

Southwest Border Prosecution Initiative

A. JUSTIFICATION

- 1. Necessity of Information:** The Southwest Border Prosecutor Initiative was enacted in FY 2002 to reimburse state, county, parish, or municipal governments for the costs associated with the prosecution of criminal cases declined by local U. S. Attorneys. Each year, hundreds of criminal cases resulting from federal arrests are referred to local prosecutors to handle when the cases fall below certain monetary, quantity, or severity thresholds. This places additional burdens on local government resources that are already stretched by the demands of prosecuting violations of local and state laws.
- 2. Purpose for use:** This information will assist the Bureau of Justice Assistance (BJA) in determining program eligibility and payment levels for select units of general government in Texas, Arizona, New Mexico, and California. It will also provide contact and banking information for purposes of ongoing communication and federal payments resulting from submitting online, Internet-based applications. The respondents will be the chief executive officers or their designees from local governments located in the four states.
- 3. Use of Information Technology:** Information necessary to make eligibility and payment decisions will be entered by local governments on a secure Internet site provided by DOJ. The latest encryption technology and other safeguards will ensure the information is protected and secure.
- 4. Identification of Duplication:** This will be the only Web-based collection system that the Southwest Border Initiative Program will use to collect this type of information pertaining to criminal cases.
- 5. Impact on Small Businesses or Other Entities:** There is no impact on small businesses or other entities.
- 6. Consequences if Collection is not Conducted:** Data collection is required to support and validate claims for Federal benefits. Waste, fraud, and abuse could result if data collection is not conducted or conducted with less frequency.
- 7. Special Circumstances:** There are no special circumstances for this program.
- 8. Federal Register Publication and Consultation:** OJP has solicited public comments on the data collection per OMB specifications. The 60-day and 30 Day Federal Register Notices have been published to inform and solicit comments from the public. OJP will receive comments and address the response to the notice. If comment(s) are pertinent, they will be incorporated into the on-line application.
- 9. Payments to Respondents:** This is a reimbursement payment program. The successful

completion and processing of information contained in these forms will result in one-time payments to jurisdictions via electronic funds transfer. The total funds available for distribution is \$28,289,826.00. The amount of funding to be received by each jurisdiction has not been determined.

10. Assurance of Confidentiality: OJP does not disclose any information which may compromise law enforcement activities nor investigation or is otherwise required by law to be kept confidential. OJP is compliant with 28 CFR 22 which protects confidentiality of identifiable and statistical information and is committed to keeping a system of records that is consistent with the regulations of the Privacy Act.

Banking information contained in jurisdictional applications is not accessible through FOIA and will be safeguarded. All data entered in the Internet applications will be protected through user passwords, Internet server fire walls, and the latest encryption technology.

11. Questions of a Sensitive Nature: No questions of a sensitive nature are contained in the program.

12. Estimates of the Hour Burden: It is estimated that completing and electronically submitting these forms and supporting documentation will total 3,975 burden hours for all claimants. This will range from a minimum of 10 hours for larger jurisdictions with management information systems capable of supplying case numbers, to 15 hours for smaller jurisdictions that will rely more on manual case reviews. It is estimated that 1 person will gather this information for the larger jurisdictions, and 1 person will also gather the information for the smaller jurisdictions.

13. Estimate of the Total Annual Cost Burden: There is no cost burden to the respondents.

14. Estimates of Annualized Cost to the Federal Government: The program manager for this program is paid a GS- 12/5 annually which equates to \$82,845. The hourly rate = \$ 47.71. It is estimated that the program manager will devote approximately 50 hours to this program annually.

GS- 12/5 Hourly Wage = \$ 47.21+ \$16.00 Benefits package) = \$ 63.21

1 person x \$ 63.21 per hour x 2 hours = \$ 126.46

Total Annual Cost =
\$ 47.71 x 50 hours = \$2,385.50

15. Program Changes or Adjustments: The increase in burden is because the SWBPI application collects much more information and that impacts the time it takes grantees to enter the data. The grantees now have to enter all of the case data. In addition the grantees have to provide the prosecution salaries and daily detention per diem rate in order to receive funding as this is part of the new SWBPI calculation.

16. Publishing Information: There are no plans to publish a report of this information.

17. Approval for not Displaying OMB Approval: No approval is requested.

18. Certification Statement for Paperwork Reduction Act Submission: See Attached Certification Statement.

B. STATISTICAL METHODS

Statistical methods will not be used in this information collection.