

SUPPORTING STATEMENT - PART A

(Police Record Check, DD Form 369 – 0704-0007)

Summary of Changes from Previously Approved Collection

- Updated burden to properly reflect the average wage of respondents.
- Agency Disclosure Notice and Privacy Act Statement on the DD Form 369 has been updated. No other revisions to the instrument.

1. Need for the Information Collection

Title 10, U.S. Code, Sections 504, 505, 508, and 12102, establishes minimal standards for enlistment into the Armed Forces. 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 adjudication's, 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 the Information

The primary purpose of this information is to identify individuals who may be undesirable for military service. This information collection also supports a congressionally –mandated program to reduce premature discharges (e.g., individuals requiring a waiver for non-misdemeanors attrit at a higher rate than those who have no offense history). The respondent is the state, local police or law enforcement agency to whom the inquiry is directed. The form associated with this information collection is the DD Form 369, "Police Records Check." 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 a 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 3 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. Use of Information Technology

The Department has determined that the DD Form 369 is appropriate for electronic generation and currently approximately 10% of all responses are collected electronically. The DD Form 369 is available to the public on the DoD Electronic Forms Website in Fillable Adobe PDF files, and initial completion at the recruiting station of applicant's information occurs electronically. 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.

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

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. 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 the collection published on Thursday, July 12, 2018. The 60-Day FRN citation is 83 FRN 32286.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Tuesday, February 12, 2019. The 30-Day FRN citation is 84 FRN 3422.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the 60-Day Federal Register Noticed was conducted for this submission.

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 is included on the DD Form 369.

The data on DD Form 369 is covered by the following systems of records:

USMEPCOM:

DITPR #81

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-view/Article/570661/a0601-270-usmepcom-dod/>

Army:

DITPR # 17943

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570073/a0601-210c-tradoc/>

Air Force:

DITPR #12052

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/569780/f036-aetc-r/>

Marine Corps:

DITPR #4665

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570628/m01133-3/>

Navy:

DITPR # 9728

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570318/n01133-2/>

Coast Guard:

<http://www.gpo.gov/fdsys/pkg/FR-2011-08-10/html/2011-20225.htm>

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

Records and Retention Schedule: Each MEPS retains a copy of reporting system source documents for each enlistee for 90 days after shipment. For all other applicants, each MEPS retains, if applicable, a copy of the Report of Medical Examination with supporting documentation, the Report of Medical History, and any other reporting source documents, for a period not to exceed 2 years. For qualification records, enlistment, commission, and induction quotas upon completion of initial military service obligation, for a period of 7 years (Keep in CFA until no longer needed for conducting business, then retire to RHA/AEA. The RHA/AEA will destroy record when the record is 7 years old). Medical and

conduct disqualification records are maintained for 25 years or up to the individual's age of 42, whichever occurs first, after which they are destroyed. For acceptable applicants, originals or copies of documents are filed permanently in their official personnel file; the file is then transferred to the gaining Armed Forces. During medical examination written information prepared by the examining physician relating to the individual who becomes seriously ill or injured while at a MEPS, or were found disqualified for a condition considered dangerous to the individual's health if left untreated are kept for 2 years.

11. Sensitive Questions

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://www.whitehouse.gov/omb/bulletins_b00-02, provides the recruiters with the necessary information to assist the applicants with properly completing the race and ethnicity sections on the DD Form 369.

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.

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.

12. Respondent Burden and its Labor Costs

a. Estimation of Respondent Burden

1. DD Form 369

- a. Number of Respondents: 175,000
- b. Number of Responses Per Respondent: 1
- c. Number of Total Annual Responses: 175,000
- d. Response Time: .45 hrs
- e. Respondent Burden Hours: 78,750 hours

2. **Total Submission Burden** (Summation or average based on collection)

- a. Total Number of Respondents: 175,000
- b. Total Number of Annual Responses: 175,000
- c. Total Respondent Burden Hours: 78,750 hours

b. Labor Cost of Respondent Burden

1. **DD Form 369**

- a. Number of Total Annual Responses: 175,000
- b. Response Time: .45 hrs
- c. Respondent Hourly Wage: \$19.01
- d. Labor Burden per Response: \$14.26
- e. Total Labor Burden: \$2,495,500.00

2. **Overall Labor Burden**

- a. Total Number of Annual Responses: 175,000
- b. Total Labor Burden: \$2,495,500.00

The Respondent hourly wage was determined by using the median wage for Protective Service Occupations as of May, 2017. Bureau of Labor Statistics Wage Website (<https://www.bls.gov/oes/current/oes330000.htm>)

13. Respondent Costs Other Than Burden Hour Costs

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 at .10/page (paper cost) = \$1750
- 17,500 X \$5.60 (computer time) = \$98,000

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

14. Cost to the Federal Government

a. Labor Cost to the Federal Government

1. **DD Form 369**

- a. Number of Total Annual Responses: 175,000
- b. Processing Time per Response: .1 hours
- c. Hourly Wage of Worker(s) Processing Responses: \$15.24
- d. Cost to Process Each Response: \$1.52
- e. Total Cost to Process Responses: \$266,000.00

2. **Overall Labor Burden to Federal Government**

- a. Total Number of Annual Responses: 175,000
- b. Total Labor Burden: \$266,000.00

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: \$266,000
- 3. Total Cost to the Federal Government: \$266,000

15. Reasons for Change in Burden

There has been no change in burden since the last approval.

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.