

## Supporting Statement

### A. Justification

#### 1. Necessity of the Information Collection

We request clearance to conduct the 2018 Police Public Contact Survey (PPCS) as a supplement to the National Crime Victimization Survey (NCVS) to collect information about the nature and outcomes (i.e. arrest, ticket/warning) of the public's contacts with the police. Contact with the police refers to voluntary contacts, such as residents seeking help or assistance from the police, and involuntary contacts, such as police approaching residents during a street or traffic stop. The NCVS and all related contacts and protocols for the 2018 collection year have been previously approved by OMB (OMB NO: 1121-0111), and this request is specifically for a supplemental data collection instrument that will be added to the approved NCVS core from July 2018 to December 2018. The goal of the collection is to report national statistics that provide a better understanding of the types, frequency, and outcomes of contacts between the police and the public, public perceptions of police behavior during the contact, and the conditions under which force may be threatened or used.

BJS initially designed the PPCS in response to Congressional requirements that the Department of Justice report annually on police excessive use of force. Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994 (34 USC § 12602) mandated that the Attorney General collect data on the "use of excessive force by law enforcement officers" (see Attachment 1) and publish an annual summary. The Act was initiated due to the lack of reliable data on the extent of excessive force used by law enforcement officers. In response to the Act, BJS designed the PPCS to obtain information directly from the public about their perceptions of excessive use of force by police. There are no other current national data available to analyze the use of force, in particular nonlethal use of force, by law enforcement agencies.

The PPCS is administered to a nationally representative sample of U.S. residents and collects data from residents about nonfatal use of force incidents, including the types of force police might have used and whether the respondent thought the amount of force used or threatened was excessive. By asking residents directly about their experiences, the PPCS can collect data on the full continuum of police responses to resistance, from shouting and cursing, to threats, to physical actions.

In addition to obtaining the public's views on police use of force, the PPCS also collects data on the nature and prevalence of public contacts with police. This objective is central to BJS's mission of collecting, analyzing, and disseminating statistics on the operations of

the criminal justice system, as given in 34 U.S.C. § 10132 (Attachment 2). Police contact represents the initial and most common interaction that most residents have with the criminal justice system. For example, in 2015, about 53.5 million U.S. residents had one or more contacts with police during the prior 12 months.

The PPCS addresses timely issues related to race and policing by obtaining data on the demographic attributes of both the persons who had contact and the officer(s) with whom they had contact. The PPCS data reveal that there are differences in perceptions of the legitimacy of police behavior across subgroups and types of police contact. Understanding public perceptions of the legitimacy of police can be useful for explaining victim reporting of crime to the police, which is in turn related to reductions in violent crime rates by police. Police contacts with residents also represent a potential opportunity to build personal and public trust in the criminal justice system and enhance community efficacy and safety.

Because the PPCS is administered within the NCVS, it supports BJS's efforts to better understand the relationships between victims, the police, and the community. The PPCS is unique in its ability to comprehensively provide these types of information. It is the only national collection on police contact from the perspective of residents; the only national data collection that measures the full scope of nonlethal force used by police; the only national data collection that collects measures of police legitimacy; the only national data collection that can be used to assess racial disparities in contact with police and outcomes of contact with police; and the only data collection that can provide national estimates of the rate of searches during traffic stops and the prevalence of stop and frisk practices.

We are requesting a one-year OMB clearance from June 2018 through June 2019 to conduct the 2018 PPCS. The PPCS will be administered from July 2018 through December 2018. During this 6-month period, the supplement will be administered to all NCVS respondents age 16 or older, following the completion of the NCVS screener and the NCVS crime incident report (if applicable NCVS crimes were reported).

The BJS is authorized to collect statistics on the operations of the criminal justice system under Title 34, United States Code, Section 10132 of the Justice Systems Improvement Act of 1979 (Attachment 2).

## 2. Needs and Uses of Information

The information generated by the prior waves of the PPCS has been used to inform research and policy discussions on some of the most salient topics related to police — police use of force and excessive force, racial differences in the number and

characteristics of traffic stops and searches, resident perceptions of the legitimacy of police contacts and residents' likelihood of contacting the police again in the future. Data on these topics are fundamental to police efforts to build relations with their communities, encourage residents to report criminal activity, and reduce violent crime. Because the information is provided by residents, these data are an independent source for systematic knowledge about the behavior of the police and resident perceptions of police that is not dependent on official police records or self-reports from law enforcement officers.

Legislators, policymakers, researchers, members of the media, the public and the law enforcement community have long recognized the need for the collection of routine national statistics on the use of force by police. While much of the focus on this call for data has been on lethal force, prior iterations of the PPCS demonstrate that lethal force only accounts for a small segment of all incidents of verbal persuasion or physical force. The PPCS is unique in that it provides data on the full continuum of police actions in escalated circumstances – from cursing and verbal threats of force, to pushing and shoving, punching and kicking, to the use of the baton, taser, or firearm. Together with law enforcement data on fatal force, the PPCS responds to the Violent Crime Control and Law Enforcement Act of 1994 requirement that the DOJ collect and disseminate data on police use of force.

The findings from the PPCS have been published in BJS reports which have been used by the media to improve the public's awareness of the prevalence of nonfatal police use of force; used by researchers to examine topics such as public perceptions of racial profiling; used by legislators and policymakers to inform legislation on police reporting practices, and used by the law enforcement community to better understand public perceptions of police behavior and independent reports of use of force. As with prior PPCS collections, the 2018 PPCS data will be used to develop a BJS report examining the nature and outcomes of both resident-initiated and police-initiated contacts, perceptions of police behavior and legitimacy during contacts, and police threat and use of nonfatal force.

### *Uses of PPCS data*

The PPCS data allow BJS to address a number of issues, including the public's perception of the police and their legitimacy; police use of force; racial differences in the outcomes of street stops, traffic stops, and searches; and public satisfaction with police responses to voluntary contacts. Estimates that can be generated from the 2018 PPCS include:

- Rate/percent of persons 16 or older who had contact with the police during the prior 12 months
- Average number of contacts among persons with police contact

- Percent of persons 16 or older experiencing different types of resident- and police-initiated contact with police (i.e. requests for assistance, traffic stop, street stop, etc.)
- Demographic characteristics of persons with different types of police contact
- Demographic characteristics of police officers involved in traffic and street stops, including gender, race, and Hispanic origin.
- Relationship between demographic characteristics of police officers and residents in traffic and street stops.
- Rate/percent of drivers 16 or older who were involved in a traffic stop
- Percent of traffic stops resulting in ticketing, search, or arrest and reasons for the stop
- Rate/percent of persons 16 or older who were stopped and searched by police
- Rate/percent of persons 16 or older against whom the police used or threatened to use force
- Rate/percent of type of force used or threatened against persons 16 or older
- Rate/percent of persons 16 or older who felt police behavior was appropriate
- Rate/percent of persons 16 or older who felt police engaged in inappropriate verbal or sexual behavior
- Rate/percent of persons 16 or older who felt police behaviors were motivated by prejudice or bias
- Rate/percent of persons 16 or older who felt force used against them by police was excessive
- Rate/percent of persons experiencing arrest as a result of police contact
- Percent of resident-initiated police contacts that were conducted face-to-face
- Percent of persons who were satisfied with police response to requests for assistance
- Percent of persons with resident-initiated contact who expressed a willingness to contact the police again

Since the initiation of the collection in 1999, BJS has published 10 substantive reports based on the PPCS data:

Davis, Elizabeth, Whyde, Anthony, and Langton, Lynn (2018) *Contacts Between Police and the Public, 2015 (forthcoming)*.

Hyland, Shelley, Langton, Lynn, and Davis, Elizabeth (2015) *Police Use of Nonfatal Force, 2002-2011*.

Durose, Matthew and Langton, Lynn (2013) *Requests for Police Assistance, 2011*.

Langton, Lynn and Durose, Matthew (2013) *Police Behavior during Traffic and Street Stops, 2011*.

Eith, Christine and Durose, Matthew R. (2011) *Contacts Between the Police and the Public, 2008*.

Durose, Matthew R., Langan, Patrick A., and Smith, Erica L., (2007) *Contacts Between the Police and the Public, 2005*.

Durose, Matthew R. and Erica L. Smith (2006) *Characteristics of Drivers Stopped by the Police, 2002*.

Durose, Matthew R., Langan, Patrick A., and Smith, Erica, L. (2005) *Contacts between Police and Public: Findings from the 2002 National Survey*.

Durose, Matthew R., Langan, Patrick A., and Smith, Erica, L. (2002) *Characteristics of Drivers Stopped by the Police, 1999*.

Langan, Patrick A., Greenfeld, Lawrence A., Smith, Steven K. Durose, Matthew, R., and Levin, David J. (2001) *Contacts between Police and the Public Findings from the 1999 National Survey*.

#### *Users of PPCS data*

The findings from BJS publications and independent uses of the publicly archived PPCS data are widely cited in research and professional journals and in media accounts that inform public policy about the nature of contemporary policing. Data from the PPCS have been used in over 200 scholarly journal articles, law reviews, and dissertations. In addition, the PPCS and the resulting reports are the basis for most of BJS's responses to numerous public and press inquiries concerning traffic stops, searches and police uses of force.

In conformity with the principles for Federal Statistical Agencies and the Data Quality Guidelines, BJS provides access to fully documented copies of the data collected as part of the PPCS. These data are available to the public through the BJS supported National Archive of Criminal Justice Data at the University of Michigan: (<http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/34276>).

As a result of the public availability of these data, several independent research articles whose primary source of data is the PPCS have been published in scientific journals. Published research utilizing the PPCS has contributed significantly to the field of Criminology in the areas of racial profiling, police procedures during traffic stops, police use of force, and residents' perception of police after a contact. Three prominent examples include -

Engel, Robin S. and Calnon, J. M. (2004) Examining the Influence of Drivers' Characteristics during Traffic Stops with Police: Results from a National Survey. *Justice Quarterly*, 21: 49-90.

Engel, Robin S. (2005) Citizens' Perceptions of Distributive and Procedural Injustice During Traffic Stops with Police, *Journal of Research in Crime and Delinquency* 42: 445-481

Lundman, Richard J. and Kaufman, Robert L. (2003) Driving While Black: Effects of Race, Ethnicity, and Gender on Citizen Self-Reports of Traffic Stops and Police Actions, *Criminology*, 41:195-220.

As of December 2017, the Engel and Calnon article has been cited 216 times, the 2005 Engel article 223 times, and the Lundman and Kaufman article 267 times.

Because of the unique characteristics of the PPCS, the findings from this collection have also been used by government officials, law enforcement, researchers, and planners. The PPCS has also been useful to policymakers at the state level. For instance, Ralph Ioimo and his colleagues<sup>1</sup> designed and implemented a Virginia Police Public Contact Survey from which they could compare state-specific findings to those reported by BJS for the nation.

### 3. Use of Information Technology

The PPCS will be conducted in a fully automated interviewing environment using computer-assisted personal interviewing (CAPI) methods whereby field representatives use a laptop computer to display questions and record answers. The use of CAPI technology reduces data collection costs as well as respondent and interviewer burden. Furthermore, automated instruments afford the opportunity to implement inter-data item integrity constraints, which minimize the amount of data inconsistency. More consistent data, in turn, reduce the need for extensive post-data collection editing and imputation processes which significantly reduce the time needed to release the data for public consumption. The use of technology results in more accurate data products that are delivered in a more timely fashion, giving data users access to information while it is still relevant.

### 4. Efforts to Identify Duplication

A review of the relevant literature has confirmed that there is no duplication of effort based on the nature and scope of this data collection. The information sought is not attainable from any other data source. Similar studies collecting data on contacts with police are conducted at the local level, but there are no other data collection efforts

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<sup>1</sup> Ioimo, et al (2008) The Citizen's View of Biased Policing, *Professional Issues in Criminal Justice*, 3: 1-13.

utilizing a nationally representative sample with estimates generalizable to the entire country. There is also no identified duplication with any other Office of Justice Programs or Department of Justice data collections.

This collection will add to the current PPCS series, which began with a pilot test conducted in 1996 and national collections in 1999, 2002, 2005, 2008, 2011, and 2015. The results from this survey provide estimates of the prevalence of resident contacts with police, including contacts involving stop and frisk and police use of nonfatal force, as well as information on resident perceptions of police behavior and legitimacy during contacts. Currently there are no other information sources collecting data on this subject.

5. Efforts to Minimize Burden

N/A. The NCVS is a household-based sample and does not impact small businesses or small entities.

6. Consequences of Less Frequent Collection

The supplement will be conducted from July through December 2018. Regular inclusion of this supplement into the NCVS is typically on a triennial basis.

There are no other national data available to analyze the use of force, in particular nonlethal use of force, by law enforcement agencies. Less frequent collection of the PPCS data would limit the utility of the data. Stakeholders, including policymakers, law enforcement agencies, and the media, rely on timely data. When more time passes between collections, the published reports become dated and less utilized. The Violent Crime Control and Law Enforcement Act of 1994 suggested that data on excessive force should be collected and reported on a more frequent basis (annually) than the PPCS is currently administered. Less frequent collection would limit the ability to present timely statistics on and assess trends in the use of non-fatal force by law enforcement. Additionally, less frequent collection would limit the ability of states to use this data as a benchmark to determine how traffic stops and rates of other contact in their state compare to the national picture.

7. Special circumstances that would increase respondent burden

N/A. Collection is consistent with the guidelines in 5 CFR 1320.9.

8. Federal Register Publication and Consultations Outside the Agency

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. Comments on this data collection effort were solicited in the Federal Register, Vol. 82, No. 244, pages 60619-60620 on December 21, 2017 and in Vol. 83, No. 71, page 15870

on April 12, 2018. BJS received received three requests for the survey instrument, a statement of support for the collection, and a question regarding arrest-related deaths, which are outside of the scope of the PPCS.

The Census Bureau, the BJS, outside experts on survey methodology and policing, and law enforcement practitioners have collaborated over the years to develop the questions and procedures used to collect this supplemental information. For the revisions to the 2018 PPCS, principal consultants from the BJS were Lynn Langton, Elizabeth Davis, and Anthony Whyde. Principal persons consulted from the Census Bureau included Meagan Meuchel, Megan Ruhnke, and Timothy Gilbert from the Associate Director for Demographic Programs – Survey Operations area and Mary Davis, Mandi Martinez, and Amber Henderson from the Center for Survey Methodology

Based on comments received during the comment period for the 2015 PPCS, BJS is adding questions about any perceived mistreatment by police of LGBTQ persons and others. Given the small sample sizes that would be associated with these questions, BJS added two questions – one aiming to address perceptions of verbal and/or sexual harassment by police and one aiming to address perceptions that police behaviors were motivated by prejudice or bias against the resident. Because these items needed to be cognitively tested before their inclusion on the survey, they were not included in the 2015 PPCS but have been included for 2018.

Beyond these two items, the 2018 PPCS comprises most of the same questions from the 2011 and 2015 iterations of the PPCS. To inform the 2011 PPCS, BJS hosted a working group meeting of external experts to discuss the 2011 revisions to the PPCS. Participants included subject matter experts and practitioners from the research and law enforcement communities. Participants discussed a variety of topics, including survey content, data availability, clarity of instructions, methods to maximize response and ways to minimize respondent burden. Their feedback was incorporated into the 2011 instrument and by extension into subsequent instruments.

As BJS analyzed data from the 2015 PPCS, it identified survey items that could be revised or reworded to yield more accurate responses regarding type of contact with police. The Census Bureau conducted cognitive testing with the revised PPCS instrument. Details pertaining to cognitive testing are included in Part B, Item 4.

9. Paying Respondents

Incentive payments or gifts to respondents to encourage participation are not provided.

10. Assurance of Confidentiality

All NCVS and PPCS information about individuals is confidential by law under Title 13, United States Code, Section 9, and Title 34, United States Code, Sections 10231 and 10134. By law, the Census Bureau is not permitted to publicly release survey responses in a way that could identify survey respondents or their households. Census Bureau employees who may see the PPCS responses are sworn to preserve this confidentiality. Even BJS, as the sponsor of the survey, is not authorized to see or handle the data in its raw form. All unique and identifying information is scrambled or suppressed before it is provided to BJS to analyze. Data are maintained in secure environments and in restricted access locations within the Census Bureau. All data provided to BJS must meet the confidentiality requirements set forth by the Disclosure Review Board at the Census Bureau.

In a letter from the Director of the Census Bureau, sent to all households in the NCVS, respondents are informed of these laws and assured that the laws require that all information provided by the respondent is kept confidential (see Attachment 3).

#### 11. Justification for Sensitive Questions

While the survey does not ask questions relating to sexual behaviors, religious beliefs, or other matters commonly considered private or of a sensitive nature, the 2018 PPCS does include two new questions that may be sensitive for some respondents. One question asks about perceptions of verbal and/or sexual harassment by police and one asks about perceptions that police behaviors were motivated by prejudice or bias against the resident. These questions were added based on public comments about the need for these data. Cognitive testing did not reveal any problems or negative respondent reactions to the questions. However, PPCS interviewers receive training and guidance on how to ask sensitive questions and all respondents have the option of refusing to answer any question.

In 2015, the Office for Justice Programs Institutional Review Board (IRB) declared the NCVS and its supplements exempt from review and approval by an Institutional Review Board. Pursuant to the OJP Instruction for Protection of Human Subjects and Privacy Certification Requirements, the NCVS and its supplements were declared exempt from review because the research is covered by provisions of the confidentiality statute at 34 USC 10231 and the respondents' confidentiality is protected under Title 13 USC 9.

#### 12. Estimate of Respondent Burden

The yields we received from the NCVS sample in 2016 and the 2015 PPCS were used to develop projected burden hour estimates for the 2018 PPCS. These were the most up-to-date data available at the time this estimate was produced. It is expected that a total of 120,933 households will be in the NCVS sample in July through December 2018, and approximately 79,090 of these households will be interviewed for the PPCS.

Based on the 2015 PPCS, we expect the 79,090 interviewed NCVS households to yield:

<b>Total 2018 PPCS persons 16+:</b>	<b>150,271</b>
PPCS Interviews 16+:	118,714
PPCS Noninterviews 16+:	31,557

**2015 PPCS Results**

Total PPCS records	90,719		
Interviews	70,959	78.2%	(Of total PPCS records)
Short	55,725	78.5%	(No police contact)
Long	15,234	21.5%	(Police contact)
Noninterviews	19,760	21.8%	(Of total PPCS records)

A short PPCS interview is one that screens the respondent out of the supplement if the respondent did not experience any contact with the police during the reference period. For 2018, each short interview is expected to take 3 minutes, which is unchanged from 2015 (0.05 hours).

A long PPCS interview, conversely, is an interview where the respondent did experience contact with the police during the reference period. For 2018, each long interview is expected to take 10 minutes ( 0.167 hours), which is unchanged from 2015.

**2018 Hour Burden Estimate Projection**

The final hour burden estimate assumes that the total NCVS sample from July through December 2018 will be approximately 120,933 households yielding approximately 150,271 persons 16 years of age and older. Based on the 2015 PPCS results, we expect a 79 percent response rate for the PPCS, which translates into 118,714 interviews and 31,557 noninterviews. Of the 118,714 PPCS interviews, it is expected that approximately 78 percent will have no police contact (short interview) and the other 22 percent will have police contact (long interview).

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	Number of PPCS persons	Time per interview	Burden hours (A x B)
Total expected PPCS eligible persons	150,271		
Expected PPCS interviews	118,714		
Expected PPCS short interviews	92,597	.05 hours	4,630 hours

Expected PPCS long interviews	26,117	.167 hours	4,353 hours
Expected PPCS noninterviews	31,557		
2018 PPCS burden hours estimate			8,983 hours
2015 PPCS burden hours on file			6,722 hours
Change in respondent burden hours from 2015 to 2018			2,261 hours

13. Estimate of Respondents' Cost Burden

There are no costs to respondents other than that of their time to respond.

14. Estimated Cost to Federal Government

*Data Collection Agent Cost Summary*

The Census Bureau will act as the data collection agent for the 2018 PPCS. Under an Interagency Agreement (IAA), Census tested and finalized the 2018 PPCS survey instrument; will develop all data collection support and training materials; train interviewers and support staff; and will collect, process, and disseminate the 2018 PPCS data. The total estimated costs of these activities is \$1,219,617. The BJS will bear all costs.

**Estimated Census Bureau Costs**

<b>Division</b>	<b>Estimated Cost</b>
CSM (Expert Review & Cognitive Testing)	\$169,628
DSMD (Sample Design and Estimation)	\$81,009
ADSD (Instrument Development)	\$48,113
DSD (Data Processing)	\$118,443
FLD (Data Collection)	\$532,552
ADDP-SO (Survey Operations and Project Management)	\$269,872
<b>Census Subtotal</b>	<b>\$1,219,617</b>

*BJS Cost Estimate Summary*

These costs include \$96,554 for data collection of the 2018 PPCS, overall program management, data analysis, publication review and dissemination by BJS:

Staff salaries	Base salary	Fringe	Salary estimates
GS-15 Supervisory Statistician (1 @ 10%)	\$150,000	\$42,000	\$19,200
GS-15 Chief Editor, BJS (1 @ 3%)	\$150,000	\$42,000	\$5,760
GS-12 Statistician, BJS (2 @ 25%)	\$92,000	\$26,000	\$59,000
Subtotal: Salary and fringe (28%)			\$83,960
Other administrative costs of salary & fringe (15%)			\$12,594
<b>BJS Subtotal</b>			<b>\$96,554</b>
<b>Census Subtotal</b>	<b>\$1,219,617</b>		

**Total estimated BJS and U.S. Census Bureau costs** **\$1,316,171**

15. Reasons for Change in Burden

In an effort to minimize respondent burden and nonresponse on supplements to the NCVS, supplemental questionnaires are designed to take no longer than 10 to 15 minutes to administer. For the PPCS, only those respondents who indicate that they had contact will be asked additional questions about their interaction with the police. We expect a 2,261 hour increase in respondent burden from the 2015 PPCS because the NCVS sample was redesigned and increased to reflect changes in the U.S. population based on the 2010 Decennial Census and to allow for estimation for the 22 most populous states. In 2016, a redesign of the NCVS sample was necessary to account for shifts in the population. The increased sample size will allow BJS to generate three-year rolling average estimates of victimization in these 22 states with adequate precision (average RSE 10%), in addition to the regular national level estimates (discussed further in Part B).

16. Project Schedule

The schedule for the 2018 PPCS is as follows. The dates are good faith estimates and are subject to change:

- May 2018: Complete the development and testing (by the Census Bureau) of the CAPI instrument, ensuring that it functions as designed and that all survey skip patterns have been properly programmed. The testing will be done in consultation with BJS.
- June 2018: The Census Bureau completes the development of all training materials and distributes to the field representatives

- July 2018 – December 2018: Interviews for the 2018 PPCS are conducted by the Census Bureau field representatives
  - During the interview period, the Census Bureau provides the BJS with monthly reports on response rates, contact ‘hit rates,’ and the number of interviews conducted in a language other than English.
- August 2018 – April 2019: Data monitoring and processing takes place on an ongoing basis
- May 2019: Computer processing and weighting of the data are completed
- June 2019: The Census Bureau prepares and delivers a 2018 PPCS public use file and accompanying file documentation to BJS

BJS will be responsible for the statistical analysis and publication of the data from the 2018 PPCS. Contingent on the processing and delivery of the final data file, BJS anticipates releasing a report on the prevalence and characteristics of contact between the police and the public within a year of receiving the data file.

Immediately following the publication of the BJS report the data are archived at the Inter-university Consortium for Political and Social Research (ICPSR) at the University of Michigan. Researchers can download public use files of the PPCS data and codebooks to conduct their own analyses. The public use files are produced by the Census Bureau and ICPSR. All information that might identify individual respondents is removed from the files prior to being sent to the ICPSR.

To further enhance the utility of the data, in addition to the public use files housed at ICPSR, the geographically identified PPCS files will now be available in the Census Bureau secure federal statistical research data centers (FSRDC). The FSRDC files can be accessed by researchers who submit a proposal for the research they plan to conduct using the data and agree to all confidentiality and protected use constraints. Data are available through ICPSR and the FSRDCs by the fall of the year following collection.

#### 17. Display of Expiration Date

The OMB approval number and expiration date will be displayed on the PPCS introduction screen within the CAPI instrument. The final PPCS CAPI instrument for fielding in July 2018 must be finalized and put into the Census production system in early June 2018.

#### 18. Exceptions to the Certification Statement

There are no exceptions.

