

Supporting Statement for Paperwork Reduction Act Submissions
Extension, without change, of a currently approved collection,
FBI Expungement Form (FD-1114)
OMB Control # 1110-0064

Part A. Justification

1. Necessity of Information:

Title 28, United States Code, Section 534, allows the FBI to acquire, collect, classify, and preserve identification, criminal identification, crime, and other records. The FBI permits such exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions.

Title 28 CFR 0.85(j) sets forth the Attorney General's delegation to the FBI to implement the exchange of identity history information for noncriminal justice purposes. Additionally, 28 CFR 20.33 (a)(3) and 50.12 both further explain the dissemination of identity history information for noncriminal justice purposes.

It is essential the FBI Expungement Form (FD-1114) be utilized in order for the Criminal Justice Information Services (CJIS) Division, to assure identity history information is collected, stored, removed and thus, disseminated in a manner to ensure accuracy, completeness, currency, integrity, and security of such information in an effort to protect individual privacy and provide maximum service to all law enforcement and governmental agencies. All of which is imposed on the FBI, CJIS Division, by Title 28, Code of Federal Regulations (CFR), Part 20.1.

The FBI CJIS Division provides a centralized repository of all fingerprint cards and all arrest records. Through this centralization of records, it is possible to have available a positive source of information relative to: past activities of an individual in custody or an individual applying for employment, emergency cases, identification of deceased individuals, identification of missing persons or provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin, to identify fugitives, etc.

2. Needs and Uses:

The CJIS Division serves the nation as a repository for fingerprints and identity history information. The Privacy Act of 1974 requires each agency that maintains a system of records to maintain the records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Case law stipulates that the CJIS Division has a duty to take reasonable measures to maintain accurate records.

Currently, authorized agencies can submit civil fingerprints of employment applicants, licensees, and other individuals in positions of public trust on a periodic basis to determine if individuals have engaged in criminal conduct that would prohibit the holding of such positions or licenses.

With the Next Generation Identification (NGI) system, authorized agencies may choose to submit the civil fingerprints for retention and subscription into the Rap Back Service. This will result in an ongoing review of the criminal history status of each individual as long as the individual remains in a position of trust. The Rap Back Service provides for a continuous vetting of the person's suitability for his/her position of trust by providing timely notification to the authorized agency should the individual be arrested or if there is relevant activity associated with that identity record in the NGI system.

The NGI system also provides timely notifications to authorized criminal justice agencies regarding individuals under the supervision of a criminal justice agency or under authorized law enforcement investigation. Law enforcement agencies, probation and parole officers, and other criminal justice entities may use the Rap Back Service to be advised of subsequent criminal activity of persons under their supervision, such as probationers, parolees, sex offenders, persons under direct court supervision, and other officially supervised persons, as well as persons under investigation.

Use of the FD-1114 will ensure the FBI receives all of the necessary information needed to remove criminal history data within the NGI. The establishment of this standard submission form streamlines the flow of information and ensures more timely transactions. Today, there are numerous document request forms submitted to the CJIS Division for processing, all in a variety of formats and oftentimes submitted without complete information. It is expected the use of the FD-1114 will promote timely processing by CJIS Staff, minimize delays and/or rejects to the submitting agency. The FD-1114 will provide for efficient updating of identity histories.

3. Use of Technology:

Currently, there are no plans to automate the FD-1114 form, as there are a variety of automated methods for which an agency may submit an expungement to the CJIS Division for removal of criminal data from an individual's identity history. This form is being made available to the submitter for their convenience.

4. Efforts to Identify Duplication:

The FBI is the only federal repository for the data from this information collection.

5. Methods to Minimize Burden on Small Businesses:

This information will have no significant impact on small entities. Small businesses will not be affected by this collection.

6. Consequences of Less Frequent Collection:

If the collection is not conducted or conducted less frequently, an individual's identity history could include criminal history data which should not exist.

7. Special Circumstances Influencing Collection:

The FD-1114 submissions are collected and processed from participating agencies, as necessary. All stored identity history summary information is inclusive of only that information which has been provided.

8. Public Comments and Consultations:

The FBI sponsors and participates in training seminars, industry meetings, and conferences with the user community. These meetings are held regularly and provide an open forum to discuss matters of mutual concern, including reporting procedures. The FBI consults with users on an individual basis as needed. Additionally, the 30 and 60-day Notices of Information Collection will be published in the Federal Register.

9. Payment of Gift to Claimants:

The FBI does not provide any payment or gift to respondents.

10. Assurance of Confidentiality:

Information requested in this collection may be considered confidential business information. Its release is governed by law, regulations, and agency procedures.

11. Justification for Sensitive Questions:

This collection does not include questions of a sensitive nature.

12. Estimate of Hour Burden:

Number of respondents	56
Frequency of response	as needed
Total annual responses	216,636
Minutes per response	10 minutes
Annual hour burden	36,106 hours

The Number of Respondents are based on agencies that go through a State/Territory Identification Bureau (SIB). It is a requirement for State Expungements to be submitted through the SIB. These forms must come from those particular SIBs in order to be processed. Note: Previously we reported a much larger number based on existing ORIs. We now feel this number is not the best to continue utilizing since it is not representative of the agencies who actually submit the requests.

The total annual responses were retrieved from internal tracking of incoming receipts for the prior year. The minutes per response was an estimate based on the information required in the response. The total hour burden was determined by dividing the total recent annual responses

(216,636) by 6 (as 6 forms could be completed within 1 hour at 10 minutes per form.) This total should equal 36,106 hours.

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

*Note: The cost for conversion to electronic format is covered within the cost reported of Personnel Salaries:

Personnel Salaries:	\$ 491,291.92
Analysis of incoming information:	\$ 23,805.32
Conversion to electronic format:	\$ 0*
Total Cost:	\$ 698,017

Conversion to electronic format: \$ 0*

Total Cost: \$ 515,097.24

Due to cross-training in the FBI/CJIS Division, Biometric Services Unit, there is not staff strictly dedicated to one function. Therefore, the following calculations were utilized to obtain this number. One employee can process 20.71 expungements per hour. Once leave, training, and other miscellaneous tasks are factored in; an employee can process 7,396 expungements per year. The expungement function is a GS 7 function. The 2018 GS Calculator indicates a GS 7 Step 5 employee makes \$46,879 per year. As a standard when calculating cost, thirty-one percent is added for benefits. This brings the annual cost per employee to \$61,411.49. Eight employees at this rate would cost \$491,291.92 in salaries.

Approximately 13% of the Inventory Control Room receipts are due to Expungements. However, ICR staff have many more assignments than just receipts. There are five employees in the ICR who handle all of their work. It is estimated that 7% of their overall time is dedicated to Expungement receipts. So, 35% of one employee's time is a good representation of this cost. The ICR staff are GS 8 employees. The 2018 GS Calculator indicates a GS 8 Step 5 employee makes \$51,920 annually. After factoring in the 31% standard for benefits, this makes one employee's time worth \$68,015.20. So, 35% of one employee's annual cost is \$23,805.32.

15. Reasons for Change in Burden:

As previously stated, previously we reported a much larger number based as we utilized the

existing ORIs to calculate total respondents. We now feel this number is not the best to continue utilizing since it is not representative of the agencies who actually submit the requests.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

Due to the administrative burdens related to replacing expired forms when no information on those forms has been changed, the FBI is requesting approval to not display the expiration date for OMB approval of the information collected.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

Part B. Statistical Methods

The FBI does not employ statistical methods in this information collection.