

## Supporting Statement

## SUPPORTING STATEMENT

Title of Information Collection (Police Record Check, DD Form 369)

### A. JUSTIFICATION

#### 1. Need for Information Collection

Title 10, U.S. Code, Sections 504, 505 and 12102 establish minimal standards for enlistment into the Armed Forces (Atch1). Among other items, these sections specifically prohibit the enlistment of those convicted of a felony. The Services have therefore developed standards which address the acceptability for Service persons with police records, adverse juvenile adjudications or court convictions. The standards are designed to screen out categories of persons who have probability of either becoming serious disciplinary problems or may not be able to adjust to the disciplinary demands of the Armed Forces. This information collection is needed to identify persons who may be undesirable for military service. The existence of a police record is one of the factors considered in establishing eligibility for enlistment or entry into highly sensitive career fields. Therefore, verification data from the individual and law enforcement agencies must be obtained before enlistment can occur.

#### 2. Use of Information

The primary purpose of this information is to identify individuals who may be undesirable for military service. The respondent is the state, local police or law enforcement agency for which the inquiry is directed. The form associated with this information collection is DD Form 369, "Police Record Check" (Atch 2). It is used by recruiters to inquire on applicants backgrounds prior to acceptance to the Armed Forces, when, in the judgment of the recruiter, an applicant may be withholding information of prior offense history. The recruiter utilizes this information provided by law from the law enforcement agency to determine an applicant's general enlistment eligibility and to identify individuals who may be undesirable for military service. This information is extracted at the law enforcement agency be either computer or a card file. This information is maintained as confidential and is utilized currently as a screening tool for recruiters. It is stored in their personnel file and is destroyed within 3-6 months after enlistment or rejection from Service. The data which has been collected over the past three years has allowed recruiters to process qualified applicants who meet the acceptable entry standards for the Armed Forces and assisting in the reduction of the attrition rate for basic trainees.

#### 3. Improved Information Technology

The Department has determined that the DD Form 369 is appropriate for electronic generation. The form is available on the DoD Electronic Forms Web site in Fillable Adobe PDF file and used by the Military Entrance Processing Command (MEPCOM) Integrated Resource System (MIRS) at the Military Entrance Processing Stations (MEPS). The initial completion of the applicant's information occurs electronically at the recruiting station. However, full implementation of electronic transmission and digital signatures, as required under the GPEA, is not yet possible due to the unavailability of electronic connections (standardized hardware and/or

software) between Federal and state/local government agencies at this time. Strategic planning has occurred and research and development has begun on ongoing initiatives, including biometrics. Progress is contingent upon funding of these ongoing initiatives.

The MIRS system (USMEPCOM primary system) has been identified as a legacy system for the Virtual Interactive Processing System (VIPS). Modernization and upgrades (that is beyond maintenance) to MIRS is not authorized by HRM. The Investment Review Board is charged with certifying funds for modernization. NDAA FY05 requires all DoD business systems be certified prior to allocating future investment funds. The objectives of the IRB processes are to ensure that business systems investment align with our strategic mission and goals. The certification is to ensure that systems are not making investment in legacy application and systems that will not provide return on investments.

Currently all the Services are undergoing major system transformation in order to comply with the GPEA's guidance regarding electronic transmission and systems interface. The Services systems will interface with VIPS, thus creating a major change on how data are transmitted and stored.

#### 4. Efforts to Identify Duplication

A review by military recruiting representatives resulted in no findings of duplicate information, records, or reporting. No similar information or verification procedure exists that can be used for this information collection.

#### 5. Methods Used to Minimize Burden on Small Entities

The collection of information does not involve small businesses or other small entities.

#### 6. Consequences of Not Collecting the Information

If collection of information ceased, the ability to meet determination for Enlistments, as required by law for prior offense history, could not be met.

#### 7. Special Circumstances

This collection of information is not conducted under special circumstances; the respondent is asked questions by the recruiter and the form is completed one time. The information is utilized for none other than enlistment purposes by the Department of Defense. No requirements are placed on the respondent after providing the information and the personal information collected is kept confidential to the qualification process and the individual's military record. This collection will be conducted in a manner consistent with guidelines contained in 5 CFR 1320.5 (d) (2).

#### 8. Agency 60-Day Federal Register Notice and Consultations Outside the Agency

The 60-day Federal Register Notice announcing this information collection (as required by 5 CFR 1320.8(d)) was published in *Vol. 74, No. 212, Wednesday, November 4, 2009*,

*Federal Register*, page 57153, as required by 5 CFR 1320.8(d). No public comments were received in response to the notice. Per Notice of OMB Action dated 06/15/2010, this collection can be resubmitted without another 60-day notice. Revisions to the Supporting Statement and the DD Form 369 were made in accordance with e-mail dated April 12, 2010, (Atch 3). Consultations were conducted with designated representatives from each Service Department Headquarters and Recruiting Commands.

9. Payments to Respondents

No payments, gifts, or guarantees are made to respondents who provide this information.

10. Assurance of Confidentiality

This information collection does not ask the respondent to submit proprietary, trade secret, or confidential information to the Department.

11. Personal Identifying Information, Protection of the Information and Sensitive Questions

The DD Form 369 provides law enforcement agencies with sufficient personal information to conduct record checks supporting background investigations. This information collection also supports a congressionally-mandated program to reduce premature discharges (e.g., individuals requiring a waiver for non-misdemeanors attrite at a higher rate than those who have no offense history).

Personal Identifying Information (PII): Respondents are advised that their data are for OFFICIAL USE ONLY and will be maintained and used in strict confidence in accordance with Federal law and regulations and that procedures are in place to protect the confidentiality of the information. The paper forms will be secured to protect PII in accordance with DoD regulations. The erroneous release of PII might cause legal action by individuals against DoD and/or the government.

Protection of the Information: Records are maintained in secure, limited access, or monitored areas. Physical entry by unauthorized persons is restricted through the use of locks, passwords, or other administrative procedures. Access to personal information is limited to those individuals who require the records to perform their official assigned duties.

SSN: An applicant's SSN is used to conduct the police record check and keep all records together during the enlistment process. The uniqueness of the SSN allows proper validation of data across several state, local, and federal systems and ensures that the correct information is provided for the purposes of moral qualification. Failure to provide information or providing incorrect information could have a detrimental affect on the Armed Services moral qualification process. Since law enforcement agencies may have several persons with the same name and similar characteristics, including gender/race and ethnicity information, the request for the entire SSN, with race and ethnicity information, will facilitate law enforcement agencies with the ability to validate the applicant's identity before releasing any prior offense history to the Military Services. Federal and State Law enforcement agencies run the respective checks by using the entire SSN. Masking or truncating the SSN in order to obtain the prospective future

Service members will cause information discrepancy and possibly the erroneous release of personal information. Agencies will not run the record check without the entire SSN as agencies lack the technology to conduct the check without the entire number. However, once the applicant information is obtained from the Local/State/Federal agencies, the Services will internally mask the SSN in order to meet the DoD SSN reduction plan.

Sensitive Questions (i.e. gender, race and ethnicity): Data collected on gender, race and ethnicity are used throughout the application process as a means of validating the applicant's identity and to facilitate the reporting and tracking of individuals in this country. The Service Recruiters use policies and regulatory guidance from DoD when determining racial/ethnic category information when they are filling out the form with the applicant (prospective future Service member). OSD(General Counsel) has reviewed the DD Form 369. The revised standards, per OMB Bulletin No.00-02, Guidance on Aggregation and Allocation of Data on Race for use in Civil Rights Monitoring and Enforcement, [http://whitehouse.gov/omb/bulletins\\_b00-02/](http://whitehouse.gov/omb/bulletins_b00-02/), (Atch 4), provides the recruiters with the necessary information to assist the applicants with properly completing the race and ethnicity sections on the DD Form 369.

PIA: A Privacy Impact Assessment (PIA) is not required, per e-mail dated September 2, 2010, from Ms. Cindy Allard, Washington Headquarters Services Privacy Act Coordinator, (Atch 5).

SORNs: The following System of Records Notices (SORNs) oversee the collection of the SSN for the DD Form 369 and may be found at <http://privacy.defense.gov/notices>, and selecting the appropriate Service and the DoD Blanket Routine Use(s). The link, [http://privacy.defense.gov/blanket\\_uses.shtml](http://privacy.defense.gov/blanket_uses.shtml), applies to this collection (Atch 6), as follows:

Applicable SORNs:

Accession:

Army (<http://privacy.defense.gov/notices/army/A0601-210c-TRADOC.shtml>)

Navy (<http://privacy.defense.gov/notices/usn/N01133-2a.shtml>)

Marine Corps (<http://privacy.defense.gov/notices/usmc/M01133-3.shtml>)

Air Force (<http://privacy.defense.gov/notices/usaf/F036AFRESB.shtml>)

Coast Guard (<http://edocket.access.gpo.gov/2008/E8-29845.htm>)

Official Military Personnel Files:

Army ([http://privacy.defense.gov/notices/army/A0600-8-104\\_AHRC.shtml](http://privacy.defense.gov/notices/army/A0600-8-104_AHRC.shtml))

Navy (<http://privacy.defense.gov/notices/usn/N01070-3.shtml>)

Marine Corps (<http://privacy.defense.gov/notices/usmc/M01070-6.shtml>)

Air Force (<http://www.defenselink.mil/privacy/notices/usaf/F036AFPCC.shtml>)

Coast Guard (<http://edocket.access.gpo.gov/2008/E8-29793.htm>)

12. Estimates of Annual Response Burden and Labor Cost for Hour Burden to the Respondent for Collection of Information.

a. Response Burden:

(1) DD Form 369

Total annual respondents: 175,000

Frequency of response:	1
Total annual responses:	175,000
Burden per response:	27 minutes
Total burden hours:	78,750

b. Explanation of How Burden was Estimated. Burden estimate of 27 minutes for processing the DD Form 369 verified telephonically by a local law enforcement agency.

c. Labor Cost to Respondents. There is a labor cost to the respondent to fill out this form or to manually annotate the date on the form from law enforcement agencies' card files or process computer copies of the data. The requirement estimated for a clerk to look up the information on a computer screen and print out the information and send out the form has been estimated at:

$\$17.49/\text{hr.} \times 27 \text{ minutes} = \$7.87 \text{ per form.}$   
 $175,000 \text{ respondents at } \$7.87 = \$1,377,250.$

13. Estimates of Other Cost Burden for the Respondent for Collection of Information.

a. Total Capital and Start-up Cost. There is no capitol or set up cost associated with this information collection. Respondent will utilize systems currently in place to identify data requested not only from the government but other law enforcement agencies and other public and private agencies.

b. Operation and Maintenance Cost. Of the 175,000 DD Form 369, "Police Records Check" that is verified and completed by law enforcement agencies, 10% has a computer-generated copy of the police record attached to the request.

$17,500 \text{ at } .10/\text{page (paper cost)} = \$1750$   
 $17,500 \times \$5.60 \text{ (computer time)} = \$98,000$

Total O&M cost to respondent: \$99,750

14. Estimates of Cost to the Federal Government.

a. Work load requirements.

1. E-5 / E-7 hourly pay = \$15.08 at 3 minutes/form	\$ .75
2. GS-06/ Step 03 hourly pay = \$15.40 at 3 minutes/form	\$1.28
3. Printing at .10 cents per form	\$ .10
4. Cost of postage	\$ .85
Cost to the Federal Government per respondent	\$2.98



Total Federal Government costs (175,000 X \$2.98) \$521,500

15. Changes in Burden.

The increase in estimated burden hours is due to additional recruiting requirements due to the increase in recruiting missions of the Armed Services. Increase in cost is an adjustment to correct mathematic/computation error in previous reporting.

16. Publication Plans/Time Schedule.

Results of this information collection will not be published.

17. Approval Not to Display Expiration Date.

Approval not to display the expiration data is not being sought.

18. Exceptions to the Certification Statement.

No exceptions to the certification statement are being sought.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not employed for this collection of information.