

SUPPORTING STATEMENT - PART A

Army Sex Offender Information (0702-0128)

Summary of Changes: The burden has substantially decreased since the last OMB approval three years ago. The Army has significantly improved its background screening process, resulting in far fewer sex offenders living or working on Army installations.

1. Need for the Information Collection

The Department of the Army, Office of the Provost Marshal General (OPMG) 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, American 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>.)

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

Army Regulation 190-45, Law Enforcement Reporting requires all registered sex offenders who reside or are employed on Army installations to submit evidence of the qualifying conviction at the installation Provost Marshall Office (PMO) within 3 working days of arrival on an installation. In addition, the sex offender will be required to notify the PMO of any change of address or employment status within three working days.

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 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 PMO on the installation. The Army Law Enforcement

Officer will use the supplied documentation to fill in and complete the Raw Data File completing the sex offender registration.

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), as an information report on a Raw Data File in the 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 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/pdffiles/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 (Installation) 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.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or 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

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice for this collection published on Friday, November 2, 2018. The 60-Day FRN citation is 83 FRN 55152. No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for this collection published on Friday, February 1, 2019. The 30-Day FRN citation is 84 FRN 1076.

Part B: CONSULTATION

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.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement (PAS) is required; 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 Systems of the Records Notice (SORN) is required. A draft copy of the SORN (A0190-45 OPMG entitled “Criminal Investigation Command (CID) Information Management Systems Records (CIMS).”) has been provided with this package for OMB’s review.

A Privacy Impact Assessment is required and has been provided with this package for OMB review.

Records will be destroyed after five years, if no longer in use. Records of ongoing value may be kept and reviewed annually for continued retention, not to exceed 20 years.

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. The collection of the SSN has been determined to be required and an SSN Justification Memorandum has been submitted as part of this information collection package.

12. Respondent Burden and its Labor Costs

a. Estimation of Respondent Burden

1. Army Law Enforcement Reporting and Tracking System (ALERTS)

- a. Number of Respondents: 120
 - b. Number of Responses per Respondent: 1
 - c. Number of Total Annual Responses: 120
 - d. Response Time: 20 minutes
 - e. Respondent Burden Hours: 40 hours
2. **Total Submission Burden** (Summation or average based on collection)
 - a. Total Number of Respondents: 120
 - b. Total Number of Annual Responses: 120
 - c. Total Respondent Burden Hours: 40 hours

b. Labor Cost of Respondent Burden

1. Army Law Enforcement Reporting and Tracking System (ALERTS)
 - a. Number of Total Annual Responses: 120
 - b. Response Time: 20 minutes
 - c. Respondent Hourly Wage: \$24.34
 - d. Labor Burden per Response: \$8.11
 - e. Total Labor Burden: \$973.60
2. **Overall Labor Burden**
 - a. Total Number of Annual Responses: 120
 - b. Total Labor Burden: \$973.60

Based on the varied status of the respondents, the hourly wage calculation we utilized was the **Occupation Code 00-0000, All Occupations, Mean Average Hourly Wage** on the Department of Labor, Bureau of Labor Statistics website https://www.bls.gov/oes/2017/may/oes_nat.htm#00-0000

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

a. Labor Cost to the Federal Government

1. Army Law Enforcement Reporting and Tracking System (ALERTS)
 - a. Number of Total Annual Responses: 120
 - b. Processing Time per Response: 20 minutes
 - c. Hourly Wage of Worker(s) Processing Responses: \$23.82
 - d. Cost to Process Each Response: \$7.94

e. Total Cost to Process Responses: \$952.80

2. Overall Labor Burden to Federal Government

- a. Total Number of Annual Responses: 120
- b. Total Labor Burden: \$952.80

The hourly wage of the worker (GS-9, step 5) processing the responses was determined by using the U.S. Office of Personnel Management (OPM) Website for 2018 General Schedule base salary. (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/general-schedule/>)

b. Operational and Maintenance Costs

- a. Equipment: \$0
- b. Printing: \$0
- c. Postage: \$0
- d. Software Purchases: \$0
- e. Licensing Costs: \$0
- f. Other: \$0
- g. Total: \$0

- 1. Total Operational and Maintenance Costs: \$0
- 2. Total Labor Cost to the Federal Government: \$952.80
- 3. Total Cost to the Federal Government: \$952.80

15. Reasons for Change in Burden

The burden has decreased since the previous approval. The Army has significantly improved their screening and selection of soldiers, civilian employees, contractors and other members of the public through increased scrutiny of personnel background checks which has reduced the numbers of sex offenders within the Army force structure.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.