

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
OMB # 1140 -XXXX

Informant Agreement - ATF Form 3252.2/ Acuerdo del Informante – ATF Form 3252.3

A. JUSTIFICATION

1. Necessity of Information Collection

The Office of Field Operations, Special Operations Division, oversees and manages ATF's Confidential Informant (CI) Program. ATF Special Agents (SAs) and Task Force Officers (TFOs), also identified as CI handlers, utilize CIs to assist in investigating criminal activity. Since the use of a CI is a sensitive matter and requires the association of CI handlers with individuals whose motivations may be suspect or ultimately challenged by courts, this investigative technique is carefully controlled and closely monitored. A CI can be utilized after properly identifying, documenting, and receiving approval from the Special Agent in Charge. Once approved, the individual is registered as an active CI.

The Department of Justice (DOJ), Attorney General's Guidelines Regarding the Use of Confidential Informants or (the Guidelines) paragraph II, part C., Instructions, mandate that written instruction be reviewed with and provided to the CI. The content and meaning of each of the instructional points must be clearly conveyed to the CI. Immediately after the instructions are given, the CI handler must require the CI to acknowledge his/her receipt and understanding of these instructions. The CI handler will use the Informant Agreement (ATF F 3252.2) / (ATF F 3252.3) Informante del Acuerdo for this purpose.

The Guidelines require collection of the information at time of registering a CI and annually, thereafter. CI handlers will use the ATF F 3252.2/ATF F 3252.3 to repeat the instruction and documentation procedures whenever it appears necessary or prudent to do so, or at a minimum, annually.

2. Needs and Uses

The information provided on ATF F 3252.2/ATF F 3252.3 will be collected and maintained by ATF's Office of Field Operations. The ATF F 3252.2/ATF F 3252.3 is not a contract. The purpose of the collection is to document that written instruction(s) were reviewed with and provided to the CI. After clearly conveying the content and meaning of each instructional point, the CI must initial each instruction and then sign and date the completed ATF F 3252.2/ATF F 3252.3 .

3. Use of Information Technology

ATF F 3252.2/ATF F 3252.3 will be a fillable and accessible form that will be made available to CI handlers on the ATF intra-web. However, the form will be unavailable to the wider public via the ATF website. The CI handler will complete the form by entering their title, first and last name, and the full legal name of the CI. The CI handler will complete the form in preparation for review with the CI. The form will subsequently be deemed complete with signatures by the CI, a witness, and the CI handler. Due to the nature of CI operations, neither the CI nor the witness will be able to complete or sign the form electronically. After completion, review, and wet signatures by all relevant individuals, the form will be scanned and stored electronically as a pdf file in the CI's record within ATF's Confidential Informant Master Registry and Reporting System (CIMRRS).

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system for forms to identify duplication and to ensure that any similar information already available cannot be used or modified for the purpose of this information collection.

5. Minimizing Burden on Small Businesses

The collection of information has no impact on small businesses.

6. Consequences of Not Conducting or Less Frequent Collection

The consequences of not conducting this information collection would result in ATF's loss of a valuable law enforcement tool. All DOJ law enforcement organizations (except the Federal Bureau of Investigations) must comply with the Guidelines. Reviewing instructions and documenting receipt and understanding of these instructions are pertinent and mandatory. Annual collection is absolute to reaffirm instruction to the CI, as well as the agreement between ATF and the CI.

7. Special Circumstances

This information will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Public Comments and Consultations

No comments were received during either the 60-day or 30-day Federal Register Notice Period.

9. Provision of Payments or Gifts to Respondents

ATF will not provide any payment or gift of any type to respondents, simply for providing information required by this collection.

10. Assurance of Confidentiality

ATF F 3252.2/ATF F 3252.3 will be maintained electronically in CIMRRS electronic CI record system. The information contained in the CI file/record is protected by the Privacy Act of 1974. In accordance with the Federal Information Processing Standard 199 Categorization, CIMRRS is identified as a High Value Asset and determined to be a Major Application. Therefore, information contained in CIMRRS is protected in accordance with Federal standards applicable to a Major Application.

CI information is protected by ATF personnel in accordance with the Guidelines, the Privacy Act of 1974, and ATF's policy. ATF's internal policy, as outlined in ATF O 3252.1B, Use of Confidential Informants, aligns with the Guidelines and the Privacy Act of 1974. All legal means will be used to maintain the confidentiality of the identity of the individual but this cannot be guaranteed because a registered CI may be required to testify before a grand jury and at any subsequent hearing and trial. Additionally, published routine uses that may be applied include A., To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record; C., To appropriate federal, state, local, foreign, or tribal law enforcement authorities for law enforcement purposes – criminal civil, or regulatory; E., In an appropriate proceeding before a court or administrative or regulatory body when records are determined by the Department of Justice to be arguably relevant to the proceeding; F., To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings; and M., To individuals and organizations in the course of an investigation to the extent necessary to obtain information pertinent to the investigation. of the published routine uses of that system of records. paragraphs several he information collected becomes a part of the CI record and is included in Criminal Investigation Report System-Justice/ATF-003 (68 FR 3553-5) and is subject to

11. Justification for Sensitive Questions

The form does not contain sensitive questions.

12. Estimates of Respondent's Burden

The number of respondents associated with this collection is 2,000. The total annual responses is 2,000. The time it takes to complete the form is 6 minutes. The total annual burden associated with this collection is 200 hours, which can be calculated as follows: (2,000 respondents x .10 (6 minutes) = 200 hours).

13. Estimate of Cost Burden

Cost is non-existent as completion and submission of the form is coordinated by the CI handler. The CI handler will upload the completed and signed document into ATF's CIMRRS system. Therefore, number 14 on the 83-I will be reported as zero (0).

14. Cost to the Federal Government

There is no cost to the Federal Government.

15. Reason for Change in Burden

There are no changes associated with this submission.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date of OMB approval for this information collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. STATISTICAL METHODS

None