



December 10, 2018

## **FBI Releases Summary of Pilot Study on the National Use-Of-Force Data Collection**

Prior to the official launch of the National Use-of-Force Data Collection, the FBI conducted a pilot study to evaluate the data collection's proposed system and procedures. Today, the FBI has released a summary of the findings from the pilot study.

At the request of major law enforcement organizations, the FBI established the National Use-of-Force Data Collection in an effort to promote more open and informed conversations regarding law enforcement use of force in the United States. As the National Use-of-Force Data Collection became a reality, the FBI and its law enforcement partners coordinated the pilot study to gather feedback and evaluate the effectiveness of the data collection's questions and the data entry portal and procedures.

The study was conducted in two phases from July 1, 2017, to December 31, 2017. Ninety-eight (98) agencies participated, including 12 state Uniform Crime Reporting programs and three U.S. Department of Justice agencies. In addition to support provided by the national law enforcement leaders who make up the Use-of-Force Task Force, other collaborators included the Bureau of Justice Statistics and the Office of Management and Budget (OMB). The OMB has oversight of government data collections and provided input before and after the pilot study occurred.

The results of the pilot study led to improvements and clarifications that will assist agencies in understanding and responding to the data collection questions in a consistent manner. Interviews conducted during the study also provided valuable feedback, such as identifying barriers to participation and reports that users found the data-entry portal easy to navigate with convenient help videos and quick guides for users. The pilot study also describes future plans for the publication of national use-of-force data.

The *National Use-of-Force Data Collection Pilot Study Summary* is available on the FBI's website at <https://fbi.gov/useofforce>.



## National Use-of-Force Data Collection Pilot Study Summary

The National Use-of-Force Data Collection provides a mechanism for law enforcement agencies to report their officers' use-of-force incidents for the purpose of compiling national statistics. Agencies participate voluntarily, and are responsible for submitting use-of-force information to the FBI concerning their own officers connected to incidents meeting the criteria of the data collection. Contributing agencies will report this data either to their state's Uniform Crime Reporting (UCR) program, a designated UCR program for a particular organization (such as with federal agencies), or directly to the FBI. Agencies can submit use-of-force data through the FBI's Law Enforcement Enterprise Portal (LEEP) using two methods—either through the National Use-of-Force Data Collection portal provided by the FBI, or through a bulk data submission using the Electronic File Transfer System (EFTS) or automated system-to-system communication sent by their state UCR program or federal domain managers.

The criteria for use of force incidents includes any incident that results in:

1. The death of a person due to law enforcement use of force,
2. The serious bodily injury of a person due to law enforcement use of force, 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 Pilot Study

As the National Use-of-Force Data Collection system became a reality, the FBI and its law enforcement partners serving on the Use-of-Force Task Force<sup>1</sup> coordinated a pilot study to gather feedback and evaluate the effectiveness of the questions and the data entry portal and procedures. The initial proposal for the pilot study was published in the *Federal Register* on December 30, 2016, and a public comment period lasted for 30 days. The study was conducted in two phases from July 1, 2017, to December 31, 2017, and included 98 participating agencies. In addition to the Use-of-Force Task Force, other collaborators included the Bureau of Justice Statistics and the Office of Management and Budget (OMB). The OMB has oversight of government data collections and provided input before and after the pilot study occurred.

### Participants

The FBI specifically invited law enforcement agencies with a workforce of 750 or more sworn officers to participate in the pilot study. These agencies typically cover a large population and have a great number of contacts with the public, increasing the likelihood that they would have incidents to report to the National Use-of-Force Data Collection. The FBI also invited participation from state UCR programs and four U.S. Department

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<sup>1</sup> The Use-of-Force 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 Use-of-Force Task Force has provided vital insight into law enforcement data collection and concepts regarding use of force.

of Justice (DOJ) law enforcement agencies. Finally, the study accepted agencies of any size that desired to participate. More than 100 agencies and state programs expressed interest in volunteering for the pilot study. The final number included:

- 98 total participants/law enforcement agencies
  - 24 of these agencies have 750 officers or more.
  - 12 are state UCR programs
  - 3 are U.S. DOJ agencies

See Appendix A for a complete list of participating agencies.

### Phase I

The goal of Phase I was to evaluate the reliability of submitted data. Agencies sent the FBI reports and documentation corresponding to each use-of-force incident they reported. An FBI auditor reviewed the documentation corresponding to each incident, then independently entered the data into a test environment. The FBI used a common intercoder reliability measure to compare the agencies' submissions with the auditor's submissions and assess whether the agencies consistently interpreted and applied data collection guidelines.

### Phase II

The goals of Phase II included identifying factors that may have contributed to underreporting, overreporting, or unreliable recording and to test the effectiveness of local record keeping after adjustments were made to the definitions, guidance, and instructions based on the findings of Phase I. For Phase II, staff conducted on-site visits with a sample of agencies. During each interview conducted at the visits, the FBI staff asked about the agency's process to record and report use-of-force incidents, any difficulties in applying the definitions for data elements, particularly those for "serious bodily injury," as well as how they used the instruction materials within the use-of-force portal. While on-site, the FBI staff also reviewed record keeping and documentation of the incidents reported to the National Use-of-Force Data Collection during Phase I of the pilot.

### Results and Course of Action

The results of both Phase I and Phase II analyses indicated several data elements required further clarification so that agencies can understand and respond to the questions in a consistent manner. Interviews conducted during the study also provided valuable assessments of the data collection and its system and procedures.

### Data elements and rater agreement

Statistical calculations were performed to evaluate whether or not agency users answered each data collection question consistently when compared to the responses provided by the FBI auditor using the same incident reports during Phase I. Of the 85 questions and response choices, nine of them had weak to no user agreement (see Table 1), meaning the agency staff member’s responses and the FBI auditor’s responses were rarely better than matching by chance.

Twenty-two of the responses had moderate user agreement (see Table 2), with matching responses more consistently than by chance but less than would be ideal. Most of the inconsistencies with the questions/response categories can be addressed with clarifying language or by pointing the user to the help tools available within the portal. Questions that need clarification will be reworded and, in some cases, response choices will be combined to simplify reporting. One example is the question about the subject’s injuries. Based on the findings, the FBI will reword the directions to clearly indicate the response should be based on the officer’s perception and not a medical report. In addition, some of the response choices for the question about the subject’s injuries will be combined into broader categories. Specifically, choices will be reduced from 13 possibilities to the following seven: *Gunshot wound (including minor or grazing wounds)*, *Unconsciousness (regardless of duration)*, *Serious injury requiring medical intervention or hospitalization*, *Death*, *None*, *Pending further investigation*, and *Unknown and unlikely to ever be known*. The FBI will continue to monitor the responses that have been combined and, as necessary, will revisit the decision to modify the questions and response choices.

### Data quality review

During the on-site visits in Phase II, the FBI staff reviewed a sampling of use-of-force incidents recorded by five pilot agencies from July 1, 2017, to September 30, 2017. Incidents were reviewed to ensure they met the definition of use of force used by the

Table 1 – Questions with weak agreement

<b>Subject-level questions with weak agreement</b>
Was there an apparent or known impairment in the mental or physical condition of the subject? Drug
What resistance or weapon was or believed to be involved? Physical, noncompliance
What were the subject’s injuries received as a direct consequence of the use of force by law enforcement? Possible internal injury, Other major injury responses
<b>Officer-level questions with weak agreement</b>
Height of the officer
Weight of the officer
<b>Subject-level questions with minimal to no agreement</b>
What resistance or weapon was or believed to be involved? Escape/flee, verbal

Table 2 – Questions with moderate agreement

<b>Incident-level questions with moderate agreement</b>
Time of the incident
Location type of the incident
What was the reason for initial contact between subject(s) and officer(s)?
Did the officer approach the subject(s)?
Total number of officers who actually applied force during the time of the incident...
Number of officers from your agency who actually applied force during the time of incident...
Total number of other agencies involved...
<b>Subject-level questions with moderate agreement</b>
Was there an apparent or known impairment in the mental or physical condition of the subject? Alcohol
Was the threat by the subject(s) perceived by the officer(s) to be directed to the officer or to another party?
What resistance or weapon was or believed to be involved? Resisted, Barricade, Firearm
At any time during the incident, was the subject armed or believed to be armed with a weapon (other than hands, fists, or feet)?
Type(s) of force used by law enforcement connected to serious bodily injury or death of the subject. Electronic, Baton, Projectile, Blunt object, Physical
What were the subject’s injuries received as a direct consequence of the use of force by law enforcement? Severe Laceration
<b>Officer-level with moderate agreement</b>
Was the officer injured during the incident that precipitated the use of force?
What were the officer’s injuries during the incident that precipitated the use of force (select all that apply)? Other major injury

National Use-of-Force Data Collection. During the review, the FBI discovered no instances in which an agency had entered a use-of-force incident erroneously resulting in underreporting or overreporting.

### Overall reporting rates

During the 6-month study, reporting rates were tracked for each agency, including whether they reported incidents, submitted zero reports, or did not respond at all. On December 31, 2017, the last day of the 6-month study, the average reporting rate of participating agencies was 70.5 percent of all agencies. The FBI followed up with reminder e-mails, phone calls, and pop-up notifications within the use-of-force portal to prompt agencies to complete their monthly submissions. Three weeks later, the average number of agencies submitting their data or zero reports increased to 89.9 percent. The FBI plans to encourage agencies to make a good faith effort to submit data by the 15<sup>th</sup> of the following month. However, agencies are not limited to a specific timeframe and data collection staff will accept retroactive data submissions.

### Feedback from Interviews and Informal Discussions

Officers and staff from participating agencies provided constructive feedback about concerns and difficulties experienced during enrollment in the National Use-of-Force Data Collection, with the system/portal, and as a result of ambiguous questions or instructions.

### Enrollment in LEEP and access to the National Use-of-Force Data Collection portal

To get to the data collection system, participants had to access LEEP. Agencies reported it was a hassle handling the security constraints involved to enter the data collection portal on a restricted-access system. At the time of the pilot study, LEEP passwords expired after 90 days, and LEEP accounts were disabled if not accessed for 35 days. To address these concerns, the LEEP Program Office extended password expirations to 180 days and account inactivity to 90 days.

Several agencies reported that once they were in LEEP, they had to work around their agencies' firewall issues that would have otherwise prevented their access. Users can contact LEEP's helpline if they need assistance at 888-334-4536.

### The portal

User feedback indicated the National Use-of-Force Data Collection portal is user-friendly and intuitive. In addition to the web form used for submission of use-of-force incidents, the portal includes a management process to delegate control of the entries, modifications, deletions, and submissions. Those who accessed the frequently asked questions (FAQs), quick help guides, and help videos included reported them to be useful. Based on agencies' suggestions for improvement of the portal, developers made the link to the FAQ page easier to identify. Additional technical updates will be made as needed to improve the user experience.

### Clarification on questions

As reflected in the results of Phase I of the pilot study and during discussions, several agencies reported questions and response categories they found to be unclear. Some of the data elements mentioned included *location type*, *impairment*, *reason for initial contact*, *perceived threat*, *multiple agency involvement*, and *full-time work hours*. When asked if the users had consulted the FAQs, quick help guides, help videos, and user manual, some agencies reported they did not attempt to locate them. The FBI and the Use-of-Force Task Force determined that agencies could have addressed many of these questions had they consulted the help documentation. Therefore, in addition to clarifying language for questions that need it, the FBI will better promote existing help tools.

The FBI will revisit a few of the data elements with concerns in the future. Examples are *location types* and *height and weight of officers*. Some agencies commented that they did not believe there was a location type to describe private property, such as a yard. Since the National Use-of-Force Data Collection uses the same location types as the National Incident-Based Reporting System, any additions or revisions to response choices must be reviewed by both data collections. Regarding the *height and weight of officers*, many of the responses to this question in the pilot study were “pending” or “unknown.” Some agencies reported that an officer’s height and weight were not readily available and are not updated regularly. The FBI will closely monitor response rates on the officer height and weight elements, with the goal of an 80 percent or better response rate. If this goal is not met, the topic will be reviewed and possibly eliminated as a category.

#### Reasons agencies provided for not participating

Agencies that were initially interested or recruited for the pilot study but chose not to participate provided similar reasons for being unable to take part in the study. Common concerns among these agencies were their current workload and time constraints, as well as legal concerns regarding sharing copies of incident reports for the independent and blind quality analysis of Phase I by the FBI. Of course, the latter concern will not be an issue in the future because agencies will not be required to share documentation.

#### Implementation of use-of-force processes

Some agencies had infrastructure that accommodated the collection of use-of-force data; others had to develop procedures and/or electronic solutions to participate. Overall, the FBI found that agencies were already documenting most incidents with serious bodily injury; the challenge for some was locating the information to report it to the National Use-of-Force Data Collection. Some of the agencies with existing databases discussed creating new electronic flags to track use-of-force incidents. Of the six agencies the FBI visited in Phase II of the pilot study, five already had a form to record use of force incidents and were willing to modify the form to capture all data elements that the FBI requested.

Based on the agencies visited, the FBI would expect agencies to have one to five sworn individuals tasked with handling the use-of-force reporting, although it was not uncommon for an agency to use just one employee. Agencies that originally planned to have the same civilian employees responsible for their UCR reporting to handle their use-of-force reporting quickly learned civilian employees may not have access to this information and their current UCR process could not be used. Therefore, most individuals placed in roles to enter and review use-of-force data were sworn personnel.

Some agencies provided information on their process to follow use-of-force standards set by the Commission on Accreditation for Law Enforcement Agencies. Agencies also reported that they are still seeking guidance regarding how to respond to the Death in Custody Reporting Act (DICRA) and the National Use-of-Force Data Collection as the two seem to have some overlap. The scope of the use-of-force data collection only includes deaths of subjects attributable to a use of force by law enforcement, while the DICRA report also includes deaths by suicide, accidents, or natural causes while in custody.

#### Plans for the Future Publication of National Use-of-Force Data

The first National Use-of-Force Data Collection publication is scheduled for March 2019. The FBI expects lower levels of participation in the beginning, so this initial publication will include a status for all participating states, as well as states that communicated their intent to participate in this collection. The status information will detail strategies used, timelines, state mandates if applicable, and high-level data if available. Additional information that can be incorporated includes state plans for marketing and education around the National Use-of-Force Data Collection, staffing requirements, legislation, future developments, and participating agencies

within each state. If the state's coverage rate, which refers to the total law enforcement officer population covered by use of force, in the National Use-of-Force Data Collection is 80 percent or greater, the FBI will also include aggregate state counts of use-of-force data.

After the first publication, the FBI will continue to focus on aggregate counts of incidents by type and detailed characteristics if they meet an 80 percent coverage rate or greater, as well as a 30 percent item non-response rate or greater. Item non-response rate refers to the percent of respondents which either do not answer the question associated with a key variable or answer "unknown and unlikely to ever be known." Those measures will include additional context of data quality and completeness. This could include lists of participating agencies along with associated agency characteristics such as size, type, or maps showing the geographic distribution of participating agencies. If necessary, the FBI may choose to publish data in a state-by-state manner until participation can be reasonably interpreted as nationally representative. No statements will be made representing data as a national estimate until the coverage rate reaches a minimum of 80 percent.

### Assistance and Information

The FBI is aware of budget and time constraints already placed upon law enforcement agencies. To decrease financial and time burdens, the FBI developed two methods of data submission regarding use of force. Agencies may utilize the National Use-of-Force Data Collection Portal application housed on the FBI's LEEP and enter applicable use-of-force incidents individually, which requires no financial investment, or may also choose to utilize bulk data submission. The FBI is encouraging all interested law enforcement agencies to apply for LEEP accounts at [www.cjis.gov](http://www.cjis.gov). For more information, visit [www.fbi.gov/useofforce](http://www.fbi.gov/useofforce), or contact the Use-of-Force Help Desk via telephone (304-625-9998) or e-mail ([useofforce@fbi.gov](mailto:useofforce@fbi.gov)).

## Appendix A

Note: The following 98 agencies participated in Phase I of the National Use-of-Force Data Collection Pilot Study. Participants in Phase II included Atlanta (Georgia), DeKalb County (Georgia), Georgia Bureau of Investigation (Georgia), Indianapolis (Indiana), Richland County (South Carolina), and Cincinnati (Ohio).

### Alaska

Alaska Department of Public Safety  
Criminal Records and Identification  
Bureau Uniform Crime Reporting  
Section  
Cordova Police Department

### Arizona

Arizona Department of Public Safety  
Compliance and Information Services  
Bureau  
Hualapai Tribal  
Pascua Yaqui Tribal  
Tucson Police Department

### California

California Department of Justice  
Statistics Center  
Fresno Police Department  
Kern County Sheriff's Office  
Long Beach Police Department  
Los Angeles Police Department  
Oakland Police Department  
Orange County Sheriff's Office  
San Diego County Sheriff's Office  
San Diego Police Department  
San Francisco Police Department  
San Jose Police Department

### Colorado

Colorado Bureau of Investigation  
Denver Police Department  
Jefferson County Sheriff's Office

### Connecticut

Connecticut State Police  
Crimes Analysis Unit  
Norwalk Police Department

### Florida

Charlotte County Sheriff's Office  
Clearwater Police Department  
Duval County Sheriff's Office  
New Smyrna Beach Police Department  
Orange County Sheriff's Office  
Pinellas County Sheriff's Office  
Volusia County Sheriff's Office

### Georgia

Atlanta Police Department  
Brookhaven Police Department  
Burke County Sheriff's Office  
Chamblee Police Department  
DeKalb County Police Department  
Fairburn Police Department  
Georgia Bureau of Investigation  
Georgia Bureau of Investigation,  
Georgia Crime Information Center  
Georgia Department of Public Safety

Hiram Police Department  
Johns Creek Police Department  
Kennesaw Police Department  
LaGrange Police Department  
Metro Atlanta Rapid Transit  
Police Department  
Monroe Police Department  
Pine Lake Police Department  
Rockdale Police Department  
Rome Police Department  
Roswell Police Department  
Sandy Springs Police Department  
Savannah-Chatham Metro  
Police Department  
Snellville Police Department

### Illinois

Elgin Police Department  
Lake County Sheriff's Office

### Indiana

Indianapolis Police Department  
Marion County Sheriff's Office

### Kentucky

Boone County Sheriff's Office  
Louisville Metro Police Department

### Louisiana

Jefferson Parish Sheriff's Office  
Lafourche Parish Sheriff's Office

### Maryland

Montgomery County Police Department

### Maine

Department of Public Safety  
Maine State Police Uniform Crime  
Reporting Division Records  
Management Services  
Maine State Police  
South Portland Police Department

### Minnesota

Minneapolis Police Department

### Missouri

Kansas City Police Department

### Nebraska

Omaha Police Department

### North Carolina

Fayetteville Police Department  
Mecklenburg County Sheriff's Office  
University of North Carolina:  
Greensboro Police Department

### New Hampshire

Auburn Police Department  
New Hampshire Department  
of Public Safety  
New Hampshire State Police Uniform  
Crime Reporting Unit

### Nevada

Las Vegas Metro Police Department

### Ohio

Cincinnati Police Department

### Oregon

Marion County Sheriff's Office  
State Police Headquarters, Salem  
Oregon State Police

### South Carolina

Richland County Sheriff's Office  
South Carolina Law Enforcement  
Division

### Tennessee

Memphis Police Department

### Texas

Arlington Police Department  
Austin Police Department  
El Paso Police Department  
Tarrant County Sheriff's Office  
Texas Department of Public Safety,  
Austin  
Travis County Sheriff's Office

### Virginia

Chesterfield County Police Department  
Fairfax County Police Department  
Henrico County Police Department  
Virginia Beach Police Department  
Virginia State Police Criminal Justice  
Information Services Division

### Washington

Seattle Police Department  
Washington State Patrol

### Wisconsin

Dane County Sheriff's Office  
Milwaukee Police Department  
Wisconsin Department of Justice Bureau  
of Justice Information and Analysis

### Federal Agencies

Bureau of Alcohol, Tobacco, Firearms  
and Explosives  
Federal Bureau of Investigation  
United States Marshals Service