

## SUPPORTING STATEMENT A

### ***Part A. Justification:***

#### 1. Necessity of Information Collection.

The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) in August 2015 to provide tribes access to national crime information systems for both civil and criminal purposes. TAP allows tribes to more effectively serve and protect their nation's citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems. By the end of fiscal year 2018 TAP will be deployed to 47 tribes with over 150 tribal criminal justice and civil agencies participating. The service provides software to enable tribes to access national crime information databases and/or a kiosk-workstation that provides the ability to submit and query fingerprint-based transactions via FBI's Next Generation Identification (NGI) for both criminal and civil purposes.

In order to make informed decisions about participation in TAP, the Department of Justice has developed an application for use by federally recognized tribes interested in participating in TAP. The application includes information about current challenges to access that the tribe is facing as well as information and data about the current level of access and participation in national crime information systems. The application will enable tribes to think comprehensively about their needs for TAP as well as their planned usage of the information systems. In addition, the Department of Justice will improve decision making during the selection process when increased TAP participation is possible.

#### 2. Needs and Uses

While the Violence Against Women Act of 2005 (VAWA) and the Tribal Law and Order Act of 2010 (TLOA) require the Attorney General to ensure that tribal law enforcement officials who meet applicable federal or state requirements be permitted access to national crime information databases, the reality is that the ability of tribes to fully participate in national criminal justice information sharing via state networks depends upon various regulations, statutes, and policies of the states in which a tribe's land is located. As a result, the Department of Justice (DOJ) repeatedly has heard from tribes that they face barriers to accessing and entering information into national crime information databases. In August 2015, DOJ initiated the Tribal Access Program for National Crime Information (TAP) to address these barriers. The DOJ Office of the Chief Information Officer (OCIO) operates TAP, but in reality, it is a collaboration between OCIO, DOJ's Office of Tribal Justice (OTJ), DOJ's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), FBI's Criminal Justice Information Systems Division (CJIS), DOJ's Office of Community Oriented Policing Services (COPS), and the tribes themselves. TAP consists of three primary elements: access, technology, and training. Access to national crime information databases is provided via the OCIO, which acts as the CJIS Systems Agency (CSA) for tribes unable or unwilling to access CJIS-managed services through state networks. Tribes participating in TAP receive an integrated workstation that includes a

computer, fingerprint/palmprint scanner, integrated camera (for mugshots and photographs of scars, marks and tattoos); flatbed scanner (for capture of inked fingerprint cards); a printer; and an optional ruggedized kiosk cabinet. The three software applications on the workstation provide access to over half a dozen criminal information databases including the National Crime Information Center (NCIC); FBI's fingerprint and biometric system, Next Generation Identification (NGI); the national repository of criminal histories, the Interstate Identification Index (III); and the International Justice and Public Safety Network (Nlets). TAP also provides tribes on-site training as well as access to an online Training and Learning portal containing training videos, job aids, fact sheets, and certification tests for CJIS Awareness Training and NCIC usage. The Department of Justice also offers TAP-Law Enforcement Only, or TAP-LEO, under the umbrella of TAP. TAP-LEO provides software that provides full access (both query and entry capabilities) to national crime information databases such as National Criminal Information Center (NCIC), the Interstate Identification Index (III) and the International Justice and Public Safety Network (Nlets) for law enforcement use only.

The TAP application is designed to enable tribes interested in participating in TAP to provide information regarding their points of contact, planned uses for TAP, current access capabilities, and acknowledge DOJ conditions around participating in the program. Development and refinement of the application involved working across all federal stakeholders to design an application that meets everyone's needs while minimizing the burden for the applicants. Under this request, the DOJ will request that federally recognized tribes interested in participating in TAP complete the application. The next solicitation of interest in TAP is expected to occur in mid to late 2018. Although we do not know the specific tribes that may submit an application, we have made estimates on the level of interest in participating based on past experience with TAP, and this is reflected in our overall burden estimates. Pending funding availability, DOJ would expect future solicitations of interest to expand TAP in 2019 and beyond.

### 3. Efforts to Minimize Burden

Efforts were made to minimize the burden on respondents. In designing the application questions were carefully considered and efforts were made to avoid duplication. Only information and data that is essential to convey the current access, planned uses, contact information and acknowledgements are included.

The estimated average time required to complete the application is 60 minutes per respondent.

### 4. Efforts to Identify Duplication

There is no duplicative effort. The application and surveys do not duplicate a current information collection instrument.

### 5. Methods to Minimize Burden on Small Business

There is no significant impact on small business or other private entities.

6. Consequences of Less Frequent Collection

The collection will only occur when an open period for TAP participation is available and selections of new participating tribes is made. A less frequent collection is not possible.

7. Special Circumstances Influencing Collection

There are no special circumstances that would influence the collection of information pertaining to the TAP application and surveys.

8. Reasons for Inconsistencies with 5 CFR 1320.6

There are no inconsistencies with 5 CFR 1230.6

9. Payment or Gift to Respondents

No government funds will be used as payment or for gifts to respondents.

10. Assurance of Confidentiality

The Department of Justice is committed to protecting the confidentiality of individual respondents. An Information Collection Request–Privacy Assessment has been completed with the DOJ Office of Privacy and Civil Liberties that determined that a privacy notice is not required.

11. Justification for Sensitive Questions

There are no questions of a sensitive or personal nature in the application or surveys.

12. Estimate of Hour Burden

While it is difficult to say how many tribes will apply to participate in TAP, we made reasonable estimates based on previous expressions of interest in the program. The estimated hour burden to respondents for completing the application is no longer than 60 minutes and the total time burden across all tribes applying is estimated at 50 hours (see chart in Section 13 below).

***Total hour burden for collection instrument: 60 minutes per respondent and total time burden is estimated to be 50 hours.***

13. Estimate of Cost Burden

Completing the TAP application will not generate any costs other than those associated with the respondents' time. Therefore, the direct cost of the application and surveys is \$0.00.

In developing salary estimates, the Department of Justice used the Bureau of Labor Statistics

Division of Occupational Employment data to estimate that the average hourly wage for an Administrative Services Manager is \$47.56<sup>1</sup>. We therefore calculate Salary-based Cost of Burden using a mean hourly wage of \$47.56. Given the figures for Total Time Burden, the estimated Salary-based Total Cost of Burden across all agencies covered under this request is \$4,756.00.

Time and Cost Burden Estimates for the TAP application

| A.<br>Total No. of Tribes Completing Application | B.<br>Time Burden per Tribe (in hours) | C.<br>Total Time Burden (in hours) | D.<br>Total Salary-based Cost of Burden (C x \$47.56) |
|--|--|------------------------------------|---|
| 50   | 1                                      | 50                                 | \$2,378.00  |

**Total Salary-based Cost of Burden is estimated to be \$4,756.00.**

14. Estimated Annualized Cost to Federal Government

The Department of Justice will administer this process with existing personnel thus there is no estimated cost to the federal government.

15. Reason for Change in Burden

This is a first-time request so there is no change in burden.

16. Publication

The Department of Justice will not produce any publications based on this information collection.

17. Request not to Display OMB Control Number

The Department of Justice will display the OMB approval number and expiration date on the upper right hand corner of the collection instrument.

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<sup>1</sup> US Bureau of Labor Statistics Division of Occupational Employment, 11-3011 Administrative Services Manager, <https://www.bls.gov/oes/current/oes113011.htm> (May 2016).

18. Exceptions to Certification Statement

The Department of Justice does not request an exception to the certification of this information collection.