leaving 29 agencies who declined. Some declined participation in Phase I of the pilot study due to agency policy mandating they not release documents related to the incident without subpoena. The request for these documents was only relevant to the pilot study and will not be requested for the nationwide collection. One agency decided not to participate due to reporting requirements to the state and fear of duplication of efforts. An additional 68 agencies voluntarily contacted the FBI to enroll in the pilot study. The total number of pilot agencies was 117. Following enrollment and the launch of the pilot study, 19 of these agencies then requested to withdraw from the pilot study. Therefore, the FBI moved forward with 98 enrolled agencies (see Table 1). Thus, 60 percent of enrolled pilot agencies contacted the FBI and expressed interest in participating in this study voluntarily.

Of the 19 agencies who requested to withdraw, 10 stated after reviewing requirements for the pilot study and examining their current workload, they now wished to utilize the pilot period term to become familiar with the portal application and develop a process to participate in the nationwide collection upon approval. Three agencies indicated their intention was to enter the portal application to view nationwide UoF data. Data provided in the portal application is only visible to the submitting agency and managing agency if applicable. Since these three agencies did not intend to enter UoF data, there was no data for them to view. Three agencies were inadvertently enrolled manually due to these agencies being satellite detachments under similar ORIs to their larger intended counterpart. Two agencies were state UCR programs who were inadvertently enrolled as both a managing agency and a local agency. Although these two agencies agreed to manage the data for their local agencies, they did not intend to enter agency data themselves. One agency lost their sole point of contact to another position and never backfilled this task. Despite the withdraw requests and initial declines, many agencies indicated they fully support this initiative even if they were not able to participate in the enhanced reporting requirements of the pilot study and have said they will participate in the nationwide collection.

Phase II

LEAs participating in Phase I served as the sampling frame for Phase II. Phase II was an extension of the records review and comparison with targeted, on-site visits to a sample of agencies. The FBI worked with the Bureau of Justice Statistics (BJS) in the development of a statistically-defensible sampling strategy. LEA participation in this phase was also voluntary and occurred during a three-month time period following the conclusion of Phase I.

Selection of agencies

The original set of agencies recruited for the first phase served as a basis for the selection of agencies in the second phase. The FBI also continued to accept agencies providing data voluntarily to the data collection.

The activities of Phase II were primarily centered on an extension of the records review and comparison with targeted, on-site visits with a sample of pilot agencies. Due to the small

numbers of incidents submitted to the data collection and the wide dispersion of pilot agencies, the FBI used a purposefully-chosen sample of agencies for on-site visits by FBI personnel. The FBI, in consultation with the BJS, selected six agencies in four locations to represent key areas of variation and diversity for reporting agencies. There were three major metropolitan police departments and two county agencies. In addition, a state agency with primary responsibility for reporting data for all agencies in the state was also included.

Objectives

The primary objective of the on-site visits was to understand factors which contributed to the level of underreporting of within-scope incidents—especially those with serious bodily injury or firearm discharges. The on-site visits also allowed for an assessment of local record-keeping capabilities. While this did not allow for an estimate of the level of underreporting by agencies, the information and insight gained from the on-site visits allowed the FBI to develop appropriate responses to mitigate those effects.

As with Phase I, the on-site reviews were conducted by the FBI, which reviewed all records for the months of July 2017 to September 2017 at five of the six LEAs connected to UoF incidents maintained by the sampled agency. A sampling strategy was utilized with one LEA due to a record count in excess of 400. Every fourth record was reviewed. Due to the agency's slow computer system, 75 records were reviewed in total. The primary purpose of these reviews was to assess whether incidents recorded by the local agency meeting the criteria of the National UoF Data Collection were appropriately reported to the FBI data collection. This included instances of either underreporting or over-reporting—especially for those incidents not resulting in a fatality. Phase II of the pilot study lasted three months and began three months after the onset of the National UoF Data Collection.

The objectives of Phase II were:

- To ascertain factors which contributed to either underreporting or over-reporting of incidents
- To assess whether any incidents occurred which should have been reported to the National UoF Data Collection, based upon the definition of serious bodily injury or firearm discharges, but were not.
- To further explore factors negatively impacting the reliable recording of characteristics of incidents of law enforcement UoF as measured in the National UoF Data Collection.
- To allow for an assessment of local-record-keeping capabilities and testing of any possible adjustments made to the language of instructions and data elements or changes to the data collection which may have been implemented during Phase I.

Assessment

The Phase II site visits consisted of an administrative review and a data quality review.

Administrative Review

The FBI learned how the local LEA and UCR program managed incidents involving law enforcement UoF through a semi-structured interview with key staff involved with the reporting of UoF incidents to the National UoF Data Collection. The goal was to ascertain any factors

which contributed to the misreporting of incidents—especially those based on the data collection of serious bodily injury or firearm discharges. Also, the FBI sought to learn if the LEA was accurately interpreting the intent of a specific question or implemented any new guideline(s) as a result of findings from Phase I. (See Appendix B for the set of questions used.)

Existing LEA Processes

The FBI determined through Phase II interviews the majority of LEAs have an existing process to employ when a UoF incident occurs. If a Taser or OC (oleoresin capsicum) spray is used, the fire department or emergency medical services responds. Typically, an incident is reviewed through the chain of command and is then delivered to the training unit, inspection unit, and/or internal affairs. The FBI found if a subject complained excessive force was used, internal affairs was involved across all six agencies. One of the agencies participating in the site visits had an outdated information system which contributed to difficulty in tracking UoF incidents. For states with an investigative body employing an amount of oversight of local agency activities, such as an investigative bureau, these agencies are only used to investigate UoF incidents at the request of the local agency involved. The FBI found some states have a 95 percent request rate; however, these investigative bureaus do not investigate firearm discharges. Following the FBI's site visits, one of these investigative bureaus communicated they will be looking to delegate the majority of the UoF data collection to the local agency. The FBI recommends other investigative bureaus with similar responsibilities utilize this process as well to place the responsibility of the data completeness in the hands of the data owner.

Implementation of UoF Processes

Regarding steps put in place to implement additional processes to accommodate LEA participation in the National UoF Data Collection pilot study, some LEAs are creating new electronic flags to track these incidents in their existing systems. In addition, the FBI found some agencies originally planned to have the same civilian employees responsible for their UCR reporting handle their UoF reporting. However, they quickly learned civilian employees do not tend to have access to this information and their current UCR process could not be used. Therefore, the majority of individuals placed in roles to enter and review UoF data were sworn personnel.

Based on the six LEAs the FBI visited, five currently employ a UoF form and are willing to modify this form to capture all data elements requested by the FBI. The FBI did find through anecdotal conversations early in the project smaller agencies may not have electronic systems in place to capture UoF information. It was assumed in those cases agencies would choose to utilize the portal application to manage their data. Larger agencies may already have systems in place and the FBI needs to determine how our data system interacts with theirs. Despite agency size, LEAs may choose to utilize either the portal application or bulk submission, as long as the agency has the ability to implement the technical necessities to bulk submit. Again, five of the six LEAs the FBI visited used a manual process to review each law enforcement UoF to determine if any incidents fall within the scope of this collection. This can be time consuming as these agencies are working on technical implementations to pull information based on injury type to alleviate the need for manual reviews.

Overall, the FBI found most incidents with serious bodily injury are documented with the LEA. The challenge resides in locating the information on the incident and ensuring it is not lost. Based on the agencies visited, the FBI would expect to find one to five sworn individuals tasked with UoF within a LEA, although it is not uncommon for an agency to utilize just one employee. Some LEAs did outline their current duties to follow the Commission on Accreditation for Law Enforcement Agencies process. LEAs are still seeking guidance regarding how to respond to the Death in Custody Reporting Act and the National UoF Data Collection. Since the Department of Justice has not provided this guidance, the FBI will continue to communicate with LEAs to distinguish the difference.

Time Elapsed Prior to Entry

Regarding the first entry of UoF information, the FBI found the majority of LEA pilot participants can enter data once there is a positive identification on the subject. In many cases, LEAs may file a report within 24 hours of an incident. Depending on supervisory review, some LEAs may take up to two weeks to file a report. The FBI did notice in many cases firearm discharges have a separate reporting process than death or serious bodily injury. These gaps in communication were noted by LEAs who of their own accord declared a need to streamline the information sharing process to ensure timely entries. The FBI is encouraging complete counts and entries within the UoF system within 30 days of occurrence.

Multiple Agency Involvement

LEAs were split down the middle regarding if they will only investigate their own law enforcement officers during instances where multiple agencies become involved with the same UoF incident. Of the LEAs which only investigate their own law enforcement officers, they noted they would only know the supplemental agency's name and would not readily know the ORI or case number used by other agencies. The FBI's solution is to create a look-up table to the portal application, which can supply this information. Typically, the primary LEA investigates the incident at hand and supplies an investigative package to the supplemental agency containing the needed information. Regarding instances involving investigative bureau agencies within the state, these agencies are only invited to assist with investigations by the primary agency involved.

Defining and Interpreting Serious Bodily Injury and UoF

Some LEAs indicated to the FBI they had no issues interpreting and applying the definition for serious bodily injury, as it fit their current definition for aggravated battery; however, many LEAs did have questions regarding the verbiage used to define serious bodily injury. These questions revolved around how to define loss of consciousness, scarring, disfigurement, and mental faculty. LEAs were particularly curious of how to qualify the severity of a scar, as well as loss of consciousness. LEAs also questioned the timeframe for protracted injuries and expressed a concern about collecting contagious disease exposure.

LEAs did express the need to further clarify if foot pursuits, vehicle pursuits, and stop sticks played into the scope of the UoF collection. One agency in particular expressed their agency viewed routine responses from law enforcement, such as foot pursuits and vehicle pursuits to not apply to the scope of the UoF definition; however, if an officer took offensive action toward a subject and caused injury, this would apply to the scope of the UoF definition. Another agency

indicated the serious bodily injury definition states “involves a substantial risk” and does not qualify a result needs to occur, whereas the UoF definition states “results in” the death or serious bodily injury of a person.

Unclear Data Elements

LEAs communicated to the FBI specific data elements they felt were unclear throughout the collection questionnaire. These data elements included specifics surrounding location type, impairment, reason for initial contact, perceived threat, and full time work hours. LEAs expressed a concern with utilizing some of the National Incident-Based Reporting System (NIBRS) location types, such as a residence home not encapsulating the same context as an apartment complex indicating they have a need, but are incapable, to capture areas known to be higher in crime, such as multi-family living. In addition, LEAs did not feel there was a commensurate location type to describe private property, such as a yard. LEAs also questioned if they should report the dispatch location or the location in which the UoF took place if the two happened to differ.

The majority of LEAs were unclear as to why the height and weight of an officer was requested, stating this information is rarely kept up to date and is also not readily accessible. The FBI also received some questions regarding the screener question asking for an indication of whether a death, serious bodily injury, or firearm discharge occurred when more than one result occurred with one subject. LEAs reiterated some of the requested information would not be easily accessed by civilian employees. Furthermore, LEAs also suggested additional data elements to be included for specific questions, such as urinating/defecating on an officer as a selection for injury type to officer and a subject using a vicious animal as a weapon toward an officer.

LEAs questioned how to determine the number of subjects involved in a UoF incident regarding hostages and bystanders. LEAs also questioned if accidental firearm discharges which occurred while cleaning a weapon qualified for the UoF collection. These incidents were never within the scope of this collection, but due to inquiries from LEAs, the FBI is providing clarifying language to address this within the supporting help documentation and FAQs. Furthermore, LEAs have requested clarification regarding the definition of a firearm to explain if objects such as rubber bullets, cannons, bean bags, and flash bangs are to be included.

Data Elements Likely to be Pending or Never Available

LEAs pinpointed a few data elements which would likely be submitted as pending on an initial submission. These data elements included charges to the subject, height and weight of the subject, injuries to the subject, impairment, and mental health. The FBI determined, due to investigative processes, LEAs may not be able to provide these details up to one year following an incident. LEAs did suggest adding minor injury types to the officer fields in order to correctly capture the context of the events which took place. For instance, the FBI currently asks for injuries sustained by the officer(s); however, the selections available revolve around serious bodily injury. LEAs have requested minor injuries be included so as not to misconstrue the officer(s) were unharmed when in fact they may have been, just not in a serious nature. Finally, the majority of LEAs did indicate the height and weight of the officer(s) would likely never be available for submission due to the difficulty in locating it and the inaccuracy of this data field, stating most officers do not measure their height and weight post-academy.

Federal Task Forces

One agency questioned how UoF reporting would be handled when one of their local officers involved in a UoF incident holds a position on a federal task force. They had recently experienced a situation where one local officer used force while performing task force duties within their local jurisdiction. The LEA was unsure if they were responsible for reporting this incident or if the federal agency would be responsible and requested guidance.

LEA Nonresponse

The FBI determined there was a commonality among the justifications provided by LEAs who communicated they were unable to participate in the pilot study. Commonalities included concerns regarding current workload and limited time, as well as legal concerns regarding sharing copies of incident reports for the independent and blind quality analysis of Phase I by the FBI.

Data Quality Review

The FBI reviewed all available UoF incidents recorded by five of the six LEAs from July 1, 2017 to September 30, 2017. A sampling strategy was utilized with one LEA due to a record count exceeding 400. Every fourth record was reviewed. Due to the agency's slow computer system, 75 records were reviewed in total. Incidents were reviewed as they related to the application of National UoF Data Collection definitions of within-scope incidents. The FBI discovered zero instances in which a LEA had entered a UoF data element erroneously resulting in underreporting or overreporting upon this review. (See Appendix C for proposed data collection instrument.)

Discussion and Response to Findings

The FBI was able to draw several conclusions from the findings obtained from the National UoF Data Collection pilot study. These findings touch upon aspects related to participation and undercounting, as well as gaining more reliable information.

Participation and Undercounting of Incidents

As a new administrative data collection, the FBI anticipates the National UoF Data Collection will have initial issues with unit nonresponse. The FBI, in partnership with the national law enforcement organizations and its points-of-contact in each state, will be targeting recruitment and enrollment of agencies once formal approval to begin the data collection is received. The FBI's goal is to achieve a minimum of 80 percent participation weighted by the number of sworn law enforcement officers employed by participating agencies by the renewal of the data collection. If the FBI has achieved between 60 and 80 percent participation, the FBI will conduct a nonresponse bias study in order to assess the causes and impact of missing respondents on the ability to provide national estimates. If by the next Information Collection Renewal period the FBI is unable to achieve at least 60 percent weighted participation rate for the National UoF Data Collection, the FBI will request a one-year extension to allow for it to assess the data collection strategy and determine if other modes may provide better estimates of law enforcement use of force (for example, using a sample of agencies).

Overall, participants in the pilot study described an existing process to capture this information

and could be used as the basis of the National UoF Data Collection. One agency did communicate they do not have a process in place at this time, and become aware of these events if a complaint is made by the general public regarding law enforcement UoF. They are working to restructure their workflow to ensure this information is delivered accurately and timely to the appropriate individuals for reporting. Participation in this collection appears to be driving these agencies to streamline their business processes and provide training to their employees.

Significant differences between agencies were noted in the timeframe needed for the investigative and review process. Some agencies are well streamlined and complete these tasks within 30 days, whereas others can take four months to one year to complete. The FBI is encouraging complete counts and entries within the UoF system within 30 days of occurrence. Due to this recommendation, it is likely many agencies may need to submit incidents with pending values. This is consistent within the Phase I findings. Out of 135 incidents released to the FBI during the pilot study, 114 of them, or 84 percent, contained at least one pending value. Due to lengthy investigative processes, the FBI recognizes it may take a LEA up to one year to reconcile these pending data elements.

Some LEAs have expressed they currently are working with older computer systems. Overall the FBI did not find any indication which would cause concern in which nonfatal incidents related to serious bodily injuries would not be documented with the LEA. The challenge lies in locating the information and ensuring it is not lost for entry into the National UoF Data Collection. One agency in Phase II of the pilot study stated their intention to update their technology at a future date, although budget constraints currently make this difficult. Therefore, while incidents like these are collected in many cases, they may be scattered throughout different sections of the agency, making this information difficult to track. The FBI has found current mitigations by agencies are to request monthly data reports and manually determine if any within scope UoF incidents did occur.

In order to address this challenge, the FBI is implementing two mitigation strategies. The first centers on better use of technology to assist agencies with managing this task. For example, the FBI developed a report query within the portal application which will allow LEAs to obtain all UoF incidents submitted on their behalf containing a pending value. State UCR Programs and LEAs can better track any pending values for resolution at a later date for inclusion in updated analyses and publications.

The second approach to mitigate the challenge of developing solid procedures to capture information on UoF is continued engagement with the major law enforcement organizations. For example, the International Association of Chiefs of Police voluntarily developed a model policy regarding UoF reporting for their members. The model policy can be used as the basis of developing new policy by any LEA looking to set up a similar process to record UoF incidents. The FBI's ongoing engagement with the major law enforcement organizations can ensure there are opportunities to encourage better, more complete reporting.

Throughout its six-month duration, the FBI also received inquiries from participating agencies regarding officer UoF resulting in injury. These agencies were concerned with maintaining the context of the incident. Since there are occasions where officer UoF is used, but it is unclear if

the officer caused the sustained injury or if it was a pre-existing condition, these agencies were unclear as to how they should answer this question. In addition, if multiple officers were involved in the UoF and one injury was sustained by the subject, agencies were unclear as to how to ascertain which officer may have caused the injury. The UoF Task Force[2] recommends loosening the requirement in which the officers' actions are known to have caused the injury and requests agencies report any officers who used force, regardless of confirming the cause of injury, to the collection.

Reliability of the Data Collection

The results of both Phase I and Phase II analysis indicate several data elements which require further clarification in order to apply response categories in a consistent manner. More specifically, there are response categories within injury categories for both subject and officer, types of force applied to the subject, location type, and the role of federal task forces. Beyond these specific areas, there was a small list of additional areas for clarification which were generally supported by the reliability analysis as well.

These questions were provided to the UoF Task Force for review and recommended course of action. The FBI and the UoF Task Force determined the majority of these questions would not have existed had the LEA accessed the help documentation readily accessible on the UoF portal application and special interest group. These documents include FAQs, help videos, user manuals, and quick help guides. Conversations with pilot study participants showed LEAs did not attempt to locate them. Therefore, the FBI's mitigation strategy is to further communicate and clarify the location of these documents to LEAs. Please see Appendix D for proposed language.

The development of the data collection tool uses an agile process which will easily accommodate changes to the collection tool identified from the pilot study. A dedicated technical team is under contract to ensure the FBI is able to react quickly to these potential changes or any future needs for the data collection.

Revision to the Question on Resistance or Weapon Encountered

Given the high number of unused response categories on the question about the subject's resistance or use of weapon encountered by the officer, and the moderate to weak agreement on those categories used, the use of weapons by the subject were combined to two categories from the original five, as well as combining two forms of passive resistance into one category. The category of "firearm" is still proposed as a separate category due to the high visibility of those incidents and the need to be able to compare the instances in which a subject used a firearm to other types of incidents. By combining categories, the revised question will provide a more clear division between active aggression and passive resistance categories (Please see Q21 and Q21a in Appendix F – National UoF Data Collection "Notational" Questionnaire).

Revision to Questions on Injury

As part of a set of pre-testing activities conducted by the FBI, the FBI solicited participation in a

[2] The UoF Task Force is comprised of 13 representatives of the law enforcement community, including the major law enforcement organizations, as well as local, state, tribal, and federal representation. The UoF Task Force has provided vital insight into law enforcement data collections and concepts regarding UoF.

cognitive testing questionnaire from the 280 participants in the FBI National Academy in residence at the FBI training facility in Quantico, VA on November 30, 2016. The FBI National Academy is a 10-week training program of leaders and managers of state, local, county, tribal, military, federal, and international law enforcement agencies. These 280 potential participants represented the total roster of the FBI National Academy class in residence at the FBI training facility on November 30, 2016.

The questions on the cognitive testing instrument were developed to identify areas where there might not be a common understanding of the same terminology—including the ability to discern what injuries would be considered "serious" according to the definition used in the National UoF Data Collection. The original injury question used in the pilot study reflected categories of injury consistently interpreted as "serious" injuries by the law enforcement officers in the pre-testing. However, during the pilot, there were reliability problems with two injury categories: "possible internal injury" and "other major injury." Guidance on these categories was provided in the help documentation based upon conceptual association detected for certain injuries detected through factor analysis of the results of the pre-testing. However, the FBI did not receive any questions about these categories from the pilot participants, though it was also noted during interviews during the site visits that participants seldom used the help documentation due to the intuitive nature of the data collection tool.

The FBI additionally explored the manner in which injury is included in publicly-released data sets on law enforcement uses of force available through the Police Data Initiative (PDI) (www.policedatainitiative.org). As released on the PDI website, there are 24 agencies which release use-of-force data through the initiative, and 11 of those agencies release information on subject injury. All but 3 agencies aggregate that information into two "yes or no" questions of "was the subject injured?" and "was the subject hospitalized?" However, these agencies do not seem to assess whether the injury was "serious" as defined by the National UoF Data collection. Given the specificity of the definition of serious bodily injury in the National UoF Data Collection, proceeding with a simple yes/no question would not be advised and could make it difficult for the FBI to assess if there is over-reporting based upon an erroneous understanding of the scope of the collection. While it is still uncertain if better guidance on the application of data response categories could ensure reliable interpretation of injuries, the FBI proposes revising the question to address the following:

- A minor adjustment to the language in the question to reflect that injury is based upon observation of the law enforcement agency rather than any further medical diagnosis
- Inclusion of additional descriptive information including the criteria of either medical intervention or hospitalization to guide the respondent to provide serious injury rather than any injury. This language along with included guidance also clarifies that standard medical evaluation which may be conducted by law enforcement as a part of the assessment of the subject's fitness for arrest and detention would not automatically include the injury to the scope of collection.
- Focusing on broad aggregate categories of injury would minimize the risk of inconsistent application of the injury categories. As more is known about law enforcement

interpretation and assessment of injury, these categories can be proposed for disaggregation at a later date.

In addition, the following list provides an overview of the types of questions on the categorization of injury and how to apply the categories provided:

- Requests for more clarification on unconsciousness.
- Questions about the timeframe for protracted injuries.
- Questions about how to indicate contagious disease exposure.

In the case of protracted disfigurement and scarring, the UoF Task Force is advising LEAs to place emphasis on the term 'protracted', meaning the disfigurement and/or scarring would not be temporary or minor, but rather gross in nature and immediately recognizable as serious. The FBI's revision to the language in the injury questions to include the phrase, "requiring medical intervention or hospitalization" should address the uncertainty related to these categories.

Height and Weight

Findings from the National UoF Data Collection pilot study revealed the following pertaining to data elements officer height and officer weight:

- During the development phase of the data collection, research with the law enforcement community indicated officer height and weight and subject height and weight would be a key component of describing contextual information on incidents of law enforcement UoF resulting in a fatality, a serious bodily injury, or the discharge of a firearm at or in the direction of a person.
- However, the most common data elements reported pending during the pilot study were officer height and officer weight.
- The majority of LEAs indicated height and weight of an officer was not readily accessible, and rarely kept updated when available.

Based on these findings, the FBI recommends closely monitoring the reporting of officer height and officer weight over the next three years to determine whether valid measures for these data elements would be reported. The FBI recommends monitoring the item nonresponse rate of officer height and officer weight. The FBI will provide to OMB annual item nonresponse rates for officer height and weight at the renewal. If the level of reporting of nonmissing data over the next three years does not reach 80 percent complete or better, the FBI will remove data elements officer height and officer weight from the collection when it is brought for renewal. In addition, any publication of item measures that do not reach a response rate of 80 percent or better would be for the purposes of reporting data quality and completeness measures.

Although subject height and subject weight are also data elements included in the National UoF Data Collection, the terms of this clearance are specifically focused on officer height and officer weight, as these were the data elements most commonly subject to item nonresponse throughout the pilot study. However, if it is ultimately determined data elements officer height and officer weight should be removed after the three year monitoring period, the FBI will consider removing subject height and subject weight given the decreased utility of the information without similar information for the officer.

Type of Force

Agencies also requested clarification on whether certain incidents involving only physical contact (hands/fists/feet) and routine foot and vehicle pursuits would be reportable under the provided scope of this collection. The FBI recommends if there is an officer instituted action in response to resistance in which the officer makes physical contact with their own body or another object with the subject to be UoF. Conversely, routine foot and vehicle pursuits in which the officer does not purposefully take action to cause an injury would not be reported. Furthermore, LEAs questioned how to determine the number of subjects involved in a UoF incident regarding hostages and bystanders. LEAs should report only the intended targets regarding law enforcement UoF and not hostages and bystanders.

Additional clarification for types of force response categories would include the addition of a response category for a choke hold and a more precise definition of *firearm*. LEAs requested clarification regarding the definition of a firearm to explain if objects such as rubber bullets, cannons, bean bags, and flash bangs are to be included. The FBI recommends utilizing the Bureau of Alcohol, Tobacco, Firearms, and Explosives definition of a firearm (see Appendix D).

Location Type

LEAs did not feel there was a commensurate location type to describe private property, such as a yard. LEAs also questioned if they should report the dispatch location or the location in which the UoF took place if the two happened to differ. Through cognitive testing which occurred pre-pilot, law enforcement indicated to the FBI it would be preferred to report the location in which the UoF incident took place. Their decision was based on the fact officers may be dispatched to a location for hours throughout a standoff situation in which UoF is not necessary for quite some time. This finding is more difficult to address because the National UoF Data Collection uses the same location types as NIBRS. The FBI will take under advisement concerns about NIBRS data elements; however, more research is needed at this time. To fully address this concern, both UoF and NIBRS data collections should be reviewed for the possible inclusion of additional response categories.

Federal Task Forces

An agency questioned how UoF reporting would be handled when one of their local officers involved in a UoF incident holds a position on a federal task force. The UoF Task Force recommends the local LEA report any law enforcement UoF which occurs within their own jurisdiction while the officer is performing duties for the federal task force. If the law enforcement UoF occurs outside of the local LEA's jurisdiction, the federal agency responsible for the task force would report the incident. If the local LEA indicates to the federal agency responsible for the task force they do not wish to participate in the National UoF Data Collection, the federal agency responsible for the task force would report all UoF incidents that occur by the officer acting on behalf of the task force regardless of jurisdiction. Regardless of the above, the parent agency may always retain the right to submit qualifying UoF incidents to the National UoF Data Collection for their personnel regardless of location of the incident by so stating when joining a federal task force.

Remaining Minor Clarifications

The following list includes suggestions for clarification. These suggestions are also generally supported by the reliability analysis in Phase I of the pilot study.

- Regarding impairment, LEAs indicated at the time of the UoF incident, they may only be able to describe observed behavior and not provide a confirmative result. The FBI will clarify the current question allows for the LEA to indicate possible impairment of the subject is based on perception of behavior.
- LEAs requested the FBI narrow the scope of perceived threat asking if the intention was to report the perceived threat by the officer, or the perceived threat by witnesses.
- Some LEAs did indicate their officers work variable schedules and may not log 35 hours per week, but do log 160 hours per month to equal a full time employee.
- Regarding the reason for initial contact, the FBI recommends the reason for the initial dispatch to be provided. For instance, if an officer is dispatched to a traffic accident and other events take place warranting UoF, the agency would still report the traffic accident as the reason for initial contact.

Publication from Pilot Study and Terms of Clearance

At the conclusion of the pilot study, the FBI will release a report following OMB approval, at the request of law enforcement, detailing the results of its pilot study data collection and analysis. The results from the pilot study will be released to the public and will consist of primarily three sections. The first section will provide the results of the on-site assessment regarding underreporting and completeness, as well as an assessment of the reliability of reported data from the Phase I records review. All results in this section will be pooled, and no individual agency will be identified. The second section will provide results of the analysis of nonresponse and missing data—to include refusals to participate in the pilot study. This section will also identify whether a need clearly exists for a nonresponse bias study and a proposed methodology for the study. Again, all results will be pooled, and no individual agency will be identified in the second section. As the pilot study only has two phases, the third section of the report will detail the data collection policies and procedures which will assist with maintaining data quality and completeness as a permanent and final data collection. The third section will also detail any on-going collaboration and partnership between the FBI and the BJS to achieve and maintain a high-level of data quality. Finally, an optional fourth section will list basic agency-level counts of reported data from all participating agencies as a showcase of item completeness and quality. In addition to the public report, the FBI will provide opportunities for the participating agencies in the two phases of the pilot study to hear the results directly and ask questions. This will occur through teleconferences.

Terms of Clearance

The FBI recognizes the importance of response rates and population coverage for the ability of the National UoF Data Collection to generate valid national estimates of the UoF by police officers. After consultation with OMB, 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 UoF. 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,

1) If the coverage rate is 80 percent or greater and the item non-response is 30 percent or less, then no conditions apply to the dissemination of the results.
2) If the coverage rate is between 60 percent and 80 percent or the item non-response is greater than 30 percent, then the FBI will not release counts or totals, but may release ratios or percentages.
3) If the coverage rate is between 40 percent and 60 percent, then 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.
4) If the coverage rate is less than 40 percent, the FBI will not disseminate results.

In subsequent years, if any combination of conditions three and four are met for three consecutive years, or if condition four 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 to expand their current efforts to collect information on deaths in custody, to include law enforcement.

Appendix A—Complete Results of Reliability Analysis and Missing Data

Table 11. Full Results of Reliability Analysis, Incident-level Questions

	Kappa	Pending	Unknown	No Response
Screener Question - Fatality	0.950	--	--	--
Screener Question - Serious Injury	0.919	--	--	--
Screener Question - Firearm Discharge	0.929	--	--	--
Date of the incident	0.863	--	--	--
Time of the incident	0.655	--	--	--
Location type of the incident	0.691	1.9	0.0	0.6
What was the reason for initial contact between subject(s) and officer(s).	0.708	3.1	0.0	0.0
If the use of force was in response to report or observance of *unlawful or suspicious activity*, report up to 3 offenses	*	*	*	*
Did the officer approach the subject(s)?	0.823	2.5	0.6	0.6
Was this an ambush incident?	**	11.7	0.0	0.6
Was a supervisor or a senior officer acting in a similar capacity present or consulted prior to when force was used in the incident?	1.000	14.2	0.6	0.6
Total number of officers who actually applied force during the time of the incident…	0.615	6.2	0.0	0.0
Number of officers from your agency who actually applied force during the time of incident…	0.625	5.6	0.0	0.0
Total number of subjects that died or received serious injury as a result of a law enforcement use of force, or, in the absence of death or serious injury, received the discharge of a firearm at or in their direction…	-0.005	3.1	1.9	0.0
Total number of other agencies involved…	0.708	0.0	0.0	0.0

* Did not analyze due to the sparse nature of the data.
**No Cohen's kappa Coefficient was calculated due to the results being constant

Table 12. Full Results of Reliability Analysis, Subject-level Questions

	Kappa	Pending	Unknown	No Response	Estimated
Age of the subject at time of incident	--	4.3	1.8	0.6	6.1
Sex of subject	--	0.6	0.0	0.6	--
Race and ethnicity of subject (select all that apply)	--	1.8	3.1	0.0	--
Height of subject (report actual or estimated range of values)	0.803	11.0	6.7	0.6	7.4
Weight of subject (report actual or estimated range of values)	0.885	12.3	7.4	0.6	9.2
Was there an apparent or known impairment in the mental or physical condition on the subject	0.754	0.0	0.6	0.0	--
Drug	0.583	--	--	--	--
Alcohol	0.615	--	--	--	--
Mental Impairment	1.000	--	--	--	--
Was the threat by the subject(s) perceived by the officer(s) to be directed to the officer or to another party	0.633	10.4	0.0	0.6	--
Did the subject resist the officer(s)	**	4.9	0.0	0.6	--
What resistance or weapon was or believed to be involved	--	2.5	0.0	--	--
Escape/Flee	0.370	--	--	--	--
Resisted	0.690	--	--	--	--
Barricade	0.695	--	--	--	--
Chemical	**	--	--	--	--
Edge Weapon	0.852	--	--	--	--
Electronic	1.000	--	--	--	--
Firearm	0.683	--	--	--	--
Physical	0.558	--	--	--	--
Display Weapon	0.383	--	--	--	--
Vehicle	0.822	--	--	--	--
Body Fluids	**	--	--	--	--
Throwing	**	--	--	--	--
Verbal	0.179	--	--	--	--
Noncompliance	0.427	--	--	--	--
Passive Resistance	**	--	--	--	--
At any time during the incident, was the subject armed or believed to be armed with a weapon (other than hands, fists, or feet)	0.758	9.2	0.6	0.6	--
Type(s) of force used by law enforcement connected to serious bodily injury or death of the subject	--	3.1	0.0	--	--
Firearm	0.866	--	--	--	--
Electronic	0.754	--	--	--	--
Explosive	**	--	--	--	--
Chemical	**	--	--	--	--
Baton	0.662	--	--	--	--
Projectile	0.662	--	--	--	--
Blunt Object	0.662	--	--	--	--

	Kappa	Pending	Unknown	No Response	Estimated
Physical	0.661	--	--	--	--
Canine	0.864	--	--	--	--
Other	**	--	--	--	--
What were the subject's injuries received as a direct consequence of the use of force by law enforcement	--	6.1	1.8	0.0	--
Broken Bones	0.808	--	--	--	--
Gunshot	0.879	--	--	--	--
Loss of Teeth	**	--	--	--	--
Loss of Body Parts	**	--	--	--	--
Possible Internal Injuries	0.490	--	--	--	--
Severe Laceration	0.648	--	--	--	--
Canine bite	0.928	--	--	--	--
Unconsciousness	1.000	--	--	--	--
Cardiac Event	**	--	--	--	--
Other Major Injury	0.492	--	--	--	--
Death	0.923	--	--	--	--
None	0.823	--	--	--	--

**No Cohen's kappa Coefficient was calculated due to the results being constant

Table 13. Full Results of Reliability Analysis, Officer-level Questions

	Kappa	Pending	Unknown	No Response
Age of officer at time of incident	--	27.6	--	11.8
Sex of the officer	--	0.8	--	0.4
Race and ethnicity of the officer (select all that apply)	--	5.8	2.3	0.0
Height of the officer	0.572	50.6	--	0.6
Weight of the officer	0.509	50.6	--	0.6
Officer's years of service as a law enforcement officer (total tenure)	0.915	30	--	11.8
Does the officer work full-time (35 or more hours per week)	**	2.7	16.3	0.8
Was the officer on duty at the time of the incident	1.000	1.2	0	0.8
Was the officer readily identifiable by clothing or insignia at the time of the incident	1.000	4.7	0	0.8
Did the officer discharge a firearm at or in the direction of a person during the incident	0.943	0.4	2.3	0.8
Was the officer injured during the incident that precipitated the use of force	0.710	5.1	0	0.8
What were the officer's injuries during the incident that precipitated the use of force (select all that apply)	--	1.2	0.8	0.0
Broken Bones	1.000	--	--	--
Gunshot	0.885	--	--	--

	Kappa	Pending	Unknown	No Response
Loss of Teeth	**	--	--	--
Loss of Body Parts	**	--	--	--
Possible Internal Injury	**	--	--	--
Severe Laceration	**	--	--	--
Canine	**	--	--	--
Unconsciousness	**	--	--	--
Other Major Injury	0.663	--	--	--
Death	**	--	--	--

**No Cohen's kappa Coefficient was calculated due to the results being constant

Appendix B—Interview Questions with Key Personnel during Site Visit

Questions on process

- Can you tell me a little bit about your process to review the UoF by sworn officers in your agency? What kinds of incidents are subject to review? Who is involved? What is the timetable for these reviews?
- What, if any, process have you implemented for the collection of information for the National UoF Data Collection? How many people do you have assigned? What are the typical duties of these individuals? Are they sworn or civilian? Who reviews the information? Who typically enters the information?
- How much time elapses before the first entry of information?
- In situations involving multiple agencies, how does this process change? Are there certain pieces of information typically exchanged?

Questions on the definitions

- [After reading the definition of serious bodily injury] What scenarios have you confronted which would fit this definition?
- Where do you see difficulties applying this definition?

Questions on the collected information

- [After providing a list of data elements as reference] Are there any data elements in this list which were unclear or confusing when you tried to provide the information?
- Which data elements are likely to be reported as "pending" upon the first submission? Why? When could the information usually be changed?
- Are there answers to any data elements which would never be available from your agency? Why?
- Did you find any instructions on the Portal site? If so, did you use them?

Appendix C—Analysis of Local Records for Site Visit

Analysis of Agency Information

Tracking number: _____

Q1. What type of incident is this?

- ☐ Fatality (→ to Q2)
- ☐ Serious Bodily Injury (→ to Q3)
- ☐ Firearm Discharge without Injury or Fatality (→ to Q5)
- ☐ Other (→ to Q6)

Q2. What was the cause of death, if noted? (e.g., gunshot wound) ☐ Not noted

_____

_____

_____

_____

(→ to Q7)

Q3. What was the injury, if noted? (e.g., broken leg) ☐ Not noted

_____

_____

_____

_____

(→ to Q7)

Q4. How was the severity of the injury described? ☐ Not noted

_____

_____

_____

_____

(→ to Q7)

Q5. Who was the intended target? □ Not noted

_____

_____

_____

_____

(→ to Q7)

Q6. What were the circumstances leading to the recording and review of this incident? (e.g., officer drew weapon; officer used Taser without injury) □ Not noted

_____

_____

_____

_____

Q7. Basic counts:

Number of subjects: _____ □ Not noted

Number of total officers involved: _____ □ Not noted

Number of agency's officers involved: _____ □ Not noted

Number of agencies involved: _____ □ Not noted

(if multiple agencies involved, is the ORI & Case # recorded? □ Yes □ No)

Q8. Was this incident reported to the National UoF Data Collection?

□ Yes
□ No

Q9. Is there anything else about this incident which might be relevant for discussion?

_____

_____

_____

_____

Appendix D—Proposed Instructions to Address Findings

Below are clarifications made to the proposed instructions to address findings from the pilot study:

A firearm will be defined as:

> (3) The term ‘‘firearm’’ means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.

If there is an officer instituted action in response to resistance in which the officer makes physical contact with their own body or another object it is considered UoF. Conversely, routine foot and vehicle pursuits in which the officer does not purposefully take action to cause an injury would not be reported.

Q4. Location of the incident

Please identify your best estimate of the location of the UoF event causing injury, death, or the location of firearm discharge either by its address, approximate location (i.e., street intersection, neighborhood), or by geographic coordinates (latitude/longitude). The agency can provide one or the other. Both are not necessary.

When providing the geospatial data in longitude and latitude (geographic coordinates), please provide or transform the data in the North American Datum of 1983 or NAD83 coordinate system.

If information is unknown because the investigation is still incomplete, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

Q10. Total number of officers who applied actual force during time of incident.

Include only those officers who were present at any time during the contact between officer(s) and the subject, and who directly engaged at least one subject with a use of force. This number should include any officer regardless of whether they are employed by your agency. Please report all officers who used force, regardless of confirming if an injury was sustained or not. UoF is defined as actions by a law enforcement officer resulting in a fatality, serious bodily injury to a person, or the discharge of a firearm at or in the direction of a person. For the purpose of this data collection, the definition of serious bodily injury is based in part on 18 United States Code 2246 (4) and 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.”

Q11. Number of officers from your agency who applied actual force during time of

incident.
Include only those officers employed by your agency who were present at any time during the contact between officer(s) and the subject, and who directly engaged at least one subject with a use of force. Please report all officers who used force, regardless of confirming if an injury was sustained or not. UoF is defined as actions by a law enforcement officer resulting in a fatality, serious bodily injury to a person, or the discharge of a firearm at or in the direction of a person. For the purpose of this data collection, the definition of serious bodily injury is based in part on 18 United States Code 2246 (4) and 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."

This number should be equal to or less than the number reported in Question 10. Your agency will report information for each one of these officers. So, the number of officer segments will be equal to this number.

Q21. What resistance or weapon was involved?
A weapon can generally include, but are not limited to, firearm; BB or pellet gun; knife; other cutting instrument or edged weapon; electronic control weapon; explosive device; blunt instrument; chemical agent (e.g. acid, gasoline, pepper or OC (oleoresin capsicum) spray, etc.). Under certain circumstances motor vehicles or other objects could also be considered weapons if used or displayed in a threatening manner. Please mark all categories that apply.

Passive Resistance is indicated when the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.

If information is unknown because the investigation is still incomplete, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

Q23. Type(s) of force used connected to serious bodily injury or death (Select all that apply)
The purpose of this question is to record any weapons or force used by law enforcement that were known or believed to have resulted in serious bodily injury or death of the subject. In addition, *firearm* should be recorded if it was discharged by an officer at or in the direction of the subject regardless of whether the subject was struck. (3) The term ''firearm'' means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or

firearm silencer; or (D) any destructive device. Accidental discharges while cleaning a weapon are not to be reported. Agencies should deem all injuries caused by a firearm to be serious.

Multiple types of use of force used by law enforcement may be recorded.
Blunt instruments can include ASP, flashlight, baton, or other objects used to strike an individual.

Hands/fists/feet can include physical restraint and pressure points.

If there is an officer instituted action in response to resistance in which the officer makes physical contact with their own body or another object it is considered UoF. Conversely, routine foot and vehicle pursuits in which the officer does not purposefully take action to cause an injury would not be reported. For example, if a subject injures themselves while fleeing an officer, but the officer did not make physical contact with the subject, the incident would not be reported.

If information is unknown because the investigation is still incomplete, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

The following information was readily available for LEAs to reference; however, based on pilot study findings, agencies did not find it. The FBI will utilize the notifications function within the portal application to communicate where this training information can easily be found:

Q24. What were the subject's injuries? (Select all that apply)

The purpose of this question is to record the subject's injuries observed ~~sustained by the subject~~ as a result of the use of force by law enforcement.
Please record all gunshot wounds regardless of whether they are penetrating or grazing as gunshot wound.

~~Please record all instances of unconsciousness regardless of its duration or length of time.~~
~~Examples for *possible internal injury*~~

- ~~Internal bleeding~~
- ~~Brain damage~~
- ~~Concussion~~
- ~~Coma~~
- ~~Paralysis~~

~~Examples for *Other Major Injury*~~

- ~~Neck injury~~
- ~~Eye damage~~
- ~~Burns~~

The term "medical intervention" does not include routine evaluation of the subject to determine fitness for arrest or detention by an emergency medical technician or medical staff at a medical facility.

If the subject sustained multiple injuries, please mark all that apply. If the subject died, death should be the only value recorded.

If information is unknown because the investigation is still incomplete, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

Q31. Does the officer work full-time (160 ~~35~~ or more hours per month ~~week~~)?

The current LEOKA definition of a law enforcement officer is as follows:
"All local county, state, and federal law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and to safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible."

Further guidance may be gleaned from the following criteria used by the LEOKA Program:

- Officers who meet all of the following criteria:
  - Wear/carry a badge (ordinarily)
  - Carry a firearm (ordinarily)
  - Be duly sworn and have full arrest powers
  - Be a member of a public governmental law enforcement agency and be paid from government funds set aside specifically for payment to sworn law enforcement
  - Be acting in an official capacity, whether on or off duty, at the time of incident

- Exceptions to the above-listed criteria:
  - Individuals who are serving as a law enforcement officer at the request of a law enforcement agency whose officers meet the current collection criteria
  - Special circumstances will be reviewed by LEOKA staff on a case-by-case basis to determine inclusion

- Include military and civilian police and law enforcement officers of the Department of Defense (DoD), while performing a law enforcement function/duty, who are not in a combat or deployed (sent outside of the United States for a specific military support role mission) status. This includes DoD police and law enforcement officers who perform policing and criminal investigative functions while stationed (not deployed) on overseas bases, just as if they were based in the United States.

The definition of full time includes officers who work 160 ~~35~~ or more hours per month ~~week~~.

If information is unknown because the officer is unavailable for interview or if the information should become available after investigation, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

Q34. Did the officer discharge a firearm?

Accidental firearm discharges which occur while cleaning the weapon do not apply to this collection.

If information is unknown because the officer is unavailable for interview or if the information should become available after investigation, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

Q35. Was the officer injured (serious or minor)?

The purpose of this question is to assess whether the officer sustained any bodily injury as a result of his or her interaction with one or more of the subjects. Serious bodily injury is based in part on 18 United States Code 2246 (4) and 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." However, this question will allow for the reporting of apparent minor injuries as well.

The term "medical intervention" does not include routine evaluation of the officer after the incident by an emergency medical technician or medical staff at a medical facility.

If information is unknown because the officer is unavailable for interview or if the information should become available after investigation, record *pending further investigation*.

If the information is not known and is unlikely to ever be known, record *unknown and is unlikely to be known*.

Appendix E—National Use-Force Data Collection

Incident Information

The following questions ask for details about the incident as known by your agency currently. If information is still being assessed, please indicate "pending further investigation." You will be able to update the information at a later time. ***All data elements must have a valid response indicated in order to save the incident information.***

Q1. Date of the incident
Q2. Time of the incident
Q3. Agency Case Number
Q4. Location of the incident
Q5. Location type of the incident
The FBI will take under advisement concerns about NIBRS data elements. More research is needed at this time.
Q6. What was the reason for initial contact between subject(s) and officer(s)?
Q6a. If the UoF was in response to report or observance of *unlawful or suspicious activity*, report up to 3 offenses
Q6b. Reported NIBRS Incident Number or local incident number
Q7. Did the officer approach the subject(s)?
Q8. Was this an ambush incident?
Q9. Was a supervisor or a senior officer acting in a similar capacity present or consulted prior to when force was used in the incident?
Q10. Total number of officers who actually applied force during the time of the incident…
Q11. Number of officers from your agency who actually applied force during the time of incident…
Q12. Total number of subjects that died or received serious injury as a result of a law enforcement UoF, or, in the absence of death or serious injury, received the discharge of a firearm at or in their direction…
Q13. If the incident involved officers who used force from multiple law enforcement agencies, please provide ORIs and case numbers for the local UoF reports at the other agencies…

Subject Information

Please complete the following set of questions from this section for each individual who was subject to force that resulted in death, severe bodily injury, or a firearm discharge applied by officers ***from your agency***

Subject Sequence Number _____

Q14. Age of the subject at time of incident
Q15. Sex of subject
Q16. Race and ethnicity of subject (select all that apply)
Q17. Height of subject (report actual or estimated range of values)
Q18. Weight of subject (report actual or estimated range of values)
Q19. Did the subject's behavior indicate to the officer that there could be drug impairment, alcohol impairment, or a mental condition involved? ~~Was there an apparent or known~~

~~impairment in the mental or physical condition on the subject~~

Q19a. Please indicate which conditions apply

Q20. Was the threat by the subject(s) perceived by the officer(s) to be directed to the officer or to another party

Q21. Did the subject resist the officer(s)?

Q21a. What resistance or weapon was or believed to be involved
The FBI will be ~~blunt object to the weapon choices~~ revising the response categories for this question.

Q22. At any time during the incident, was the subject armed or believed to be armed with a weapon (other than hands, fists, or feet)

Q23. Type(s) of force used by law enforcement connected to serious bodily injury or death of the subject

Q24. What were the subject's injuries received as a direct consequence of the UoF by law enforcement

Officer Information

Please complete the following set of questions from this section for each officer who actually applied force that resulted in death, serious bodily injury, or discharged a firearm at or in the direction of a person in the course of this incident ***from your agency.*** *Do not include any officers who were assisting or present; did not apply force; or applied force that did not meet the criteria as specified above.* ***All data elements must have a valid response indicated in order to save the incident information.***

Officer Sequence Number _____

Q25. Age of officer at time of incident

Q26. Sex of the officer

Q27. Race and ethnicity of the officer (select all that apply)

Q28. Height of the officer

Q29. Weight of the officer

Q30. Officer's years of service as a law enforcement officer (total tenure)

Q31. Does the officer work full-time (35 or more hours per week)?

Q32. Was the officer on duty at the time of the incident

Q33. Was the officer readily identifiable by clothing or insignia at the time of the incident

Q34. Did the officer discharge a firearm at or in the direction of a person during the incident?

Q35. Was the officer injured during the incident that precipitated the UoF

Q35a. What were the officer's injuries during the incident that precipitated the UoF (select all that apply)

Q35b. NIBRS (or local) incident number of report detailing assault or homicide of law enforcement officer.

Appendix F—National UoF Data Collection "Notional" Questionnaire

Attachment 2—National Use-of-Force Data Collection "Notional" Questionnaire

This questionnaire is being provided to allow for an easy review of questions and possible response values. The data collection itself, however, will use a web form reflected in Attachment 1.

National Use-of-Force Data Collection

The National Use-of-Force Data Collection is a component of the Uniform Crime Reporting Program that is used by law enforcement agencies to report a law enforcement use of force that results in a fatality, serious bodily injury to a person, or the discharge of a firearm at or in the direction of a person.

The definition of *serious bodily injury* is based in part on 18 United States Code 2246 (4) and 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."***

Multiple conditions can be indicated only if multiple subjects were involved.

Did this incident result in…? (Select all that apply.)

- ☐ The death of a person due to law enforcement use of force?
- ☐ The serious bodily injury of person due to law enforcement use of force?
- ☐ The discharge of a firearm by law enforcement at or in the direction of a person that did not otherwise result in death or serious bodily injury?

If you were able to select any of the above categories, please proceed to ~~Q1 under~~ the Incident Information on the next page.

Incident Information

~~*The following questions ask for details about the incident as known by your agency currently. If information is still being assessed, please indicate "pending further investigation." You will be able to update the information at a later time.* ***All data elements must have a valid response indicated in order to save the incident information.***~~

Agency ORI for reported incident (Required) _____

Q3. Agency Case Number (This number is requested to assist in tracking Incident Reports through the data collection. It will not be released in its original format to the public)
_____

Q1. Date of the incident (mm/dd/yyyy) _____

Q2. Local t~~T~~ime of the incident (24-hour time HHMM) _____

~~Q3. Agency Case Number (This number is requested to assist in tracking Incident Reports through the data collection. It will not be released in its original format to the public)~~
~~_____~~
_____

Q4. Location of the UoF incident

- ☐ Address (include street address/intersection, city, state, and ZIP Code)

  _____
  ____
  _____
  ____
- ☐ Latitude/longitude x-coordinate: _____ y-coordinate _____
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q5. Location T~~t~~ype ~~of the incident (Please select one category that best fits.)~~

- ☐ Abandoned/Condemned Structure
- ☐ Air/Bus/Train Terminal
- ☐ Amusement Park
- ☐ Arena/Stadium/Fairgrounds/Coliseum
- ☐ ATM (Automated Teller Machine) Separate from Bank
- ☐ Auto Dealership New/Used
- ☐ Bank/Savings and Loan
- ☐ Bar/Nightclub
- ☐ Camp/Campground
- ☐ Church/Synagogue/Temple/Mosque

- ☐ Commercial/Office Building
- ☐ Community Center
- ☐ Construction Site
- ☐ Convenience Store
- ☐ Daycare Facility
- ☐ Department/Discount Store
- ☐ Dock/Wharf/Freight/Modal Terminal
- ☐ Drug Store/Doctor's Office/Hospital
- ☐ Farm Facility
- ☐ Field/Woods
- ☐ Gambling Facility/Casino/Race Track
- ☐ Government/Public Building
- ☐ Grocery/Supermarket
- ☐ Highway/Road/Alley/Street/Sidewalk
- ☐ Hotel/Motel/Etc.
- ☐ Industrial Site
- ☐ Jail/Prison/Penitentiary/Corrections Facility
- ☐ Lake/Waterway/Beach
- ☐ Liquor Store
- ☐ Military Installation
- ☐ Park/Playground
- ☐ Parking/Drop Lot/Garage
- ☐ Rental Storage Facility
- ☐ Residence/Home
- ☐ Rest Area
- ☐ Restaurant
- ☐ School–College/University
- ☐ School–Elementary/Secondary
- ☐ Service/Gas Station
- ☐ Shelter–Mission/Homeless
- ☐ Shopping Mall
- ☐ Specialty Store
- ☐ Tribal Lands
- ☐ Other
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q6. What was the reason for initial contact between the subject(s) and the officer(s)? (Please select one)

- ☐ Response to unlawful or suspicious activity [Skip to Q6a and Q6b]
- ☐ Medical, mental health, or welfare assistance
- ☐ Routine patrol other than traffic stop
- ☐ Traffic stop
- ☐ Warrant service
- ☐ Service of a court order
- ☐ Mass demonstration
- ☐ Follow up investigation
- ☐ Other
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q6a. If the use of force was in response to report or observation of "unlawful or suspicious activity," what were the most serious observed offenses committed by the subject prior to or at the time of the incident?
Offense #1 _____
Offense #2 _____
Offense #3 _____

- ☐ Pending further investigation
- ☐ Unknown/Not reported

Q6b. The National Incident-Based Reporting System (NIBRS) or incident number of report detailing criminal incident information on the subject
_____

- ☐ Pending further investigation
- ☐ Unknown/Not reported

Q7. Did the officer approach the subject(s)?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q8. Was this an ambush incident?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q9. Was a supervisor or a senior officer acting in a similar capacity present or consulted prior to when force was used in the incident?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

If the incident involved officers who used force from multiple law enforcement agencies, please provide the total number of other agencies involved. _____

Q13. Please provide ORIs and case numbers for the local use-of-force reports at the other agencies.

ORI	CASE NUMBER

~~Q10. Total number of officers who actually applied force during the time of incident ____~~

- ~~☐ Pending further investigation~~
- ~~☐ Unknown and is unlikely to ever be known~~

~~Q11. Number of officers from your agency who actually applied force during the time of incident ____~~

- ~~☐ Pending further investigation~~
- ~~☐ Unknown and is unlikely to ever be known~~

~~Q12. Total number of subjects that died or received serious bodily injury as a result of a law enforcement use of force, or, in the absence of death or serious bodily injury, received the discharge of a firearm at or in their direction ____~~

- ~~☐ Pending further investigation~~
- ~~☐ Unknown and is unlikely to ever be known~~

Q13. If the incident involved officers who used force from multiple law enforcement agencies, please provide ORIs and case numbers for the local use-of-force reports at the other agencies.

ORI	CASE NUMBER

Subject Information

Please complete the following set of questions from this section for each individual who was subject to force that resulted in death, severe bodily injury, or a firearm discharge applied by officers ***from your agency*** *in the course of this incident.* ***Do not*** *include any witnesses or bystanders who were not the subject of force applied by law enforcement.* ***All data elements must have a valid response indicated in order to save the incident information.***

Q12. Total number of subjects that died or received serious bodily injury as a result of a law enforcement use of force, including the discharge of a firearm at or in their direction _____

- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Subject Sequence Number _____

Q15. Sex of subject

- ☐ Male
- ☐ Female
- ☐ Pending further investigation
- ☐ Unknown/Not reported

Q16. Race and ethnicity of subject (select all that apply)

- ☐ Hispanic or Latino
- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Pending further investigation
- ☐ Unknown/Not reported

Q14. Age of subject at time of incident

_____ ~~years old~~TO _____ ☐ Estimated

- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

~~Q15. Sex of subject~~

- ~~☐ Male~~
- ~~☐ Female~~
- ~~☐ Pending further investigation~~

☐ ~~Unknown/Not reported~~

~~Q16. Race and ethnicity of subject (select all that apply)~~

~~☐ Hispanic or Latino~~
~~☐ American Indian or Alaska Native~~
~~☐ Asian~~
~~☐ Black or African American~~
~~☐ Native Hawaiian or Other Pacific Islander~~
~~☐ White~~
~~☐ Pending further investigation~~
☐ ~~Unknown/Not reported~~

Q17. Height of subject (report actual or estimated range of values)
_____ F~~f~~eet _____ I~~i~~nches TO _____ Feet _____ Inches ☐ Estimated

☐ Pending further investigation
☐ Unknown and is unlikely to ever be known

Q18. Weight of subject (report actual or estimated range of values) (lbs)
____ TO _____ ~~pounds~~ ☐ estimated

☐ Pending further investigation
☐ Unknown and is unlikely to ever be known

Q19. Did the subject's behavior indicate to the officer that there could be drug impairment, alcohol impairment, or a mental condition involved? ~~Was there an apparent or known impairment in the mental or physical condition of the subject?~~

☐ Yes [Go to Q19a]
☐ No
☐ Pending further investigation
☐ Unknown and is unlikely to ever be known

Q19a. Please indicate which conditions apply (Select all that apply)

☐ Mental health condition
☐ Alcohol impairment
☐ Drug impairment
☐ Pending further investigation
☐ Unknown and is unlikely to ever be known

Q20. Was the threat by the subject(s) perceived by the officer(s) to be directed to the officer or to another party?

☐ Officer
☐ Another party
☐ Both the officer and others

- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q22. At any time during the incident, was the subject armed or believed to be armed with a weapon (other than hands, fists, or feet)?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q21. Did the subject resist the officer(s)?

- ☐ Yes [Go to Q21a]
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q21a. What resistance or weapon was or believed to be involved? (Select all that apply)

- ☐ Attempted to escape or flee from custody
- ☐ Resisted being handcuffed or arrested
- ☐ Barricading self
- ☐ ~~Using a chemical agent (acid, gasoline, pepper or OC (oleoresin capsicum) spray, etc.) against an officer or another~~
- ☐ ~~Using an edged weapon against an officer or another~~
- ☐ ~~Using an electronic control weapon against an officer or another~~
- ☐ ~~Using a blunt object against an officer or another~~
- ☐ Using a firearm against an officer or another
- ☐ Using another weapons (such as chemical agent, edged weapon, electronic control weapon, or blunt object) against an officer or another
- ☐ Using hands/fist/feet against an officer or another
- ☐ Displaying a weapon at an officer or another
- ☐ Directing a vehicle at an officer or another
- ☐ Intentionally spitting or bleeding on an officer
- ☐ Throwing an article or object at an officer
- ☐ Making verbal threats
- ☐ Failing to comply to verbal commands or other types of passive resistance
- ☐ ~~Other types of passive resistance~~
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known
- ☐ None

~~Q22. At any time during the incident, was the subject armed or believed to be armed with a weapon (other than hands, fists, or feet)?~~

- ~~☐ Yes~~
- ~~☐ No~~
- ~~☐ Pending further investigation~~
- ~~☐ Unknown and is unlikely to ever be known~~

Q23. Type(s) of force used by law enforcement connected to serious bodily injury or death of the subject (Select all that apply)

- ☐ Firearm
- ☐ Electronic control weapon (Taser®)
- ☐ Explosive device
- ☐ Chemical agent/Pepper or OC (oleoresin capsicum) spray
- ☐ Baton
- ☐ Impact projectile
- ☐ Blunt instrument/flashlight
- ☐ Hands-fists-feet
- ☐ Canine
- ☐ Other
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q24. What were the subject's injuries received as a direct consequence of the use of force by law enforcement? (Select all that apply)

- ☐ Gunshot wound (including minor or grazing wounds)
- ☐ Unconsciousness (regardless of duration)
- ☐ Serious injury requiring medical intervention or hospitalization

- ~~☐ Apparent broken bones~~
- ~~☐ Gunshot wound~~
- ~~☐ Loss of teeth~~
- ~~☐ Loss or partial loss of finger, toe, arm, leg, etc.~~
- ~~☐ Possible internal injury~~
- ~~☐ Severe laceration/puncture wound~~
- ~~☐ Canine bite~~
- ~~☐ Unconsciousness~~
- ~~☐ Possible cardiac event~~
- ~~☐ Other major injury~~
- ☐ Death
- ☐ None
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Officer Information

Please complete the following set of questions from this section for each officer who actually applied force that resulted in death, serious bodily injury, or discharged a firearm at or in the direction of a person in the course of this incident ***from your agency.*** *Do not include any officers who were assisting or present; did not apply force; or applied force that did not meet the criteria as specified above.* ***All data elements must have a valid response indicated in order to ~~save~~ submit the incident information.***

Q10. ~~Total n~~Number of officers who ~~actually~~ applied force during ~~the time of~~ this incident _____

- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q11. Number of officers from ***your agency*** who actually applied force during the time of incident _____

- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Officer Sequence Number _____

Q26. Sex of the officer

- ☐ Male
- ☐ Female
- ☐ Pending further investigation
- ☐ Unknown/Not reported

Q27. Race and ethnicity of the officer (select all that apply)

- ☐ Hispanic or Latino
- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Pending further investigation
- ☐ Unknown/Not reported

Q25. Age of officer ~~at time of incident~~ ____ ~~years old~~ ☐ Pending further investigation

~~Q26. Sex of the officer~~

- ☐ ~~Male~~
- ☐ ~~Female~~
- ☐ ~~Pending further investigation~~
- ☐ ~~Unknown/Not reported~~

~~Q27. Race and ethnicity of the officer (select all that apply)~~

- ☐ ~~Hispanic or Latino~~
- ☐ ~~American Indian or Alaska Native~~
- ☐ ~~Asian~~
- ☐ ~~Black or African American~~
- ☐ ~~Native Hawaiian or Other Pacific Islander~~
- ☐ ~~White~~
- ☐ ~~Pending further investigation~~
- ☐ ~~Unknown/Not reported~~

Q28. Height of the officer _____ F~~f~~eet _____ I~~i~~nches ☐ Pending further investigation

Q29. Weight of the officer _____ ~~pounds~~ ☐ Pending further investigation

Q30. Officer's years of service as a law enforcement officer (total tenure)
_____ ~~years~~
☐ Pending further investigation

Q31. Does the officer work full-time (160~~35~~ or more hours per month~~week~~)?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q33. Was the officer readily identifiable by clothing or insignia at the time of the incident?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q32. Was the officer on duty at the time of the incident?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

~~Q33. Was the officer readily identifiable by clothing or insignia at the time of the incident?~~

- ☐ ~~Yes~~
- ☐ ~~No~~
- ☐ ~~Pending further investigation~~
- ☐ ~~Unknown and is unlikely to ever be known~~

Q34. Did the officer discharge a firearm at or in the direction of a person during the incident?

- ☐ Yes
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q35. Was the officer injured during the incident that precipitated the use of force (serious or minor)?

- ☐ Yes [Go to Q35a and Q35b]
- ☐ No
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q35a. What were the officer's injuries during the incident that precipitated the use of force (select all that apply)

- ☐ ~~Apparent Minor Injuries~~
- ☐ ~~Apparent broken bones~~
- ☐ Gunshot wound (including minor or grazing wounds)
- ☐ Serious injury requiring medical intervention or hospitalization
- ☐ ~~Loss of teeth~~
- ☐ ~~Loss or partial loss of finger, toe, arm, leg, etc.~~
- ☐ ~~Possible internal injury~~
- ☐ ~~Severe laceration/puncture wound~~
- ☐ ~~Canine bite~~
- ☐ Other Apparent Minor Injuries
- ☐ Unconsciousness
- ☐ Other major injury
- ☐ Death
- ☐ Pending further investigation
- ☐ Unknown and is unlikely to ever be known

Q35b. NIBRS (or local) incident number of report detailing assault or homicide of law enforcement officer

_____

- ☐ Pending further investigation
- ☐ Unknown/Not reported