

Supporting Statement for Paperwork Reduction Act Submissions
Approval of a newly approved data collection without an OMB control number for the National Use-of-Force Data Collection

OMB Control #

Part A. Justification

1. Necessity of Information:

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

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

APB Recommendation 1

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

APB Recommendation 2

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

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

APB Recommendation 3

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

2. Needs and Uses:

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

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

Pilot

The pilot study will consist of two phases. Each phase will include a set of target agencies and states that will allow 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 is to communicate coding schemes based upon a common set of definitions. Instructions and manuals, as well as training modules and curricula, all serve to help guide individuals at law enforcement agencies to translate their local records into a uniform manner. While basic instructions will be provided during the pilot study, the results of the pilot study will identify concepts with less consensus across locations and types of law enforcement agencies for the development of in-depth instructions, manuals, training modules, and curricula.

Phase I

The activities of the first phase of the pilot will focus upon a prospective comparison of reported incidents in the use of force data collection through the data collection tool on Law Enforcement Enterprise Portal (LEEP) to the original records voluntarily provided by the reporting agency to the FBI. Those agencies that are recruited and agree to participate in the pilot study will understand that local records will be forwarded to the FBI upon submission of statistical information to the use of force data collection tool. The local case information can be redacted of any personally identifiable information prior to its forwarding to the FBI, and all local records will be destroyed upon completion of the pilot study.

- The targeted agencies for participation in the pilot study will include three groups:
- The largest law enforcement agencies with a workforce of 750 or more sworn officers. The group of the largest agencies includes at least 68 agencies across 23 states (see Table 1) for the listing of agencies). Each agency will be approached through their state UCR Program Manager for their voluntary agreement to provide data for submission in the use of force data collection and participate in the pilot study activities.
- In addition to the subset of largest agencies, the FBI will identify two to five states that will voluntarily participate in the first and second phases of the pilot. These states will be selected based upon the results of the canvass of the states during pre-testing. These states will represent those state UCR programs that will be using the data collection tool on LEEP to manage their data collection for their states.

- All four Department of Justice (DOJ) law enforcement agencies will be asked for voluntary participation.
- Finally, any other agency that voluntarily approaches the FBI to provide their information on incidents that meet the definitional requirements will also be accepted.

The FBI Quality Assurance Review (QAR) staff will review incidents and records provided by the pilot agencies and states. The goal of this review is to ascertain whether the agencies are applying the definitions and using the provided instructions in a uniform manner. In particular, the records comparison will investigate the application of the legal definition of “serious bodily injury” and the coder’s understanding of how that definition can be operationalized. The records review and comparison will also identify problematic areas where instructions need more detail or more training should be provided to agencies. The data will also be used in the planning of the second phase of the pilot that will involve a site visits to a subset of agencies. Finally, the FBI will work with state UCR Program Managers in the pilot states to identify any potential problems with local and state record-keeping that impedes the ability to provide the use of force information to the FBI.

Phase I of the pilot study will begin in at the onset of collection, and it is anticipated to conclude after three months.

Phase II

The second phase of the pilot will include the original set of agencies recruited for the first phase. In addition, two more states will be recruited for participation in the second phase of the pilot representing state UCR programs that will provide their use of force data in a bulk data submission. These states will be nominated based upon the information gained from the canvass of state UCR programs during pre-testing. The FBI will also continue to accept agencies and states that provide data voluntarily to the data collection.

The activities of Phase II are primarily centered on an extension of the records review and comparison with targeted, on-site visits with a sample of pilot agencies. Working with the Bureau of Justice Statistics (BJS) in the development of a statistically-defensible sampling strategy, the FBI will use a geographically-driven cluster sample of agencies for on-site visits by FBI personnel. The primary goal of the on-site visits is to ascertain the level of underreporting of within-scope incidents—especially those with serious bodily injury or firearm discharges. The on-site visits will also allow for an assessment of local record-keeping capabilities and testing of any adjustments made to the language of instructions and data elements or changes to the data collection.

As with Phase I, the on-site reviews will be conducted by FBI QAR staff who will review all records connected to use of force incidents maintained by the sampled agency. The primary purpose of the review is to assess whether any incidents occurred that should have been reported to the use of force data collection, based upon the definition, but were not. The results of Phase II of the pilot study will be an assessment of the amount of underreporting of

use of force incidents that meet the definition of the use of force data collection—especially for those instances that do not result in a fatality. The Phase II of the pilot study is anticipated to last three months and will begin three months after the onset of collection of National Use-of-Force Data Collection data.

Analytical Plan and Publication from Pilot Study

The analysis of information gathered through both phases of the pilot study will begin as soon as possible and will continue in an iterative fashion. The development of the data collection tool is using an agile development process that will easily accommodate changes to the collection tool identified throughout the pre-testing and pilot phases of this plan. A dedicated technical team is under contract to ensure the FBI is able to react quickly to these potential changes.

At the conclusion of Phase II, the FBI will release a report detailing the results of its data collection and analysis. The results from the pilot study will be released to the public and will consist of four 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. This section will also identify whether a need clearly exists for a nonresponse bias study and a proposed methodology for that 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 that 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, the fourth section will list basic agency-level counts of reported data from all participating agencies as a showcase of item completeness and quality.

Publications and releases from the full data collection will provide for the enumeration of fatalities of persons, nonfatal encounters that result in serious bodily injury of persons, and firearm discharges by law enforcement at or in the direction of a person. The resulting statistics are not meant to offer insight into single use-of-force incidents but to provide an aggregate view of the incidents. As an example, it would be possible through targeted analyses by external researchers to potentially identify those law enforcement agencies with “best practices” in comparison with their peers as an option for further study. The FBI anticipates that it will receive research requests for the underlying raw data from use-of-force incident submissions. To meet research needs, the FBI will create a sanitized data set from submitted incidents to the National Use-of-Force Data Collection to ensure that information cannot be linked back to specific individuals while still allowing data to be used for statistical research purposes. The FBI will collaborate with other federal statistical agencies, as well as the Federal Committee on Statistical Methodology to identify “best practices” in the development of the sanitized data set.

3. Use of Technology:

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

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

4. Efforts to Identify Duplication:

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

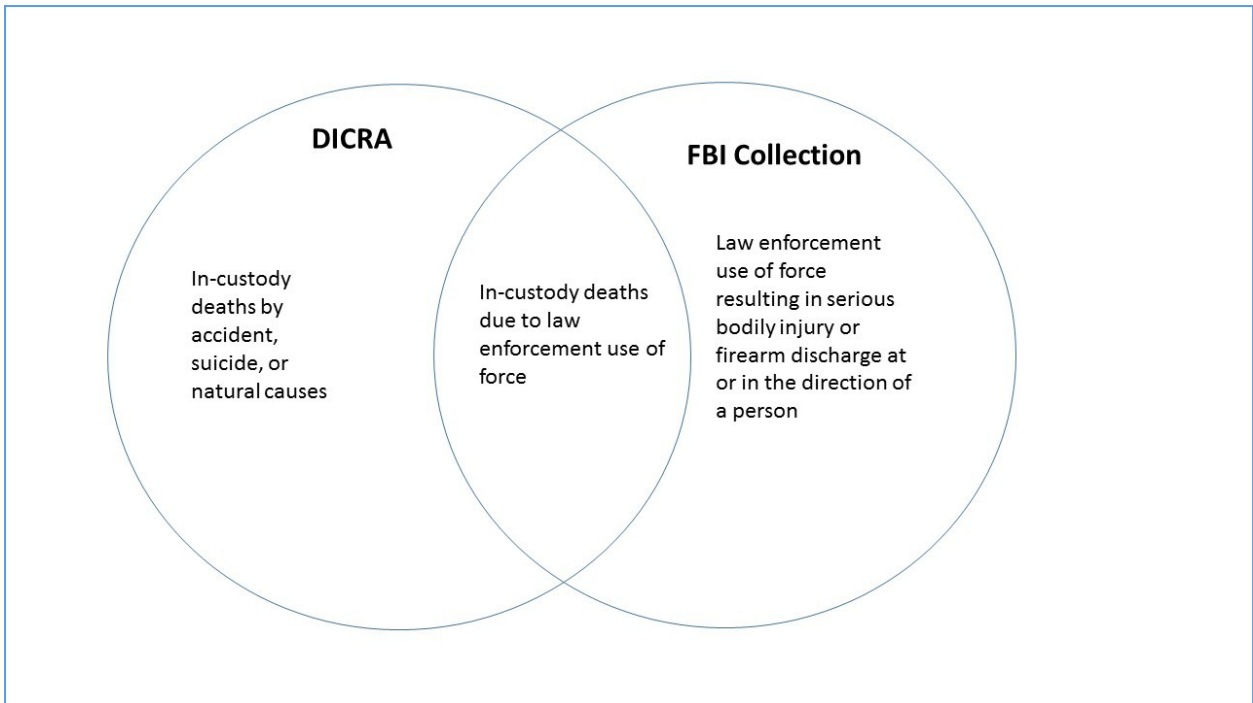


Figure 1. Scope of Data Collections from the DICRA and the FBI Use-of-Force Collection

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

5. Methods to Minimize Burden on Small Businesses:

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

6. Consequences of Less Frequent Collection:

Community leaders have called for changes to existing data collections on law enforcement use of force to understand facts and circumstances surrounding these incidents. The response and leadership from the law enforcement community has been overwhelmingly positive, as law enforcement executives clearly recognize the need for better use-of-force data in support of their own mission and for greater transparency with the communities they serve. Many of

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

Finally, national leaders including President Obama and FBI Director James B. Comey have highlighted the need for greater understanding of the dynamics of law enforcement use of force. President Obama convened the President’s Task Force on 21st Century Policing, which released its final report in May 2015. In the final report’s recommendations was a call for greater transparency and more data about police interactions with the public. In his “Hard Truths” speech delivered at Georgetown University in February 2015, FBI Director Comey stated, “Without complete and accurate data, we are left with ‘ideological thunderbolts.’ ” With the goal of increasing our understanding of law enforcement use of force, the FBI is leading an intensely collaborative process to both improve the information already collected on law enforcement use-of-force fatalities, as well as begin collecting nonfatal uses of force, to assist our society in understanding and dealing with these situations more effectively.

7. Special Circumstances Influencing Collection:

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

8. Public Comments and Consultations:

October 5, 2016 Pages 69084-69087 Comments Received During 60-day Federal Register Notice (FRN)

The FBI received comments from nineteen individuals and organizations during the 60-day FRN posted from October 5, 2016 to December 5, 2016. The notice asked for comments in four major areas:

- Whether the proposed collection is necessary for the proper performance for the functions of the FBI, including whether the information will have practical utility
- The accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used

- Whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses

Three of the nineteen comments received were from potential contributing law enforcement agencies. Their comments centered more on questions regarding the implementation of the data collection rather than directly commenting on the four major areas requested. Those implementation questions were addressed directly to each commenter. In general, the remaining comments received through the 60-day notice did not raise any issues that necessitated changing the methodology of collection or the information collected. The FBI used a process to determine the content and scope of the National Use-of-Force Data Collection focused on maximizing the participation of the law enforcement community. The initial content of the data collection reflects the level of detail on these use-of-force incidents that is both known early after the occurrence and could be shared. The additional information suggested by will be held in abeyance by the FBI until the next revision of the data collection. The content of these comments are summarized by area. Detailed information on each comment on each is available upon request.

Whether the collection is necessary

There were some comments regarding whether a data collection such as this is appropriate for the FBI to manage. One commenter in particular mentioned that this information would be more appropriately gathered from death certificate information. Others stated concerns about the voluntary nature of the data collection and whether that would contribute to a skewed perception of law enforcement use of force—especially since federal participation appears to be compulsory.

Accuracy of burden estimate

Only one commenter expressed a concern that burden estimate for reporting by law enforcement agencies is not accurate.

Quality, utility, and clarity of the information to be collected

The majority of the comments centered upon the quality, utility, and clarity of the information to be collected. While some commenters expressed a desire for more information to be collected on the incidents, subjects, and officers involved, others were apprehensive of the amount of information being collected on the officers and its impact on officer privacy. In many cases, the information requested by the commenter was already included as part of the proposed data collection.

In addition, there were a few commenters that wanted to see the scope of the entire data

collection to be expanded to include all uses of force by law enforcement regardless of the result to the subject; other injuries sustained in law enforcement custody (e.g., “rough rides” in a police vehicle); or to encompass potentially criminal acts by law enforcement (e.g., sexual assault by a law enforcement officer under the color of law).

Beyond specific information that either should or should not be included in the data collection, questions were raised about reporting requirements and guidance. Commenters expressed a need for clear directions and standards for use during the data collection. Some commenters asked for the pilot collection to be made a permanent, mandatory collection for all law enforcement.

Minimizing the burden through technology

A small number of commenters, including two with information technology companies, advocated for the use of automated systems to collect information on law enforcement use of force.

Development and Stakeholder Engagement

In addition to receiving comments during the initial 60-day FRN, the FBI also pursued a significant amount of stakeholder engagement over the course of 2015 and 2016.

CJIS Advisory Policy Board - Spring 2015

The FBI’s initial proposal was to pursue the addition of nonfatal officer-involved shootings to the existing information on justifiable homicide. Beginning in March 2015, the FBI CJIS Division worked with its APB to consider the question of whether to pursue the collection. The CJIS APB is a committee comprised of representatives from the law enforcement and criminal justice communities who advise the FBI Director on matters related to the criminal justice information systems the CJIS Division manages. The APB meets semi-annually and provides recommended actions on policy and technical issues, to include the UCR Program.

While this body does not have the expertise to provide advice on matters of statistical methodology, the APB does provide two important functions. First, its membership is a geographically-diverse group of experts on criminal justice records maintained by law enforcement agencies at all levels of government—local, state, tribal, and federal. These representatives can provide important feedback on the potential impact of any change or addition to the UCR data collections on the law enforcement community. Secondly, the APB represents the universe from which the UCR data are collected. Through the APB process, the FBI is able to engage in critical discussions that inform decisions about content and scope of law enforcement statistics.

On June 3, 2015, the APB received the recommendation to approve the data collection and passed the following amended motion:

“The UCR Program to develop a method to collect information on nonfatal/fatal shootings by law enforcement in the line-of-duty. The UCR Program will work with local law enforcement agencies and the five major national law enforcement organizations to develop what information to collect and the best method to do so and bring the topic back through the APB Process.”

Meeting of Major Law Enforcement Organizations

Based upon the direction of the CJIS APB, the FBI also began efforts to solicit input from the major law enforcement organizations. Representatives from the major law enforcement organizations including the International Association of Chiefs of Police (IACP), Major City Chiefs Association (MCCA), National Sheriffs’ Association (NSA), Major County Sheriffs’ Association (MCSA), Association of State Criminal Investigative Agencies (ASCIA), and the Police Executive Research Forum (PERF) met with representatives from the CJIS APB, FBI, and the DOJ to discuss the next steps regarding the creation of the new data collection on officer-involved shootings. The result of the meeting was a unanimous endorsement of a data collection system, to include the following definition and content.

The participants at the meeting on September 18, 2015, proposed the following definition:

“Law Enforcement Officer’s as defined by the Law Enforcement Officer Killed and Assaulted (LEOKA) Program Use of Force (LEOUF) that results in the death or serious physical injury to a person, or when the law enforcement officer discharges a firearm at or in the direction of a person.”

The effects of this definition were threefold. First, it expanded the collection to include the use of force that results in serious physical injury, rather than the original focus of officer-involved shootings. Secondly, the inclusion of the definition of law enforcement as set by the LEOKA Program would allow for some flexibility to expand the scope of the National Use-of-Force Data Collection in parallel with the LEOKA data collection. Finally, the definition does not require a law enforcement agency determine that the use of force was justified.

In addition to the proposed definition for the types of incidents eligible for reporting in the National Use-of-Force Data Collection, the representatives from the major law enforcement organizations proposed content to be collected on every incident that meets the criteria of the definition. The proposed data elements included basic information on the officers involved, the subjects of the use of force, and circumstances related to the use of force, which served as the basis for the final recommendation approved by the CJIS APB. These data should be collected by the FBI as a part of its UCR Program, but collected separately from the rest of the criminal incident and offense information the FBI currently maintains. These proposals were brought to the CJIS APB for consideration.

CJIS Advisory Policy Board - Fall 2015

After the meeting with the law enforcement representatives in September 2015, the FBI introduced a topic to address the question of whether a new data collection on law enforcement officer use of force would be recommended to the FBI Director. On December 3, 2015, the CJIS APB approved the motions set forth in the response to Question 1 in Supporting Statement, Part A.

Task Force

As specified in the CJIS APB Recommendation 2, the FBI moved to establish a Use-of-Force Task Force to make the decision on the additional content of the new data collection in January 2016. Central to the discussion on the content of the final data collection was ensuring that law enforcement would not be overly burdened by duplicate reporting that could arise because of requirements in the DICRA of 2013. The Use-of-Force Task Force is comprised of representatives from major law enforcement organizations and local, tribal, and federal law enforcement representatives. Specifically, the following organizations are represented on the Use-of-Force Task Force:

- IACP
- NSA
- MCCA
- MCSA
- PERF
- ASCIA
- National Organization of Black Law Enforcement Executives
- Association of State UCR Programs (ASUCRP)

In addition to representatives from these major organizations, the task force welcomed observers from the Office of the Deputy Attorney General (ODAG), the Community Oriented Policing Services Office, DOJ, and the BJS.

The Task Force met on four occasions (January 27, 2016; March 17, 2016; May 4-5, 2016; and August 3, 2016). On May 4, 2016, the Task Force discussed the scope of the data collection, specific responsibilities related to the reporting and handling of use-of-force data, and a final set of data elements for consideration. This final set of data elements is provided in the Appendix and builds upon the first set of recommended data elements that was a result of the December 2015 CJIS APB Meeting. The Task Force have also provided recommendations that address marketing and dissemination plans.

Coordination with DOJ

The FBI was in close contact with the DOJ leadership in the ODAG and the Office of Legal

Policy for the last quarter of 2016 and early in 2017 prior to the change in presidential administration. This coordination took the form of weekly teleconferences where the stakeholder agencies and groups impacted by the collection of use-of-force data were able to provide regular updates to each group's or agency's initiatives. While the calls were suspended after the change in administration, the Deputy Chief of Staff of FBI Director James B. Comey will be contacting the DOJ for confirmation of the administration's support of the National Use-of-Force Data Collection.

9. Payment of Gift to Claimants:

Not applicable.

10. Assurance of Confidentiality:

As discussed above, the greatest privacy risk from the National Use-of-Force Data Collection arises from the linkability of the information collected with outside sources of information to potentially identify the officer(s) or subject(s) involved in a specific use-of-force incident. To mitigate this risk, access to individual incident information is restricted to the submitting agency of the incident and FBI employees supporting the National Use-of-Force Data Collection. Access to information within the National Use-of-Force Data Collection system is controlled by user role. The FBI has completed a Privacy Impact Assessment on the National Use-of-Force Data Collection and is under review by the DOJ. A system of records notice was not completed because submission of incidents to the National Use-of-Force Data Collection system is voluntary. Discretion for submittal lies with the law enforcement unit/department involved. The National Use-of-Force Data Collection is not a system of records under the Privacy Act and, similar to the UCR system, does not notify individuals involved in the incident (law enforcement or civilian) that the information is being submitted. No personally identifiable information on living individuals is collected by the National Use-of-Force Data Collection.

Statistical information from the National Use-of-Force Data Collection will be published for law enforcement on a quarterly basis and will be publicly published on fbi.gov semi-annually. The statistical information published will use aggregated data from incident submissions to the National Use-of-Force Data Collection that will limit the ability of the reader or user to link information back to a particular individual. For example, agencies will submit the specific address location of a use-of-force incident; however, the published statistics will not include incident information from a specific address. Rather, the location information will be used to provide information about use-of-force incidents to refine geographical presentations for states, regional areas, or nationally. Information regarding use-of-force incidents by a specific law enforcement agency will be limited to basic numeric counts of incidents. The FBI anticipates that it will receive research requests for the underlying raw data from use-of-force incident submissions. To meet research needs, the FBI will create a sanitized data set from submitted incidents to the National Use-of-Force Data Collection to ensure that information cannot be linked back to specific individuals while

still allowing data to be used for statistical research purposes. The FBI will collaborate with other federal statistical agencies, as well as the Federal Committee on Statistical Methodology to identify “best practices” in the development of the sanitized data set.

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

11. Justification for Sensitive Questions:

Not applicable.

12. Estimate of Hour Burden:

An estimated 701,486 law enforcement officers will participate in the National Use-of-Force Data Collection. The estimated burden hours per incident is 0.63 for completion. Two separate burden estimates are provided for the proposed collection—one for the pilot study and a second for the annual collection to include all law enforcement agencies. Burden estimates were based on sources from the FBI UCR Program, the BJS, and the Centers for Disease Control (CDC). The BJS has recently estimated that approximately 1,400 fatalities attributed to a law enforcement use of force occur annually (Planty, et al., 2015, *Arrest-Related Deaths Program: Data Quality Profile*, <<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5260>>). In addition, the CDC estimates the incidences of fatal and nonfatal injury—including those due to legal intervention—from emergency department data. In their piece entitled, “The real risks during deadly police shootouts: Accuracy of the naïve shooter,” Lewinski, et al. (2015) estimates law enforcement officers miss their target approximately 50 percent of the time at the firing range and was used as a simple estimate for the number of firearm discharges at or in the direction of a person, but did not strike the individual. In addition, the UCR Program collects counts of the number of law enforcement sworn and civilian employees in law enforcement agencies.

The table below uses a rate per officer to estimate the anticipated number of reports that could be received within the two pilot phases and an annual collection. Because the nonfatal injury due to legal intervention estimate from the CDC does not provide any overt measure of severity, these injuries are estimated to be as high as 82,283 or as low as 5,546. Based upon these estimates, the FBI is requesting 52,416 burden hours for an annual collection of this data.

Estimated Burden for Pilot Study									
Timeframe	Reporting Group	Approximate Number of officers	Annual Rate per officer		Estimated Number of Incidents		Estimated burden hours		
			Maximum	Minimum	Maximum (3 mos)	Minimum (3 mos)	Estimated burden hours per incident	Maximum	Minimum
Pilot I (3 months)	Large agencies	178,557	0.112	0.012	5,000	536	0.63	3,150	338
	Pilot I States	54,781	0.112	0.012	1,534	165	0.63	966	104
Pilot II (3 months)	Large agencies	178,557	0.112	0.012	5,000	554	0.63	3,150	349
	Pilot I & II States	82,172	0.112	0.012	2,300	247	0.63	6,140	156
Pilot Total (6 months)	--	--	--	--	13,834	1,502	0.63	13,406	947
Estimated Burden for All Law Enforcement Agencies in Annual Collection									
Timeframe	Reporting Group	Approximate Number of officers	Maximum	Minimum	Maximum	Minimum	Estimated burden hours per incident	Maximum	Minimum
Collection (Annual)	All agencies	701,486	0.112	0.012	83,200	8,700	0.63	52,416	5,481

13. Estimate of Cost Burden:

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

14. Estimated Annualized Costs to Federal Government:

The development of the National Use-of-Force Data Collection system is being performed by Contract, as well as government support staff. Below is an estimated cost for Fiscal Years 2016, 2017, and 2018 for contract support, as well as government support.

Use-of-Force Contract Services / Operations & Maintenance Services Costs			
	FY16	FY17	FY18
Project Manager	\$ 211,200.00	\$ 216,480.00	\$ 221,892.00
Senior Application Developer	\$ 144,806.00	\$ 148,427.00	\$ 152,137.00
Senior Application Developer	\$ 144,806.00	\$ 148,427.00	\$ 152,137.00
System Administrator	\$ 176,640.00	\$ 181,056.00	\$ 185,582.00
Database Administrator	\$ 157,440.00	\$ 161,376.00	\$ 165,410.00
Technical Writer	\$ 82,944.00	\$ 85,018.00	\$ 87,143.00
Contract Services Totals	\$ 917,836.00	\$ 940,784.00	\$ 964,301.00
Software			\$ 50,000.00
Software Maintenance			\$ 10,000.00
Operations & Maintenance Services			\$ 561,880.80
Total Yearly Costs	\$ 917,836.00	\$ 940,784.00	\$ 1,586,181.80

Use-of-Force Staff Cost Estimates					
	GS-Level	Percentage of Time	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018
Project Manager	GS-14	33%	\$	\$	\$ 38,000.00

			38,000.00	38,000.00	
			\$	\$	
Technical Lead	GS-13	25%	24,000.00	24,000.00	\$ 24,000.00
Survey Statistician	GS-14	80%	\$90,473.00	\$90,473.00	\$90,473.00
Management and Program Analyst	GS-12	60%	\$48,289.00	\$48,289.00	\$48,289.00
Management and Program Analyst	GS-14	100%	\$113,091.00	\$113,091.00	\$113,091.00
Supervisory Management and Program Analyst	GS-14	20%	\$22,618.00	\$22,618.00	\$22,618.00
Unit Chief	GS-15	20%	\$26,606.00	\$26,606.00	\$26,606.00
Contracting Officer Representative	GS-13	20%	\$19,000.00	\$19,000.00	\$19,000.00
System Engineer	NA	25%	\$59,773.00	\$59,773.00	\$59,773.00
System Engineer	NA	50%	\$119,545.00	\$119,545.00	\$119,545.00

15. Reasons for Change in Burden:

Not applicable.

16. Plans for Publication:

Given the level of effort to create this new technical solution, as well as all the legal and security requirements that are necessary, it is anticipated that this data collection will begin no earlier than 2017. The first release of information will be after the conclusion of the initial six-month pilot study and will detail the results of the pilot study. Any agency-level data provided in this first report will be solely as a showcase of data quality and completeness. Subsequent releases of information to the public will occur on a regular basis of no less than two times a year. It is the intention of the FBI to publish this information quarterly. Access to the raw data is restricted to contributing law enforcements agencies and the FBI personnel supporting the collection. A sanitized data set will be created using industry standards to ensure that the information cannot be linked back to specific individuals while still allowing raw data to be used for statistical research. It is important to note that the FBI has no legal authority to mandate reporting of any data to the UCR Program. The FBI has been working closely with the major law enforcement agency organizations and the CJIS APB, which is made of local, state, tribal, and federal law enforcement partners, to obtain their support and commitment and to encourage their members to report this critical information.

Specific to the pilot, at its conclusion the FBI will release a report detailing the results of its data collection and analysis. The results from the pilot study will be released to the public and will consist of four 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. 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. This section will also identify whether a need clearly exists for a nonresponse bias study and a proposed methodology for that study. As the pilot study only has two phases, the third section of the report will detail the data collection policies and procedures that 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, the fourth section will list basic agency-level counts of reported data from all participating agencies as a showcase of item completeness and quality.

17. Expiration Date Approval:

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

18. Exceptions to the Certification Statement:

Not applicable.