

SUPPORTING STATEMENT FOR Reactivation Suitability Report

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 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 utilize the Reactivation Suitability Request – ATF Form 3252.5 for this purpose.

ATF is authorized by 28 USC 599A, Bureau of Alcohol, Tobacco, Firearms and Explosives and 28 CFR 0.130, General Functions and 5 CFR 410.503, Records.

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.

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, to make an adjudicative determination regarding the individual's suitability to become a CI. The form specifically addresses 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. 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.

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 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. 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 A.2 above.

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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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

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. 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 universe of study;**
- **requiring the use of 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.

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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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 60-Day Notice was published in the Federal Register on February 13, 2023 (88 FR 9304). The comment period ended on April 12, 2023. No comments were received.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

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

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

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 (82 FR 24147) 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. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and 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.

The form does not contain sensitive questions.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
ATF Form 3252.5	50	1	50	120min	100hrs	\$31.74	\$3,174
<i>Unduplicated Totals</i>	<i>50</i>		<i>50</i>		<i>100hrs</i>		<i>\$3,174</i>

Hourly rate: <https://www.bls.gov/ooh/protective-service/police-and-detectives.htm>

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate 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 service component.

The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

The annual IC cost burden for this collection is \$0.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The cost to the federal government is \$0.

15. Explain the reasons for any program changes or adjustments.

ATF F 3252.5 is currently in use; however, the revised version, subject to review, modified the format of most data fields on the form. Many of the fields were revised from narrative (i.e., sentence) format to question format (i.e., yes/no, with narrative for yes responses).

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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.

We are requesting no exemption.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.