

Supporting Statement A
IDENT/IAFIS Interoperability State Department of Corrections Officials and
Facilities Assessment
(Form 70-003; Form 70-004)
OMB No. _1653_ - _0040

A. Justification:

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) is improving community safety by transforming the way the Federal government cooperates with state and local law enforcement agencies via the Secure Communities initiative, which is ICE's comprehensive strategy to improve and modernize the identification and removal of criminal aliens from the United States. This identification and removal process is authorized under the Immigration and Nationality Act (INA) provisions regarding identification, detention, arrest and removal of aliens (8 USC §1226(c); 8 USC §1226(d); 8 USC §1226(e); 8 USC §1227(a) (2); and 8 USC §1228); the INA provisions regarding liaison activities with internal security officers and data exchange (8 USC §1105); and FY 2008 DHS Appropriations Act (Pub. L. No. 110-161, 121 Stat. 1844, 2365 (2007)).

The Government Performance and Results Act of 1983 requires Federal agencies to improve program effectiveness and improve service quality. In order to implement, maintain and improve the Secure Communities initiative, ICE must continue to collect input from its state and local law enforcement partners. These surveys will greatly facilitate those efforts.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The data collected from this form is used by ICE to determine the fingerprint procedures and technological capabilities of state jails and prisons. This information will be used to prioritize and create strategic plans for Secure Communities for the accurate and timely identification of criminal aliens in each state

ICE Form 70-003 collects information from State Identification Bureaus (SIB) regarding the number of criminal aliens encountered and how fingerprints are processed.

ICE Form 70-004 collects information from local law enforcement authorities (LEA) regarding the number of inmates processed in and how fingerprints are processed.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for**

adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The use of these questionnaires provide the most efficient means for collecting and processing the required data of the initiative. However, using information technology has been considered in submitting the forms and submitted them through electronic mail has been found to be an efficient method of collecting the information. Thus, the LEA Survey 73-004, the SIB Survey 73-003 are submitted to the respondents via email who can complete the survey, save it in electronic format and returned from the respondent via a link on the form to deployment.icesecurecommunities@dhs.gov.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose, because the Secure Communities initiative is recent, and the expansion of the initiative to correctional systems is brand new.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This collection of information does not have an impact on small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Secure Communities is a high level priority of the Department of Homeland Security and Congress. Failure to collect the information will hinder proper implementation of the program. Failure to implement the program will hinder the ability result to use biometrics for the accurate and timely identification of criminal aliens. This information only needs to be obtained during the initial phase of program implementation to state prison and correctional facilities.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and**

approved by OMB;

- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances applicable to this information collection.

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Federal Register Notice was published at 76 FR 17936 on March 31, 2011; no comments were received.

The 30-Day Federal Register Notice was published at 77 FR 11147 on February 24, 2012; no comments were received.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

ICE does not provide payments or gifts to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

ICE will protect the information collected from disclosure to third parties to the extent permissible under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and subject to disclosure restrictions contained in the Privacy Act (PA), 5 U.S.C. § 552a, and any other applicable law or policy.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific**

uses to be made of the information, the explanation to be given to person's form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annual Hour and Cost Burden to Respondents							
Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Secure Communities Initiative Survey - Local / Form 70-004	3,500	1	3,500	0.3333	1,167	\$52.89	\$61,722.63
Secure Communities Initiative Survey - State / Form 70-003	3,500	1	3,500	0.3333	1,167	\$33.66	\$39,281.22
Total			7,000		2,334		\$101,004

Instruction for Wage-rate category multiplier: Take each non-loaded “Avg. Hourly Wage Rate” from the BLS website table and multiply that number by 1.4. For example, a non-loaded BLS table wage rate of \$42.51 would be multiplied by 1.4, and the entry for the “Avg. Hourly Wage Rate” would be \$59.51.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov), the wage rate category for First Line Supervisors/Managers of Police and Detectives is estimated to be \$37.78 per hour and when the 1.4 wage multiplier is applied the loaded wage rate is \$52.89. Therefore, the estimated burden hour cost to respondents First Line Supervisors/Managers of Police and Detectives is estimated to **\$61,722.63** annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov), the wage rate category for Administrative Managers is estimated to be \$24.04 per hour and when the 1.4 wage multiplier is applied the loaded wage rate is \$33.66. Therefore, the estimated burden hour cost to respondents Administrative Managers is estimated to **\$39,281.22** annually.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use**

existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.

There are no capital or start-up costs associated with this information collection.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Annualized Cost Analysis:

a. Government Employee Cost:	\$2,029.00
b. Contractor Cost:	\$7,693.75
c. Total Annual Cost to Government	\$9,722.75

Government Cost

Annualized Government Cost is calculated by adding labor rates for an anticipated amount of time for federal and contract staff responsible for collecting and ensuring completion of the survey.

According to the U.S. Office of Personnel Management, the hourly rate for a GS-14, Step 1 to oversee quality assurance of collected information is \$40.58 and when that is multiplied by 50 hours, the yearly Government Employee Cost is \$2,029.00.

The cost for 1 mid-level contractor to gather and compile completed surveys 50 hours is \$7,693.75.

The Total Annual Cost to the Government is achieved by adding the Government Employee Cost and the Contactor Cost, which totals \$9,722.75.

- 15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

Itemized Changes in Annual Hour Burden						
Data collection Activity / Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Secure Communities Initiative Survey - Local / Form 70-004				1,167	1,167	0
Secure				1,167	1,167	0

Communities Initiative Survey - State / Form 70-003						
Total(s)	0	119	119	2,334	2,334	0

Explain: There is no change to the Annual Hour Burden

Itemized Changes in Annual Cost Burden						
Data collection Activity / Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Secure Communities Initiative Survey - Local / Form 70-004				\$11,670.00	\$61,722.63	\$50,052.63
Secure Communities Initiative Survey - State / Form 70-003				\$11,670.00	\$39,281.22	\$27, 611.22
Total(s)	0	0	0	\$23,340.00	\$101, 003.85	\$77,663.85

Explain: Additional Annual Cost Burden is a result of collecting information through the Secure Communities Initiative Survey is a result of the updating of the estimated Total Annual Respondent Cost for the Secure Communities Initiative Survey for Local and State Law Enforcement Authorities.

Notice of Revisions:

Question 3 – This collection can now be submitted electronically through a submission to the e-mail address provided to the respondents.

Question 12 – The wage rate and associated cost in the chart changed per the information above.

Question 14 – The cost to the federal government has been more accurately reflected after the program reviewed the method by which they will now be able to receive the information and found that the electronic responses along with more efficient review methods will reduce their costs.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

ICE does not intend to employ the use of statistics or the publication thereof for this collection of information.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

ICE will display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

ICE does not request an exception to the certification of this information collection.

Authorities for Maintenance of the system: 8 U.S.C. Sec. 1103; 8 U.S.C. Sec. 1324(b)(3); 8 U.S.C. Sec. 1360(b); 5 U.S.C. Sec. 552a(b); 5 U.S.C. Sec. 301; Section 504 of the Immigration and Nationality Act of 1990 (Public Law 101-649).