

Army Sex Offender Information (0702-0128)

SUPPORTING STATEMENT – PART A

A. JUSTIFICATION

1. Need for the Information Collection

The Department of the Army, Office of the Provost Marshal General requires collection of information from members of the public when an individual is required to register as a sex offender and resides or is employed on an Army installation. Registered sex offenders are considered any convicted sex offender required to register pursuant to any DOD, Army, State government, District of Columbia, Commonwealth of Puerto Rico, Guam, America Samoa, Northern Mariana Islands, U.S. Virgin Islands, or federally recognized Indian tribe, law, regulation, or policy where they are employed, reside, or are a student. The Army implements Sections 16901 through 16928 of Title 42, United States Code (also known as “The Jacob Wetterling, Megan Nicole Kanka, and Sex Offender Registration and Notification Act (SORNA) <http://www.gpo.gov/fdsys/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf>.)

It is the policy of the Department of the Army to use all reasonable means to assist in the investigation of noncompliant sex offenders and to educate the public about personal safety precautions. The Army recognizes that sex offenders can pose a significant risk to the community and that community fear may be fueled by confusing sex offender laws and lack of understanding of law enforcement efforts to hold sex offenders accountable. The Army is guided by federal and state laws regarding the registration, public notification, and verification of convicted sex offenders to enforce compliance and to prevent future victimization. The Army also recognizes that law enforcement agencies are responsible for notifying communities about the presence of certain registered sex offenders, maintaining registration files, verifying compliance with registration laws, investigating violations of such laws and new offenses, and locating noncompliant or absconded offenders according to The Jacob Wetterling, Megan Nicole Kanka, and SORNA.

The military populations serving outside the continental U.S. (OCONUS) are not afforded the same opportunity to search for information about convicted sex offenders as are personnel stationed in the continental U.S. Currently, no OCONUS registry of convicted sex offenders exists, thereby denying overseas community members the ability to search for a potential risk of harm to the community. The Army requires tracking and management of sex offenders that reside or are employed on an Army installation due to the transient nature of the Army community. Without such a requirement, the Army would have difficulty tracking sex offenders once they transfer to other states or overseas without anyone’s knowledge. All registered sex offenders who reside or are employed on an Army installation will submit their registration information with the installation Provost Marshal Office (PMO).

2. Use of the Information

Publication of the next version of Army Regulation 190-45, Law Enforcement Reporting will require all registered sex offenders who reside or are employed on Army installations to submit evidence of the qualifying conviction at the installation PMO within 3 working days of arrival on an installation. Registration with the PMO does not relieve sex offenders from their legal obligation to comply with applicable State and local government registration requirements for the state in which they reside, work, or attend school. The State government registration is required under 42 USC 16901 et seq. (The Sex Offender Registration and Notification Act). In addition, upon assignment, reassignment, or change of address, sex offenders will report within 3 working days to the installation PMO.

This information can include an individual's Social Security Number (SSN) to differentiate him/her from another person with the same name and birthdate. The acceptable collection of SSN's by law enforcement agencies for interoperability with organizations beyond the Department of Defense or operational necessities are stated in DODI 1000.30, August 1, 2012, found at <http://www.cac.mil/docs/DODI-1000.30.pdf>. OPMG provides policy, funding, equipment and compliance oversight for force protection, security, and law enforcement to safeguard personnel, facilities, infrastructure, and other resources for the Army and for assigned DoD activities.

Information provided by the sex offender is inputted by the Army Law Enforcement Officer into the Army's Law Enforcement Reporting and Tracking System (ALERTS), formerly called the Centralized Operations Police Suite (COPS), as an information report on a Raw Data File in the system, formerly called the Department of the Army Form 3975. Although DA Form 3975 was previously identified in the 60-Day Federal Register Notice published for this information collection, this form is no longer used for this collection and it has been replaced completely by the ALERTS system. Screenshots of the ALERTS system, which the sex offender respondent does not see and which only the PMO accesses, are provided with this package as the instrument for this collection. Because the respondent does not see the ALERTS system, the Privacy Act Statement and Agency Disclosure Notice are provided as a separate handout directly to the respondent at the time of their registration. A copy of this form is also provided as part of this collection package.

The sex offender produces either evidence of the qualifying conviction or the court ordered sex offender registration paperwork with the state in which the sex offender was convicted, date of conviction, and results of conviction, to include length of time required to register and any specific court ordered restrictions. Details of the court case, to include victim information, is not collected. The sex offender does not fill out a form or any paperwork to register as a sex offender on the installation, they must provide the court order or evidence of qualifying conviction to the Provost Marshal Office on the installation and the Army Law Enforcement Officer will use the supplied documentation to fill in and complete the Raw Data File completing the sex offender registration.

The PMO will maintain and update a monthly roster of current sex offenders and provide it to the Sexual Assault Review Board and the Garrison Commander (the General Officer in charge of the installation). The information collected from the registered sex offenders is used to

ensure sex offenders are abiding by current Army housing policy in Army Regulation 420-1, (Army Facilities Management) found at http://www.apd.army.mil/pdf/files/r420_1.pdf. Under this regulation, Soldiers, Family members, DoD civilians, or other civilians, who are required to register as a sex offender, who intend on occupancy of/or overnight visitation to a Family housing dwelling unit, are required to provide proof of registration at the Provost Marshal's office prior to occupancy or visitation. The information collected is also used by Army law enforcement and the Garrison Commander to ensure the sex offender is compliant with any specific court ordered restrictions on Army installations.

3. Use of Information Technology

The ALERTS system collects this information 100% electronically. Only Army Law Enforcement Officers and authorized personnel in the Provost Marshal Office (PMO) have access to the ALERTS. Only these authorized users are permitted to enter, review and retrieve information located in the system. Records can be directly retrieved by authorized users using a sex offenders First/Last Name, SSN, or Raw Data File number and viewed on the workstation's monitor. All sex offender information is submitted electronically into ALERTS, no hardcopies are kept on local files. The ALERTS System of Records Notice A0190-45 OPMG, Military Police reporting Program Records (MPRP) (November 21, 2012, 77 FR 69445) details system collection techniques, found at, <http://dpclo.defense.gov/Privacy/SORNsIndex/tabid/5915/Article/6066/a0190-45-opmg.aspx>.

4. Non-duplication

There is no duplication. This is the Office of the Provost Marshal General is the sole office for this program.

5. Burden on Small Business

There will be no burden placed on small business. The individual from whom information is being collected do not constitute small businesses or other small entities.

6. Less Frequent Collection

Sex Offenders required to register with the state could live or work on an Army installation and live in government housing near schools or daycare without Army Law Enforcement's knowledge. Army Law Enforcement would be less able to complete its mission to provide security and law enforcement to safeguard personnel living and working on Army installations. The information collected is used by Army law enforcement and the Garrison Commander to ensure the sex offender is compliant with any specific court ordered restrictions on Army installations. Data from members of the public is collected only by Army Law Enforcement authorized personnel. The frequency of sex offender registration with the PMO is not under the control of any Army Law Enforcement personnel. It is the responsibility of the sex offender who lives or works on the Army installations to follow Army policy and report to the PMO within 3 working days of assignment to the installation.

7. Paperwork Reduction Act Guidelines

There are no special circumstances. This collection is consistent with 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

a. This collection is identified in 32 CFR Part 635, Law Enforcement Reporting, which is a Final Rule. A notice of proposed collection for the Interim Rule was published in the Federal Register on May 19, 2015, 80 FRN 28545. No comments were received. A notice of proposed collection for the Final Rule was published in the Federal Register on Sep 29, 2015, 80 FRN 58471. No comments were received.

b. OPMG is a member organization of the International Association of Chiefs of Police (IACP), OPMG has consulted with the IACP National Law Enforcement Policy Center on concepts and issues with registering and tracking sex offenders. The IACP recommends establishing policies and procedures surrounding the effective management of sex offenders; the IACP assisted the Army in working to prevent future victimization and enhance community safety. The IACP developed model policy, providing guidance to law enforcement agencies as they assess current policies and procedures to comply with legislative requirements, OPMG has used this policy as a template. OPMG also consulted with the Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART). The SMART Office provided the Army guidance regarding the implementation of the Adam Walsh Act to ensure the Army is in compliance with all legislative and legal developments related to the registration, notification, and management of sex offenders.

c. A 30-day notice of submission for OMB Review was published in the Federal Register on December 16, 2015, 80 FR 78199.

9. Gifts or Payment

No payments or gift will be provided to the respondents.
<http://ciog6.army.mil/Home/tabid/36/Default.aspx>

10. Confidentiality

This information is disclosed only to the extent consistent with prudent business practices, current regulations, and statutory requirements. The System of Records Notice relevant to this collection is A0190-45 OPMG, Military Police reporting Program Records (MPRP) (November 21, 2012, 77 FR 69445)
<http://dpclo.defense.gov/Privacy/SORNsIndex/tabid/5915/Article/6066/a0190-45-opmg.aspx>. The ALERTS Privacy Impact Assessment was signed on, and is posted on Army Chief Information Officer/G-6 website and can be located at <http://ciog6.army.mil/Portals/1/PIA/2014/CIMS-CID.pdf>.

11. Sensitive Questions

The ALERTS System Raw Data File requires sex offenders to provide, among other things, certain personal information, such as name, grade/rank, address, date of birth, and SSN, which would be used in the course of a inputting their identifying information into ALERTS to assist in confirming the true identity of the individual. Justification for retention of the SSN is based on the Law Enforcement Use Case from DTM 07-015-USD(R&R). The Raw Data File also collects race and ethnicity information, which is obtained directly from the conviction document provided by the respondent.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The average number of respondents for the Army is estimated at 550 per year. The average time to complete a registration per respondent is about 20 minutes, giving a total of 183 annual burden hours for the public as a whole.

b. Labor Cost of Respondent Burden

Respondents will provide Army Law Enforcement pertinent data on their sex offender registration requirements. The respondents should take approximately 20 minutes to provide the information and the Army Law Enforcement Officer to annotate the information in the ALERTS. Based on a \$56K salary, which equates to \$29.16/hour with an average of 550 respondents a year, the average cost will be \$5336.28 per year ($29.16/\text{hour} \times 183 \text{ hours} = \5336.28). Based off Department of Labor Occupational Earnings in the United States 2010, <http://www.bls.gov/ncs/ncswage2010.htm>.

13. Respondent Costs Other Than Burden Hour Costs

There are no capital and start-up costs and no operation and maintenance components.

14. Cost to the Federal Government

There is no additional burden or cost in the application, licensing, training, maintenance and support associated with the collection, use, or maintenance of the data. The equipment and hardware resources required to access and use the ALERTS are operationally zero in that no equipment beyond the users' current workstations and printers are required. These items are provided by the installation to each PMO as part of an office's standard Information Technology equipment. There are no additional Operational and Maintenance Costs associated with collection of this information.

The average Full Time Equivalent cost to the Army for an Army Law Enforcement Officer who would input the sex offender information into ALERTS, as based on the planning grade of E5 salary of \$32,814/year.

(<http://www.dfas.mil/militarymembers/payentitlements/militarypaytables.html>). Given a single Officer is on duty 2080 hours per year, the hourly cost per Officer is \$15/hour. Therefore, the labor cost for the time to process each collection is 20 minutes spent inputting the sex offender information into ALERTS is approximately \$4,125/year (\$7.50 for 20 minutes x 550 sex offenders = \$4,125)

15. Reasons for Change in Burden

This is a new collection in ALERTS, therefore, there is a program change associated with the burden. The new associated burden is the amount of time it will take the government employee to enter the sex offenders information.

16. Publication of Results

This information is not for publication, the information collected in the ALERTS is law enforcement in nature and solely used for documenting sex offenders on Army installations and will not be used for outlining plans for tabulation, statistical analyses, or publication.

17. Non-Display of OMB Expiration Date

There is no request for approval to omit display of the expiration date of OMB approval on the instrument of collection.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

There are no exceptions.