

Supporting Statement for Paperwork Reduction Act Submissions

Revision of a currently approved collection for the Final Disposition Report (R-84)), with supplemental questions R-84(a), R-84(b), R-84(c), R-84(d), R-84(e), R-84(f), R-84(g), R-84(h), R-84(i), and R-84(j)

OMB Control # 1110-0051

It is essential the Final Disposition Report (R-84) and supplemental(s) be utilized in order for the FBI CJIS Division, to assure identity history information is collected, stored, and 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. In an effort to better utilize government resources, the Final Disposition Form (R-84) was reviewed and modified in an attempt to gather the necessary information related to dispositions and to remove any unnecessary, redundant and rarely completed fields. For example, the form now requests the contributor to determine if the offense was drug related. Additionally, the Sex fields, the signature, date, and Title fields, the Expungement fields and the Agency OCA fields were removed as they are no longer needed. The requested use of the supplemental information is to obtain criteria necessary to establish specific prohibitions in accordance with federal and state law. Finally, the instructions on the reverse side were modified to reflect the new form format.

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. It is essential the Final Disposition Report (R-84) and supplemental(s) be utilized in order for the FBI CJIS Division, to assure identity history information is collected, stored, and 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) 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. The R-84 and supplemental(s) provides a consistent format for agencies to submit disposition information.

3. Use of Technology:

Currently, the CJIS Division accepts electronic submissions of dispositions through the Machine Readable Data (MRD) process and the Interstate Identification Index (III) Message Key (MKE). The MRD process has been modernized to allow agencies to submit disposition data in bulk via Compact Disc Read-Only Memory (CD-ROM) and Digital Versatile Disc (DVD). The III MKE was developed to provide agencies the capability to update and FBI Identification Record with disposition data via the III. The CJIS Division is exploring the feasibility for direct connections to Federal Courts. This enhancement will provide Federal Courts the ability to submit disposition information electronically into the NGI system via the CJIS Wide Area Network (WAN). Additionally, two new Types of Transactions (TOTs) were implemented with the NGI system. The Disposition File Maintenance Submission Request (DSPE) TOT and the Electronic Fingerprint Disposition Submission (FDSP) TOT are electronic methods for authorized agencies to submit disposition data.

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:

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, the identity history summary information provided for use by all contributing agencies would be incomplete and inaccurate. The law enforcement community has an ever-increasing need for timely and accurate data. Obtaining the R-84 is vital to ensuring the most accurate data is provided to all authorized entities accessing the NGI system to conduct background checks for employment and licensing, as well as, those agencies accessing the NGI system for criminal investigations and court sentencing decisions.

7. Special Circumstances Influencing Collection:

All R-84 submissions, whether electronic or hard-copy, are collected and processed from participating agencies, as necessary. In accordance with Title 28 CFR 20.37, agencies are required to submit R-84s to the FBI CJIS Division. All stored identity history 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	75,605
Frequency of response	as needed
Total annual responses	972,897
Minutes per response	5 minutes
Annual hour burden	81,074.75 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 annualized costs provided below for the Analysis and Conversion incorporates personnel salaries involved with those specific processes.

Personnel Salaries:	\$ 11,865,828.20
Analysis of incoming information:	\$ 0
Conversion to electronic format:	\$ 0
Total Cost:	\$ 11,865,828.20

Reasons for Change in Total annual responses:

There was a significant increase in total annual responses from the previously approved collection. The CJIS Divisions have implemented several initiatives as a result of the *Fix NICS Act* to assist agencies with obtaining missing dispositions. Since the last collection, The Criminal History Information Policy Unit led a contractor effort to obtain dispositions via secure US and state court websites. This led to an increase in R-84 disposition submissions.

15. Reasons for Change in Burden:

There was a significant increase in salaries and burden hours from the previously approved collection. Due to the reasons provided for the increase in annual responses, more employees were utilized for disposition processing. This resulted in an increase in time spent and ultimately in burden hours.

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.