

The 2013 Supporting Statement for OMB 0596-0170

Forest Service Law Enforcement and Investigations Ride-Along Program

October 2012

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.**

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- 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 Service 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?**

Form 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.

Form 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 General. These forms will be retained for 5 years, in accordance with Forest Service Handbook 6209.11, Chapter 40. No electronic copies of completed forms are maintained. All completed forms are maintained as hard copies and are locked in a secure area by the officers' supervisor or Regional Office.

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

Information is collected from program participants once annually. Program participants shall be restricted to four ride-a-longs in Forest Service law enforcement vehicles per year, unless the special agent in charge authorizes

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an exception to this restriction. Family members are limited to two exemptions from the application requirements in FSM 5358.11a per year (see FSM 5358.11b).

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 Service 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.

Per Forest Service Manual 5300, Chapter 50, Section 58: all forms require participants to submit forms to Agency Law Enforcement and Investigations personnel in person with an original signature, to be kept 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 during a specific period of time.

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

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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.

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;**

Respondents are only required to submit information when they wish to participate in the Ride-A-Long program.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Although there is no requirement to respond in fewer than 30 days, the nature of the response is such that respondents typically prepare their response fewer than 30 days prior to the approval of their request and commencement of their participation in the program. FS requires the forms to be filled out prior to participating in the Ride-A-Long, only to the extent that will enable enough time to conduct a preliminary background investigation and approval from chain of command. Generally this time frame is from a few days to two weeks, depending on workload of personnel entering information to NCIC and when the respondent will be participating.

- **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 universe 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 other special circumstances. The collection of information is

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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.**

The Federal Register Notice was published on July 02, 2012 (FR, Vol. 77, No.127, Page 39208). Forest Service received one comment from the public in response to this Federal Register notice.

This comment was received from usacitizen1@live.com. The respondent felt that the program did not help the American public and only was in place to have lobbyists and other government officials perform ride-alongs. For that reason the program should be shut down.

Forest Service did not respond to this comment.

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 Forest Service consulted with the following individuals and agencies:

- Bradley Clawson, NPS, (301)714-222; Clawson stated that as an agency they did not have an agency policy, but each park has its own program and will probably use some of USFS policy for his park.
- Tim Engman, US Border Patrol, (202)325-3315; thought that it looked very thorough and complete from his perspective.
- Greg Lawler, DOI, (202)208-1570; Did not have any negative feedback and thought that the policy looked quite good. Lawler stated that he may make some small word changes in the form, but they were just his style vs. changing the meaning.

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 consulted with the following individuals each of whom have participated with the program:

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- Stephen Betts (541)326-2527; Betts enjoyed his participation in the program and learned quite a bit from participating. He did not have a problem with supplying the information requested on the form.
- Zachary Koch (847)208-7180; Koch enjoyed the program and found it to be very beneficial. Koch also thought that the forms were appropriate and needed for the program.
- Kyle Tucker (541)777-7678; Tucker thought the program was very informative and learned a lot about FS LEI. When questioned about the forms he stated that they were appropriate and that it is what we should be doing in order to have the "right people" participating in the program.

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. 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. Record keeping burden should be addressed separately and should include columns for: a) Description of record keeping activity; b) Number of record keepers; c) Annual hours per record keeper; and d) Total annual record keeping hours.

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There is no record keeping requirement of the respondents associated with this information collection.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Table 1. Total Number of Respondents During Fiscal Years 2009-2011.

(a) Description of the Collection Activity	(b) Form Number	(c) Number of Respondents ¹		
		FY2009	FY2010	FY2011
Program Information Statement and Application	FS-5300-33	84	81	120
Assumption of Risk, Waiver of Liability, and Indemnity Agreement	FS-5300-34	84	81	120
Total Number of responses	---	168	162	240

¹The number of respondents were supplied by all regions.

For this submission there are 150 respondents, 300 responses for 24 burden hours. See separate spreadsheet for breakout of burden and cost under supplementary documents.

Concerning Number of Respondents (c), estimates were formulated by reviewing the previous three year period and noticing a trend in an increase of respondents. It is my opinion that with the current economic situation and increasing amounts of returning veterans, that there will be an increase of interest with Forest Service Law Enforcement during the upcoming 3 years.

Concerning the Estimate of Burden Hours (f), forms were given to four different individuals (ages and genders) and times stated were an average time it took all four to fill out the form.

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There is such a wide variety of demographics and salary range of individuals requesting to participate in the FS Ride-A-Long program, it was felt that a national average should be used in determining the average income. Determining the estimated average income for a respondent to accomplish the collection of information, information was obtained from the "Bureau of Labor News Release" to obtain estimated average income per hour for an occupational employee based upon the May 2011 value, \$22 (rounded to the nearest whole dollar) (http://www.bls.gov/news.release/archives/ocwage_03272012.htm).

- 13. 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 start-up/capital or operation/maintenance costs associated with this collection.

- 14. 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

Table 2. Estimated cost to Government

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(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 \$25.77/hour	\$6.44	150	\$966
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement	15 minutes (.25 hour)	GL-09 \$25.77/hour	\$6.44	150	\$966
Totals	30 minutes (.5 hour)	---	---	---	\$1932

(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 \$37.37/hour	\$18.68/hour	150	\$2,802
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement	30 minutes (.5 hour)	GS-12 \$37.37/hour	\$18.68/hour	150	\$2,802
Totals	1 hour	---	---	---	\$5,604

(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	\$2,802	\$966	\$3,768
FS-5300-34 - Assumption of Risk, Waiver of Liability, and Indemnity Agreement	\$2,802	\$966	\$3,768
Totals	\$5,604	\$1,932	\$7,536

Total estimated annualized cost to the Federal government: \$7,536

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

The previously approved burden hours of 16 has increased to 24 due to an increase in the estimated number of respondents from 100 to 150. The associated cost to respondents has changed from \$166 to \$538 due to an

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increase in the average respondent hourly wage estimate, and due to an increase in the estimated number of respondents and associated burden hours.

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

Results/information collected will not be published

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

OMB approval number and expiration date will be displayed on all Information Collection instruments.

18. 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-I.