

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
OMB # 1140 - XXXX
Reactivation Suitability Request - ATF Form 3252.5

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 (SAC) or his/her designee. 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) subparagraph II, A. 1, Initial Suitability Determination, mandate that an initial suitability report and recommendation must be completed. In addition, subparagraph II, B., Registration, mandates that the CI's official file shall, at a minimum, include a photograph of the CI, validation of the CI's identity, the CI's criminal history report, the initial suitability report and recommendation, and any promises or benefits given the CI. The CI handler will use the Initial Suitability Request - ATF Form 3252.4 for this purpose. When a former CI is reinstated, the process is very similar. The CI handler will use the Reactivation Suitability Request - ATF Form 3252.5 for this purpose.

2. Needs and Uses

The information provided on ATF Form 3252.5 will be collected and maintained by ATF's Office of Field Operations. The purpose of the collection is to document a potential CI's information, in order to make an adjudicative determination regarding the individual's suitability to become a CI. The form will specifically address the individual's personally identifiable information, immigration information (if applicable), residential, employment and educational information, criminal history and conduct information, the type of information the individual may have previously provided as a CI, and information that addresses the individual's suitability. ATF Form 3252.5 will

also be used to record the suitability determination for the individual to become a CI for ATF.

3. Use of Information Technology

ATF Form 3252.5 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 all of the information when interviewing the potential CI. The CI handler will complete the form in preparation for review an adjudication determination made by the SAC or his/her designee. The form will subsequently be deemed complete when all information is provided, and the form is electronically signed and dated by the CI handler. The CI handler will be required to complete and sign the form electronically. After completion, the form and all required attachments (as indicated on 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).

The suitability determination will be made electronically within CIMRRS. If CIMRRS is not readily available for any reason, the ATF F 3252.5 will be used to record the recommendation made by the Resident Agent in Charge (RAC) or Group Supervisor (GS), and the final decision of the SAC or his/her designee. Under these circumstances, the RAC or GS, and SAC or his/her designee must sign and date the form electronically.

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 use 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. Making a suitability determination for a potential CI is pertinent and mandatory.

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 the 60-day Federal Register Notice period. However, a 30-day notice will be published in the Federal Register to solicit public comments.

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 3252.5 will be maintained electronically in CIMRRS electronic CI record system. The information contained in the CI 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, the 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, the 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 several paragraphs of the published routine uses of that system of records. 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.

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 50. Each respondent will answer once to this information collection annually. Therefore, the total annual response is 50. The time it takes to complete the form is 120 minutes. Therefore, the total annual burden associated with this collection is 100 hours, which can be calculated as follows: 50 respondents x 2 hours (120 minutes).

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 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