



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM

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DATE: February 27, 2023

SUBJECT: BJS request to conduct cognitive interviewing to test the ability of law enforcement agencies to report on revised race and ethnicity categories under the OMB generic clearance agreement (OMB Number 1121-0339).

Introduction

Under the direction of the Chief Statistician of the United States, OMB charged the Federal Interagency Technical Working Group on Race and Ethnicity Standards (Working Group) to review OMB's Statistical Policy Directive No. 15 (SPD No. 15), *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* and provide recommendations for revision. SPD No. 15 provides minimum standards that ensure the ability to compare information and data across Federal agencies, and to understand how well Federal programs serve a diverse America. The initial proposal from this group includes several revisions to the categories currently in use.

The purpose of this memorandum is to request approval for outreach to law enforcement agencies (LEAs) to explore what information on race and ethnicity they regularly collect on sworn and nonsworn personnel. Phone calls will be made to a small number of agencies and a brief interview will be conducted to assess the ability of agencies to provide more detailed race and ethnicity information on federal surveys. Further detail on this request is provided below.

Request for Cognitive Interviewing

This request is to conduct cognitive testing to examine what types of race and ethnicity information LEAs collect on their sworn and nonsworn staff under BJS's generic clearance agreement (OMB Control Number 1121-0339). BJS staff is developing draft questions and has contracted with RTI International to run the cognitive testing of the developed protocol (see Attachment A for a cognitive interview protocol).

BJS's current law enforcement agency surveys utilize a single combined race and ethnicity question that captures the following categories:

- a. White, non-Hispanic
- b. Black or African American, non-Hispanic
- c. Hispanic or Latino
- d. American Indian or Alaska Native, non-Hispanic
- e. Asian, non-Hispanic
- f. Native Hawaiian or other Pacific Islander, non-Hispanic
- g. Two or more races
- h. Not known

The Working Group has issued a draft recommendation to add "Middle Eastern or North African" (MENA) as a new category distinct from all other reporting categories.¹ The definition of the current "White" reporting category would be edited to remove MENA from its definition. In addition to the new minimum category, the working group has also recommended that more detailed information be collected on each of the individual categories, and that each of the categories should be further disaggregated by country of origin.

The cognitive interviewing plan (described below) is designed to (1) increase understanding of how LEAs collect and store race and ethnicity data on sworn and nonsworn staff, (2) assess the capability of LEAs to report on the newly proposed Middle Eastern or North African (MENA) category, and (3) determine the feasibility of including more detailed questions on race and ethnicity, such as country of origin, on law enforcement administrative surveys. The project staff will review and summarize the results of the cognitive interviews to provide feedback to the Working Group on the proposed changes.

Sample Selection

The sample selection process will classify LEAs across agency type (local police department, sheriff's office, constable, college/university LEA) and agency size for local police departments

¹ <https://www.federalregister.gov/documents/2023/01/27/2023-01635/initial-proposals-for-updating-ombs-race-and-ethnicity-statistical-standards>.

and sheriff’s offices (small agencies with less than 50 full-time equivalent sworn personnel, medium agencies with 50-99 full-time equivalent sworn personnel, or large agencies with 100 or more full-time equivalent sworn personnel).² Primary state police agencies are excluded from cognitive interviewing due to the small number of agencies (N=49).

Using agency type and size as a framework, the project team will select agencies from a list of agencies that have expressed a willingness to participate in future BJS research and development activities. This list is a product of the 2022 Census of State and Local Law Enforcement Agencies (CSLLEA) survey collection, where agencies were asked to voluntarily indicate their willingness to be contacted for future activities. Since the 2022 CSLLEA data collection began in November 2022 and is ongoing, the list is likely to be up to date and accurately reflect current agency preferences. As BJS anticipates that some of the sampled agencies will be unable to participate in the cognitive interview effort, a substitute agency will be selected for each of the sampled agencies and contacted only if a replacement is needed. Up to 75 total agencies will be contacted, though completed interviews will be capped at 50 total agencies.

BJS will target completing interviews with 50 LEAs: 5 constables, 5 college/university LEAs, 10 sheriff’s offices, and 30 local police departments. These proportions roughly reflect those of the nationwide universe of agency types eligible for the cognitive interviews. The breakout of desired respondents based on agency type and size is shown in Table 1.

Table 1. Number of completed cognitive interviews by agency type and size

Full-Time Equivalent Sworn count	Local Police Department	Sheriff’s Office	Constable	College/ University LEA	Total
Total	30	10	5	5	50
<i>Large (100+)</i>	<i>10</i>	<i>3</i>	<i>N/A</i>	<i>N/A</i>	<i>13</i>
<i>Medium (50-99)</i>	<i>10</i>	<i>4</i>	<i>N/A</i>	<i>N/A</i>	<i>14</i>
<i>Small (1-49)</i>	<i>10</i>	<i>3</i>	<i>N/A</i>	<i>N/A</i>	<i>13</i>

The intended respondent for the survey is the agency’s human resources administrator or another staff member who is knowledgeable about the law enforcement agency’s personnel data. Based on past experience with cognitive interviewing during development of the 2016 LEMAS supplement (OMB Control Number 1121-0354, expired 2/28/2019), 2016 and 2020 LEMAS core surveys (OMB Control Number 1121-0240, expired 6/30/2019 and expiring 7/31/2023, respectively), 2018 CSLLEA (OMB Control Number 1121-0346, expired 4/30/2021), and 2018 Census of Law Enforcement Training Academies (CLETA; OMB Control Number 1121-0255, expired 11/30/2021), the project team is confident that the resulting list of agencies prioritized for cognitive interviewing will be diverse in characteristics and will provide a sampling of potential obstacles to the proposed information collection.

² An agency’s full-time equivalent sworn personnel count is the sum of the number of full-time sworn officers and part-time sworn officers (who are counted as the equivalent of .5 full-time sworn officers) employed by that agency.

Initial contact with agencies will be conducted by email and led by RTI. The initial message will thank the agency for their past participation in the 2022 CSLLEA and remind the agency that they had indicated a willingness to be included in future research and development activities. The agency would then be invited to participate in a brief (30 minute) interview to test potential changes in future BJS surveys and indicate that RTI would work with the agency to schedule the interviews at a convenient time if the agency was still willing to participate (Attachment B). Non-responders will be contacted within 2 weeks of initial outreach via email (Attachment C) and then by phone (Attachment D). If an agency does not choose to participate, a replacement from the same stratum will be selected and outreach will be made to recruit the new agency. The replacement process will be repeated until the required number of respondents in each stratum is obtained.

Once the agency has confirmed a willingness to participate, RTI will schedule POCs for a 30-minute cognitive interview phone call. During this call, a member of the project team will conduct a cognitive interview using a standardized interview guide (Attachment A). Participants will be asked to highlight any aspects of the newly proposed categories that they found to be unclear, any topics or categories that were omitted, or any response categories that were missing or insufficient. Participants will not receive any compensation for the interview. The project team will review the feedback from the cognitive interviews and provide a summary of the results.

Cognitive testing will also provide an opportunity for BJS to calculate potential changes to the burden that LEAs would have in responding to the newly proposed race and ethnicity categories. This information will be taken into consideration as the BJS develops future surveys and will be provided to the OMB working group.

Burden Hours

The burden hour estimates for the proposed cognitive interviews are provided in the following table. BJS has estimated the respondent burden at 35.75 hours (Table 2). The burden is comprised of three components: initial contact and scheduling and completion of the cognitive interview. Up to 75 LEAs may be contacted and asked to participate in cognitive interviewing. However, a maximum of 50 agencies will complete the cognitive interview. The estimate was calculated using an assumed 30 minutes per respondent for the cognitive interview. The respondents will not be requested to obtain any information in preparation for the interviews and will only be asked to reflect on their current practices and procedures.

Table 2. Estimated burden hours for cognitive interviews.

	Average burden hours per respondent	Total maximum respondents	Est. burden hours
Initial contact	0.09	75	6.75
Scheduling of interview	0.08	50	4.0
Complete cognitive interview	.50	50	25.0
TOTAL HOURS			35.75

Institutional Review Board

RTI's IRB determined that the research conducted under the current BJS contract does not constitute research involving human subjects as defined by the U.S. Code of Federal Regulations (45 CFR 46.102) and approval of these activities by the RTI IRB is not necessary.

Contact Information

Questions regarding any aspect of this project can be directed to:

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Attachments

Attachment A: Cognitive Interview Protocol
Attachment B: Invitation Email
Attachment C: Nonresponse Follow-up Email
Attachment D: Nonresponse Follow-up Phone Script