

2009 Supporting Statement OMB 0596-0170

Law Enforcement and Investigations Ride-Along Program

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Law Enforcement and Investigations Ride-Along Program allows the general public or other interested persons to accompany Agency law enforcement personnel as they conduct their normal field duties, including access to and discussions about Agency law enforcement vehicles, procedures, and facilities. This program provides an opportunity for officers to enhance the public's understanding and support of the Forest Service's law enforcement program while the officers learn about public and community issues and concerns.

The program offers the additional benefit of aiding the Agency's recruitment program by allowing interested persons to observe and participate in innovative intern-type programs. This access also provides the Agency with an opportunity to showcase the quality of the law enforcement program and services.

Two forms are required to be submitted by all applicants who wish to participate in the program: FS-5300-33 - Program Information Statement and Application, and FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

While the collection of this information is not required by any specific law or administrative regulation, this is a common activity of law enforcement agencies throughout the country. Experience of other agencies and recommendations of the USDA Office of General Counsel indicates that the Agency faces potential liability if applicants are not carefully screened to eliminate inappropriate candidates such as criminals desiring access to law enforcement information, persons who pose a threat to Agency personnel or the public, and persons with on-going adverse contact with law enforcement. In addition, as protection for the Agency from liability claims, applicants must be fully advised of the risks and waive liability of the government.

The Agency has received written confirmation from the Department of Justice that conducting background investigations (using the National Crime Information Center (NCIC)) for such a purpose is common within law enforcement for the above reasons, and that such actions are authorized by general laws and regulations governing use of this data.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**
 - a. What information will be collected - reported or recorded? (If there**

are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)

Information collected includes name, aliases, date of birth, social security number, addresses and telephone numbers (work and home), and other miscellaneous information .

- b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.**

This information is collected from any person who voluntarily approaches the Forest Service and wishes to participate in the program.

- c. What will this information be used for - provide ALL uses?**

This information is used by the Forest Service and, when appropriate, by any person or entity needed and authorized by the Forest to provide needed background information (primarily applicable to local law enforcement agencies maintaining state justice records, and by the FBI). The complete application is viewed only by the collecting and approving Agency Law Enforcement and Investigations personnel for the purpose of evaluating and deciding on the application.

- d. How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?**

FS-5300-33 - Program Information Statement and Application: Information collected includes name, aliases, date of birth, social security number, addresses and telephone numbers (work and home), and other miscellaneous information .

FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement: This is a liability waiver form that the applicant signs to indicate they have read the liability agreement.

Forms FS-5300-33 and FS-5300-34 will be filed according to Forest Service regulations under file code 5300 and retained for 5 years.

- e. How frequently will the information be collected?**

Annually

- f. Will the information be shared with any other organizations inside or outside USDA or the government?**

This information is used by the Forest Service and, when appropriate, by any person or entity with the need to know and authorized by the Forest to provide needed background information (primarily applicable to local law enforcement agencies maintaining state justice records, and by the FBI). The complete application is viewed only by the collecting and approving Agency Law Enforcement and Investigations personnel for the purpose of evaluating and deciding on the application.

- g. If this is an ongoing collection, how have the collection requirements**

changed over time?

The collection requirements have not changed over time.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Both forms require an original signature on file, therefore only a paper copy collection of the information will occur.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Information collected is specific to each individual Law Enforcement sub-unit of the Forest Service, based upon the individuals who apply to that sub-unit for approval to participate in the program at that location.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

The collection of this information does not impact small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Collection of this information is critical to protect the safety of agency law enforcement personnel and programs, and the liability of the government of the United States of America. The program would not exist if the information is not collected. In addition, the desired goals of enhanced citizen involvement and understanding, along with improved agency recruitment, would not be met either.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- Requiring respondents to report information to the agency more often than quarterly;**
- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- Requiring respondents to submit more than an original and two copies of any document;**
- Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the uni-**

verse of study;

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Federal Register Notice was published on March 17, 2009 (FR, Vol. 74, No.50, Page 11345). There were no comments from the public in response to this Federal Register notice.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Forest Service has consulted with the following individuals and interested parties:

- David Cuthbertson, Section Chief, Programs Support Section, Federal Bureau of Investigation, (304) 625-2864 regarding the use of information collected to obtain information from NCIC/III. Such use was approved and recommended procedures for obtaining the information through local terminal operators was provided.
- Information was solicited from a variety of federal and local law enforcement agencies, including, but not limited to Felicia Probert, BLM, (208) 387-5131 **AND** Greg Jackson, National Park Service, (202) 513-7128

regarding examples of like programs underway and procedures used by them.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

No payment or gift is provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

This information will be protected from disclosure to the extent authorized by law. The collection, maintenance, and disclosure of background investigative information is governed by the Privacy Act, 5 U.S.C. 552a(b), Exemption (k)(2) Non-criminal law enforcement records and Privacy Act System USDA/FS-33 – Law Enforcement and Investigation Records.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not ask questions of a sensitive nature.

12.

13. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

- a) Description of the collection activity
- b) Corresponding form number (if applicable)
- c) Number of respondents
- d) Number of responses annually per respondent,
- e) Total annual responses (columns c x d)
- f) Estimated hours per response
- g) Total annual burden hours (columns e x f)

(a) Description of the Collection Activity	(b) Form Number	(c) Number of Respondents	(d) Number of responses annually per Respondent	(e) Total annual responses (c x d)	(f) Estimate of Burden Hours per response	(g) Total Annual Burden Hours (e x f)
Program Information Statement and Application	FS-5300-33	100	1	100	5 minutes (.083 hour)	8.3
Assumption of Risk, Waiver of Liability, and Indemnity Agreement	FS-5300-34	100	1	100	5 minutes (.083 hour)	8.3
Totals	---	---	---	---	---	16.6

Record keeping burden should be addressed separately and should include columns for:

- a) Description of record keeping activity: None
 - b) Number of record keepers: None
 - c) Annual hours per record keeper: None
 - d) Total annual record keeping hours (columns b x c): Zero
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

(a) Description of the Collection Activity	(b) Estimated Total Annual Burden on Respondents (Hours)	(c) Estimated Average Income per Hour	(d) Estimated Cost to Respondents
FS-5300-33 - Program Information Statement and Application	8.3	\$10	\$83
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity	8.3	\$10	\$83

Agreement			
Totals	16.6	---	\$166.00

1)

14. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital operation and maintenance costs.

15. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The response to this question covers the actual costs the agency will incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:

- Employee labor and materials for developing, printing, storing forms
- Employee labor and materials for developing computer systems, screens, or reports to support the collection
- Employee travel costs
- Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information
- Employee labor and materials for collecting the information
- Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information

(a) Description of the Collection Activity	(b) Forms Processing Time per Applicant	(c) Estimated Average Income per Hour of Processor	(d) Total Estimated Cost per Applicant (b) x (c)	(e) Applicants per year	(f) Subtotal (d) x (e)
FS-5300-33 - Program Information Statement and Application	15 minutes (.25 hour)	GL-09 \$23.16/hour	\$5.79	100	\$579
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement	15 minutes (.25 hour)	GL-09 \$23.16/hour	\$5.79	100	\$579
Totals	30 minutes (.5 hour)	---	----	----	\$1,158

(a) Description of the Collection Activity	(g) Approval and Monitoring per applicant	(h) Estimated Average Income of Supervisor	(i) Total Estimated Cost per Applicant (g) x (h)	(j) Applicants per year	(k) Subtotal (i) x (j)
---	--	---	---	----------------------------	---------------------------

FS-5300-33 - Program Information Statement and Application	30 minutes (.5 hour)	GS-12 \$32.40/hour	\$16.20/hour	100	\$1,620
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement	30 minutes (.5 hour)	GS-12 \$32.40/hour	\$16.20/hour	100	\$1,620
Totals	1 hour	----	----	----	\$3,240

(a) Description of the Collection Activity	(l) Sub-total Item k	(m) Sub-total Item f	(n) Total Estimated Cost per Applicant
FS-5300-33 - Program Information Statement and Application	\$1,620	\$579	\$2,199
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement	\$1,620	\$579	\$2,199
Totals	\$3,240	\$1,158	\$4,398

Total annualized cost to the Federal government: \$4,398

16. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

No program change or adjustments

17. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

Results/information collected will not be published

18. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not seeking waiver of requirement to display OMB approval number and expiration date.

19. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."

The Agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-1.