

## SUPPORTING STATEMENT - PART A

Defense Sexual Assault Incident Reporting – 0704-0482

### Summary of Changes from Previously Approved Collection

- Burden has increased since the previous approval due to an increase of respondents and the new collection of information reported on DD Form 2910-3 and DD Form 2910-4
- Added DD Form 2910-3 (Return of Victim’s Personal Property in Restricted Reporting Sexual Assaults Cases Collected During a Sexual Assault Forensic Examination (SAFE))
- Added DD Form 2910-4 (Catch a Serial Offender Program Explanation and Notification Information for Sexual Assault Victims)

#### 1. Need for the Information Collection

Section 563 of Public Law (PL) 110-417, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009, directs the Secretary of Defense to implement a centralized case-level database for the collection and maintenance of information regarding sexual assaults involving members of the Armed Forces. This includes information, if available, about the nature of the assault, victim, alleged offender, investigative information, case outcomes in connection with the assault, and other information necessary to fulfill reporting requirements. Section 543 of PL 114-328, the NDAA for FY2017, further directed the Secretary of Defense to include information on each claim of retaliation in connection with a report of sexual assault in the Armed Force made by or against a member of such Armed Force in the Annual Report on Sexual Assault in the Military. This includes the narrative description and nature of each complaint, information on the complainant and alleged retaliator, and summary and determination of the investigation. Section 536 of Public Law 116-92 of the National Defense Authorization Act for Fiscal Year 2020 directs the Secretary to prescribe procedures under which a victim who files a restricted report on an incident of sexual assault may request, at any time, the return of any personal property of the victim obtained as part of the sexual assault forensic examination. Section 543 of Public Law 113-291, DoDI 5505.18, “Investigation of Adult Sexual in the Department of Defense,” and Under Secretary of Defense for Personnel and Readiness memorandum, “Procedures to implement the “Catch a Serial Offender Program,” issued June 10, 2019.

Additional authorities include:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; 32 U.S.C. 102, National Guard; DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program; DoD Instruction 6495.02, SAPR Program Procedures; Army Regulation 600-20, Chapter 8, Army Command Policy (Sexual Assault Prevention and Response Program); Office of the Chief of Naval Operations (OPNAV)

Instruction 1752.1C, Sexual Assault Prevention and Response Program; Marine Corps Order 1752.5B, SAPR Program; Air Force Instruction 90-6001, SAPR Program; and E.O. 9397 (SSN), as amended.

## 2. Use of the Information

Individuals who may be victims and/or alleged perpetrators; bystanders/witnesses; or first responders in a sexual assault involving a member of the Armed Forces, includes:

- Active duty Army, Marine Corps, Navy, and Air Force members;
- Active duty Reserve members and National Guard members covered by title 10 or title 32;
- Service members who were victims of a sexual assault prior to enlistment or commissioning;
- Military dependents age 18 and older;
- Department of Defense (DoD) civilians;
- DoD contractors\*;
- Other Federal government employees\*;
- U.S. civilians\*; and
- Foreign military members who may be lawfully admitted into the U.S. or who are not covered under the Privacy Act\*.

*\*Note: This information is not currently collected from bystanders, witnesses, or first responders. Collection of information is pending approval of this package.*

Service members and military dependents 18 years and older who have been sexually assaulted have two reporting options: Unrestricted or Restricted. If the individual elects Restricted Reporting, no PII will be collected. If an individual elects Unrestricted Reporting, PII will be collected and investigation is triggered. Non-military or federal employee victims of sexual assaults involving members of the Armed Forces may only file an Unrestricted Report. The only exceptions are Air Force and Army civilians, and military dependents who are adult sexual assault victims.

A collection is initiated when an individual elect to make either an Unrestricted or Restricted report by completing and signing a DD Form 2910, "Victim Reporting Preference Statement." The Sexual Assault Response Coordinator (SARC) or SAPR Victim Advocate (VA) will then begin filling in the DD Form 2965, "Defense Sexual Assault Incident Database (DSAID) Data Form," with the information received from the individual. For Unrestricted reports, the information from the DD Form 2910 and DD Form 2965 is entered into the DSAID. A copy of the DD Form 2910 is provided to the victim; the DD Form 2965 is destroyed. For restricted reports, the DD Form 2910s are maintained in hard copy by the SARC. If a sexual assault involving a non-military or federal employee victim is first reported to civilian law enforcement, information on these members of the public may also be collected as part of an Unrestricted or Restricted Report.

Information on reported instances of retaliation in connection with a report of sexual assault is collected on the DD Form 2910-2, "Retaliation Victim Reporting Preference Statement." Reports of retaliation may only be made in connection with an Unrestricted Report of sexual assault made by or against a member of the Armed Forces.

When a report of retaliation is received from another source through the course of an investigation, a new retaliation case is opened in DSAID by a Program Manager (PM) at one of the Service headquarters. In some exceedingly rare cases, a victim may ask to file or update a replacement report using the DD Form 2910-1, "Replacement of Lost DD Form 2910, Victim Reporting Preference Statement."

This information is collected to provide case management support, and fulfill Congressional reporting requirements. Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, conducting research, and case and business management. De-identified data is used to respond to mandated reporting requirements.

Information is collected in those instances a victim of sexual assault who opted for a Restricted Report and chose to undergo a Sexual Assault Forensic Examination (SAFE) at a military treatment facility contacted a Sexual Assault Response Coordinator (SARC) to request return of their personal property through DD Form 2910-3 "Return of Victim's Personal Property in Restricted Reporting Sexual Assault Cases Collected During A Sexual Assault Forensic Examination (SAFE)".

Information collected on DD Form 2910-4 will be used to document requests for username and passwords for the Catch a Serial Offender (CATCH) Program and to collect victim contact information in the event the victim's entry matches against another sexual assault victim. The SAPR Program personnel use information to ensure that victims are aware of available services. At the DoD level, only de-identified data is used to respond to mandated congressional reporting requirements.

### 3. Use of Information Technology

Information is collected from the individual and input into DSAID by the SARC for the purpose of case/ business management. Authorized LOs are also able to update investigative information entered by SARCs for the purpose of capturing case outcome. Case information maintained in DSAID is also received via a direct interface with MCIO systems, when appropriate. Information collected by the SARC, SAPR VA, or LOs is input into DSAID manually. Information from the MCIO systems is transferred electronically via Secure File Transfer. In total, an estimated 25% of data submissions are transmitted into DSAID electronically via the interface with the MCIO systems.

DoD SAPRO has built an interface with the Defense Manpower Data Center (DMDC) Real-Time Broker Service (RBS), also known as DEERs. The purpose of this interface is to allow DSAID to receive authoritative demographic data to improve the efficiency and reliability of sexual assault victim support information stored within the system.

DEERS provides demographic data for the following categories of individuals:

- Any person who has been identified as a victim of a sexual assault allegedly against or committed by a uniformed member of the military, a DoD Civilian or DoD Contractor, or a retaliation reporter.

#### 4. Non-duplication

Each Military Service maintains a number of systems that support the various communities involved in providing support to victims of sexual assault and other response elements to include criminal investigative and legal communities. Other than DSAID, however, a system to consolidate and centralize this data, per the requirements of Section 563 of PL 110-417, does not exist. The lack of such a system would make cradle-to-grave case management, reporting, accurate trend analysis on the efficiency of training programs, and victim care difficult and labor intensive. The current service systems and status are as follows:

- a. The Department of the Army's Army Law Enforcement Reporting and Tracking System is currently deployed and captures investigative and legal information.
- b. The Department of the Navy's Consolidated Law Enforcement Operations Center is currently deployed and captures investigative and legal information.
- c. The Department of the Air Force's Investigative Information Management System is currently deployed and captures case investigative information.

These sources of data were examined at the time of DSAID's creation, and were found not to meet the mandate of PL 110-417 as they are Military Service specific and not DoD-wide systems. Additionally, these Service-level systems lack the capability to run reports to meet current congressional and Departmental reporting requirements pertaining to Restricted and Unrestricted reports of sexual assault.

#### 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

At this time, it is estimated that DSAID is required to generate roughly 20 standard Military Service and Military Service Academy reports a year. These reports are generated by DSAID either quarterly or annually. Eight of these standard reports are congressionally mandated. The system also produces weekly ad hoc queries and reports, and is used to support Congressional and Government Accountability Office inquiries as needed. Less

frequent collections would render the Department unable to fulfill these reporting requirements.

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 (FRN) for the collection published on Monday, November 15, 2021. The 60-Day FRN citation is 86 FR 63004 FRN 63004.

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

A 30-Day Federal Register Notice for the collection published on Monday, January 24, 2022. The 30-Day FRN citation is 87 FR 3514 FRN 3514-3515.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register 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. However, victims and alleged perpetrators may be entitled for benefits allowed by the law.

10. Confidentiality

A Privacy Act Statement (PAS) is provided on the DD Form 2910, DD Form 2901-1, 2910-2, 2910-3, DD2910-4 and the DD Form 2965. If the DD Form 2965 is not used to collect information from a respondent, the PAS is provided separately by the SARC or SAPR VA.

DSAID's current System of Record Notice can be found here:5515

<https://dpcl.d.defense.gov/Portals/49/Documents/Privacy/SORNs/OSDJS/DHRA-06-DoD.pdf>

DSAID's current Privacy Impact Assessment can be found here:

<http://www.dhra.mil/Portals/52/Documents/Privacy/PIA/DSAID.pdf>

Temporary, Cutoff cases at the end of the fiscal year. Destroy 50 years after cutoff. Records are maintained in the system until destroyed.

#### 11. Sensitive Questions

As stated, victims of sexual assault have two options when reporting information regarding an incident. Victims may consent to a full collection of information, which will initiate an investigation through the election of the Unrestricted Reporting option. Alternatively, victims may report in a way that enables them to receive assistance without initiating an investigation through the election of a Restricted Report. If a victim elects the Restricted Reporting option, no PII will be collected but full or limited SAPR services may be available. Non-military or federal employee victims of sexual assaults involving members of the Armed Forces may only file an Unrestricted Report, with the exception of adult military dependents. In this way, no collected information violates the Privacy Act, as implemented by DoD 5400.11-R.

If an individual elects the Unrestricted Reporting option, PII elements collected include Social Security Numbers, race, and ethnicity. A Social Security Justification Memorandum was initially signed and approved authorizing the collection of SSN in April 2014. An updated justification was approved on July 12, 2019 and will be renewed in three (3) years. A copy is attached.

By the very nature of the system, information regarding sexual activity is collected. All information on sexual activity, however, is collected per Congressional requirements. Additionally, race and ethnicity categories are in compliance with those outlined in DoD Manual 7730.47-M, Volume 1, "Defense Incident-Based Reporting System (DIBRS): Data Segments and Elements," a copy of which is included with this package.

#### 12. Respondent Burden and its Labor Costs

##### Part A: ESTIMATION OF RESPONDENT BURDEN

##### 1) Collection Instrument(s)

[DD2910, Unrestricted Reports]

- a) Number of Respondents: 5640
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 5640
- d) Response Time: 2.5 hours
- e) Respondent Burden Hours: 14,100 hours

[DD2910, Restricted Reports]

- a) Number of Respondents: 2176
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 2176
- d) Response Time: 1 hour

e) Respondent Burden Hours: 2176 hours

[DD2910-2, Retaliation Reports]

- a) Number of Respondents: 53
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 53
- d) Response Time: 2.5 hours
- e) Respondent Burden Hours: 132.5 hours

[DD2910-1, Replacement Reports]

- a) Number of Respondents: 0
- b) Number of Responses Per Respondent: 0
- c) Number of Total Annual Responses: 0
- d) Response Time: 30 minutes
- e) Respondent Burden Hours: 0

[DD 2910-3, Return of Victim's Personal Property]

- a) Number of Respondents: 2
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 2
- d) Response Time: 30 minutes
- e) Respondent Burden Hours: 1

[DD 2910-4, CATCH]

- a) Number of Respondents: 376
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 2870
- d) Response Time: 2.5 hours
- e) Respondent Burden Hours: 940

2. Total Submission Burden

- f) Total Number of Respondents: 8247
- g) Total Number of Annual Responses: 8247
- h) Total Respondent Burden Hours: 17,349 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

[DD2910, Unrestricted Reports]

- a) Number of Total Annual Responses: 5640
- b) Response Time: 2.5 hours
- c) Respondent Hourly Wage: \$26.31
- d) Labor Burden per Response: \$65.78
- e) Total Labor Burden: \$370,971

[DD2910, Restricted Reports]

- a) Number of Total Annual Responses: 2176

- b) Response Time: 1 hour
- c) Respondent Hourly Wage: \$26.31
- d) Labor Burden per Response: \$26.31
- e) Total Labor Burden: \$57,250.56

[DD2910-2, Retaliation Reports]

- a) Number of Total Annual Responses: 53
- b) Response Time: 2.5 hours
- c) Respondent Hourly Wage: \$26.31
- d) Labor Burden per Response: \$65.78
- e) Total Labor Burden: \$3,486.08

[DD2910-1, Replacement Reports]

- a) Number of Total Annual Responses: 0
- b) Response Time: 30 minutes
- c) Respondent Hourly Wage: \$26.31
- d) Labor Burden per Response: \$0
- e) Total Labor Burden: \$0

[DD 2910-3, Return of Victim's Personal Property]

- a) Number of Total Annual Responses: 2
- b) Response Time: 30 minutes
- c) Respondent Hourly Wage: \$26.32
- d) Labor Burden per Response: \$13.16
- e) Total Labor Burden: \$26.32

[DD 2910-4, CATCH]

- a) Number of Total Annual Responses: 376
- b) Response Time: 2.5 hours
- c) Respondent Hourly Wage: \$26.31
- d) Labor Burden per Response: \$65.78
- e) Total Labor Burden: \$24,733.28

2) Overall Labor Burden

- a) Total Number of Annual Responses: 8247
- b) Total Labor Burden: \$456,467.24

The Respondent hourly wage was determined by using the Department of Labor Wage Website (<http://www.dol.gov/dol/topic/wages/index.htm>)

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

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instrument(s)

[DD2910, Unrestricted Reports]

- a) Number of Total Annual Responses: 5640
- b) Processing Time per Response: 1.5 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$41.66
- d) Cost to Process Each Response: \$62.49
- e) Total Cost to Process Responses: \$352,443.60

[DD2910, Restricted Reports]

- a) Number of Total Annual Responses: 2176
- b) Processing Time per Response: 1.5 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$41.66
- d) Cost to Process Each Response: \$62.49
- e) Total Cost to Process Responses: \$135,978.24

[DD2910-2, Retaliation Reports]

- a) Number of Total Annual Responses: 53
- b) Processing Time per Response: 1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$41.66
- d) Cost to Process Each Response: \$41.66
- e) Total Cost to Process Responses: \$2,207.98

[DD2910-1, Replacement Reports]

- a) Number of Total Annual Responses: 0
- b) Processing Time per Response: 0 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$0
- d) Cost to Process Each Response: \$0
- e) Total Cost to Process Responses: \$0

[DD 2910-3, Return of Victim's Personal Property]

- a) Number of Total Annual Responses: 2
- b) Processing Time per Response: 1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$41.66
- d) Cost to Process Each Response: \$41.66
- e) Total Cost to Process Responses: \$83.32

[DD 2910-4, CATCH]

- a) Number of Total Annual Responses: 376
- b) Processing Time per Response: 1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$41.66
- d) Cost to Process Each Response: \$41.66
- e) Total Cost to Process Responses: \$119,564.20

- 2) Overall Labor Burden to the Federal Government
  - a) Total Number of Annual Response: 10,741.10
  - b) Total Labor Burden: \$506,377.30

#### Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
  - a) Equipment: \$0
  - b) Printing: \$10,000
  - c) Postage: \$0
  - d) Software Purchases: \$0
  - e) Licensing Costs: \$0
  - f) Other: \$0
  
- 2) Total Operational and Maintenance Cost: \$0

#### Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$506,377.3
- 2) Total Operational and Maintenance Costs: \$10,000.00
- 3) Total Cost to the Federal Government: \$620,277.34

#### 15. Reasons for Change in Burden

The burden has increased since the previous approval due to an increase of respondents and the new collection of information reported on DD Form 2910-3 and DD2910-4.

#### 16. Publication of Results

Aggregate data collected in DSAID will be published in accordance with Section 577(f) of PL 108-375, the NDAA for FY2005. Section 596 of PL109-163 (FY2006 NDAA), Sections 532 and 583 of PL 109-364 (FY2007 NDAA), Section 567 of PL 111-84 (FY2010 NDAA), Section 1631 of PLXXX (FY2011 NDAA), Sections 575 and 579 of PL 111-383 (FY2013 NDAA), Section 542 of PL 113-291 (FY2015 NDAA), Section 543 of PL 114-328 (FY2017 NDAA), and Section 537 PL 115-XXX (FY2018 NDAA) impose additional requirements for the report. These mandates require the collection of sexual assault information involving members of the Armed Forces annually and that the publication of this data be submitted to Congress.

In order to protect individual privacy, only de-identified data is 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.