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**1.1 What is the purpose of this chapter?** This chapter:

- A.** Provides U.S. Fish and Wildlife Service (Service) Office of Law Enforcement (OLE) personnel with the overall requirements and process for documenting case management activities, and
- B.** Introduces the authorities and terms used for all the chapters in Part 449.

**1.2 What is the scope of the chapters in Part 449?**

- A.** The chapters in Part 449 apply to all Office of Law Enforcement (OLE) officers who enforce laws administered by the Service and to the administrators who support them.
- B.** This chapter focuses on all case management documentation. 449 FW 2 discusses specifics about Reports of Investigation (ROIs) and investigative leads.
- C.** We use the term 'officer' throughout the chapters in Part 449 for OLE special agents and wildlife inspectors. If a special agent may perform an activity but a wildlife inspector must not (and vice versa), then we use those individual terms instead of "officer." See sections 1.4D and Q for information showing the difference between a case officer and a supporting officer.

**1.3 What is the authority for the chapters in Part 449?** The authority for the chapters in Part 449 is the Lacey Act (16 U.S.C. 3375).

**1.4 What terms do you need to know to understand the chapters in Part 449?**

- A. 1-A Envelope.** Case officers use the 1-A envelope to store original documents and related items that are referenced in a case report or are otherwise useful to an investigation. Such items may include original photos, document packages, licenses, affidavits, and wildlife identification or lab reports.
- B. Administrative Documents.** Administrative documents are documents necessary for the proper administration of an investigation that are generally not intended to become part of the ROI. These include:

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**(1)** Letters and internal correspondence, including email, faxes, and draft documents between prosecuting attorneys, defense attorneys, attorneys from the U.S. Department of the Interior's Solicitor's Office (SOL), and the Service, or similar correspondence.

**(2)** SOL opinions; copies of relevant Federal, State, and foreign laws; case law; or other legal documents used for reference.

**(3)** Maintenance records, including chain of custody forms, evidence storage logs, and other documents used to provide secure custody and control of evidence.

**(4)** Government memorandums, miscellaneous letters, newspaper and magazine articles, and other commentary.

**(5)** Documents concerning procedural matters, such as:

**(a)** Use of Special Funds by the Office of Law Enforcement (450 FW 1).

**(b)** The Use of Undercover Businesses by the Office of Law Enforcement (447 FW 2).

**(c)** Consensual Monitoring (LE-9, Consensual Monitoring).

**(d)** Mail Cover Requests (CD-B22, National Guidance for Mail Cover Requests).

**(e)** Requests to Prosecute, and

**(f)** Operational Plans (LE-21, Operations Involving the Execution of Search Warrants and Arrest Warrants).

**C. Administrative Update.** An Administrative Update is a module in the Law Enforcement Management Information System (LEMIS), see section 1.4L, that allows case officers to update a case when there was no investigative activity during the reporting period because the case is "on hold" pending final action or final disposition by other parties (see section 1.5C).

**D. Case Officer.** The case officer is the officer responsible for managing an investigation and reporting facts and circumstances relating to the investigation, as well as the final adjudication and any appeals.

**E. Complaint of Violation.** A Complaint of Violation (COV) contains an allegation of a specific violation of Federal wildlife law(s) or regulation(s) for dissemination to a specific Region or office. Officers create and disseminate COVs using the LEMIS Intelligence (Intel) Subsystem.

**F. Government Attorneys.** We use the term "Government attorneys" in Part 449 to mean attorneys of the U.S. Department of Justice (DOJ); the SOL, including their Regional Solicitors; and prosecuting attorneys from the States, tribes, foreign governments, or other organizations that assist us with prosecutions.

**G. Inspector Alert.** An Inspector Alert is information sent out to wildlife inspectors that contains legal or policy information, including foreign law and information received from the Convention on International Trade in Endangered Species (CITES) Secretariat, among other sources. The Headquarters office of OLE generates and disseminates Inspector Alerts.

**H. Intelligence (Intel) Bulletin.** An Intel Bulletin contains information requiring timely dissemination to one or more wildlife inspectors, special agents, or other OLE or law enforcement personnel.

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**I. Intelligence (Intel) Records.** OLE personnel create Intel Records in the LEMIS Intel Subsystem primarily to document information about alleged illegal activity. Intel Records may also contain background and reference information in support of OLE activities.

**J. Investigation (INV) Number.** An INV number is a unique number generated when the case officer opens an investigation in LEMIS. The INV number identifies the year the investigation was opened and the originating investigative Region, followed by a sequence of automatically generated numbers.

**K. Investigative File.** The investigative file consists of investigative reports and other materials relating to the investigation. Personnel use it in conjunction with the A-1 envelope (containing original documents, etc.). The investigative file may include, but is not limited to:

- (1) Grand jury material,
- (2) Administrative documents,
- (3) Officer notes,
- (4) Photographs,
- (5) Audiotapes,
- (6) Affidavits,
- (7) Property disposition documents,
- (8) Statements from others,
- (9) Abandonment forms,
- (10) Chain-of-custody documents,
- (11) Letters,
- (12) Forensic reports, and
- (13) Any other documents or forms relating to a specific investigation.

**L. LEMIS.** LEMIS is a database OLE personnel use to process and store investigations, intelligence, and other records.

**M. Lead.** A lead is a request for investigative assistance from another law enforcement office or Region. The office or Region transmits a lead using the Administrative Page of an ROI. The lead identifies the subject or witness, or both; city; State; and assistance needed.

**N. Lead Completed ROI.** The supporting officer completes a lead completed ROI when he/she completes the task requested in a lead from another Region. If the lead came from the same Region, he/she may use the ROI or a Record of Information that May Become Testimony (FWS Form 3-332).

**O. LEMIS Identification Database (LID).** The LID is a subsystem of LEMIS that assigns a set of specific characters and numbers to each subject (individual or business) in LEMIS. A LID record includes basic identifying information about the subject such as name, physical description, other personal identifiers (e.g., driver's license), business name, address, and contact information. A LID may be linked to other

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relevant investigation or intelligence records. Personnel do not enter witnesses, informants, and permit applicants in the LID subsystem.

**P. Report of Investigation (ROI).** An ROI documents information about investigative activities involving violations of law(s) that the Service enforces. OLE personnel use LEMIS to enter, review, approve, and store this information.

**Q. Supporting Officer.** The supporting officer conducts and documents the results of an investigative lead that the case officer has requested.

**R. Violation Notice (VN).** A VN is an official charging document we use to:

(1) Require a defendant to appear in the United States District Court before the United States Magistrate, or

(2) Give a defendant a choice of two options:

(a) Pay a fine shown on the VN (FWS Form 3-219), or

(b) Plead not guilty and promise to appear in court.

**S. Working Documents.** Working documents are related to a specific investigation and are usually the basis for future ROIs. They may include:

(1) Notes taken during an investigative activity, such as during an interview or while conducting surveillance. Retain notes in their original format until all legal proceedings, including appeals, are completed. Should questions about the retention of notes come up, contact the appropriate prosecuting attorney for direction about retaining original notes. Notes include not only handwritten notes and sketches, but also original photographic digital images and audio and video recordings.

(2) Transcripts of recorded conversations.

(3) Property and evidence-related documents and receipts.

(4) LEMIS, National Crime Information Center (NCIC) and other law enforcement computer system printouts, Servicewide Permits and Information Tracking System (SPITS) reports, or similar reports.

(5) Miscellaneous letters, email, internet queries, and other correspondence or commentary.

(6) Miscellaneous documents such as invoices, shipping documents, affidavits, photographs, receipts, canceled checks, or other items that you may also include as evidence if warranted by the facts of the case.

**1.5 What are the steps OLE personnel take to document the management of ongoing investigations?**

**A. Opening an Investigation.** After beginning to work on an investigation, as soon as practical, the case officer must advise his or her immediate supervisor of the start of the investigation. The officer must obtain a LEMIS-generated INV number within 15 calendar days of initiating an investigation (CD-A18, Time Frames to Input Investigative Data into LEMIS), unless directed otherwise by his/her supervisor.

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**B. First Report of Investigation (ROI).** The case officer must submit the first ROI to his/her immediate supervisor within 30 calendar days of obtaining a LEMIS INV number, unless directed otherwise by his/her supervisor (see 449 FW 2 for detailed information about the content and format of ROIs).

(1) In cases requiring no additional investigative work, instead of the 30 days, an officer has 90 days from the date of abandonment of the case to submit the first ROI.

(2) The first ROI must be submitted and approved before requesting:

(a) Undercover operation approvals,

(b) Investigative leads from supporting Regions (see 449 FW 2 for more information on investigative leads),

(c) Prosecution, or

(d) A mail cover.

(3) The first ROI should, at a minimum, provide enough information for the reader to understand why the investigation was initiated, a general description of the activity being investigated, and the names of suspects, if known. See 449 FW 2 for more detailed information.

**C. Updating ROIs.** After the case officer submits the first ROI, he or she must electronically approve and submit to his/her immediate supervisor an updated ROI at least every 90 days. After determining no further investigation is possible in the foreseeable future (see section 1.5C(3)), an officer may stop submitting ROIs.

(1) **Administrative updates:** The LEMIS Case Administrative Update Module was added to make it easier for case officers to comply with our policy about 90-day updates. The module reduces the administrative burden of generating and approving ROIs when no investigative activity occurs and the investigation is pending due to circumstances outside the case officer's control. In some circumstances, the officer can assign a status code that shows there is no need to update the ROI other than to indicate it's "on hold." Otherwise, he/she must update the ROI.

(a) Table 1-1 is a list of case status codes that case officers should use in such circumstances.

<b>Table 1-1 Case Status Codes for Administrative Updates of ROIs</b>	
<b>Code</b>	<b>Description</b>
AP	Case on Appeal
CP	Civil Penalty Pending
FG	Foreign Court Pending
FP	Federal Criminal Prosecution Pending
RP	Request to Prosecute Approval Pending
RS	Referred to Solicitor
SP	State Prosecution Pending
TP	Tribal Court Pending

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(b) If substantive updates are available for a case with one of the status codes in Table 1-1, the case officer must write a new ROI to document the change in status. An example of a legitimate use of the module would be: *"Case referred to AUSA on March 3, 2007 (see R004). On June 5, 2007, AUSA stated the case was still under review. "*

(c) The case officer cannot use administrative update codes for cases with outstanding leads or closed leads.

(d) All case reports must be approved before an officer can use the administrative update feature.

(e) Officers may only use administrative updates when there is no reportable activity during the reporting period.

(f) Administrative updates will only be allowed if they are made within 10 days of the case becoming delinquent.

(g) Officers must include a justification statement when using the administrative update feature.

(h) When an officer submits an administrative update, an email notice will be sent to all report approvers in the supervisory approval chain. The Special Agent in Charge (SAC), Assistant Special Agent in Charge (ASAC), Resident Agent in Charge (RAC), or Supervisory Wildlife Inspector (SWI) may review an administrative update and reject it.

**(2) Updates when transferring an investigation:** If an investigation is transferred, the first line supervisor must ensure that the case officer writes an ROI to document the reassignment of the case and to change the case officer in LEMIS. The new case officer has responsibility for managing the investigation after the transfer is transmitted through the ROI.

**(3) Updates when no further investigation is possible (NI):** Officers do not have to update ROIs every 90 days when investigations are in the NI status. The officer uses the synopsis in the ROI to explain why the case is in the NI status and to estimate when he/she expects investigative activity to resume. A case may be in NI status when suspects are not available, there are no suspects or leads, the illegal activity is seasonal, or as authorized by the SAC. The case officer must change the status of the case once investigative activity resumes. A case in NI status is an open investigation and should remain open unless the RAC determines that an officer should close it.

**D. Review and Approval of ROIs.** The SAC of each Region must ensure the accuracy, completeness, and timelines of ROIs. The SAC establishes the sequence for LEMIS approval based on the needs of his/her Region.

(1) Each designated approver must review and electronically approve the ROI before sending it to the next approver in the sequence. Reviewers must analyze the quality and content and ensure that the investigation is progressing satisfactorily.

(2) If a reviewer rejects an ROI, the case officer must edit the ROI appropriately and begin the approval process again.

(3) The Regional SAC or ASAC is the final approver for all ROIs in a Region. The SAC may designate the RAC or SWI as the final approver for simple abandonment or reports of refused clearance cases that involve no additional enforcement or forfeiture action.

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**E. Maintaining Investigative Files.** The case officer is responsible for maintaining the investigative file for all open investigations. With the advent of the eROI system, the Regional Office no longer maintains official hard copies of ROIs. When recommending closure of an investigation, the case officer must send all 1-A material to the Regional LE office for storage (also see section 1.10).

**F. Actions That Require an INV Number.** You must obtain an INV number before you can send evidence to the lab, request consensual monitoring approval, special funds, or dispose of evidence.

**1.6 What needs to happen when there is an appeal of a conviction or a judicial determination?**

**A.** When a Federal court case is appealed, the case officer must work through his/her immediate chain of command through the SAC to the SAC/INV to notify HQ/OLE as soon as possible. Officers must notify HQ/OLE in all such cases, whether or not the appeal is taken on behalf of the defendant or the Government.

**B.** The SAC/INV notifies and coordinates with SOL and DOJ, as necessary.

**C.** The case officer also must change the case status to AP (Appeal) and document it in an ROI.

**1.7 How do officers document interviews, surveillance, and other similar investigative activities?**

Officers must use the LEMIS-generated FWS Form 3-332 (Record of Information that May Become Testimony) to document and describe an interview, surveillance, or other similar activity. Whenever they use the form, they must include it as an attachment to the ROI. The officer should briefly summarize the form within the "Details of Investigation" section of the ROI and ensure that both documents are consistent.

**1.8 How do officers store items that may be valuable as evidence?** Officers must use a 1-A envelope or other secure evidence storage to store items that may be evidence.

**A. Purpose:** Using the 1-A envelope (FWS Form 3-306) provides a consistent location in the case file to maintain documentary or other small items that may be evidence.

**B. Contents:** Items that officers must maintain in the 1-A envelope include, but are not limited to, originals of the following:

- (1) Records of Information (FWS Form 3-332);
- (2) Statements (signed or unsigned, including affidavits);
- (3) Warnings and waivers of rights;
- (4) Consents to search;
- (5) Inventory of seized property;
- (6) Notes or other written material developed during interviews, including working papers;
- (7) Sketches or written notes developed during the investigation that document searches, surveillance activities, or other investigative actions;
- (8) Laboratory reports and reports of wildlife identification;
- (9) Documentary evidence; and

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(10) Photographs and photograph logs.

**C. Instructions:** The case officer must label the 1-A envelope with the INV number and case title.

(1) They must log items in the 1-A envelope by item number in the spaces provided on the front of the envelope in the order they are collected/received.

(2) For each entry they must include the item number, date collected/received, a description of the item, the location of the item (1-A envelope or other location), and the disposition of the item if it is not inside the 1-A envelope.

**D. Security and Retention:** The case officer must properly secure the 1-A envelope and its contents until the case is closed. When an investigation is ready for closure, the officer sends the 1-A envelope to the SAC in the Regional OLE office at the same time he/she approves the final ROI (with a status of Recommended for Closure (RC)) in LEMIS. The Regional office maintains these files for a minimum of 20 years (see 283 FW 2, Disposition Schedules and the Service's Disposition Manual).

**1.9 How do case officers complete VNs correctly?**

**A. Violation Notice (VN).** A VN (FWS Form 3-219) is a charging document Service special agents, wildlife inspectors, and refuge officers use to charge many of the misdemeanor violations of Federal wildlife laws and regulations they encounter.

**B. Restricted Use.** Use of a VN may be restricted by the courts or the U.S. Attorney in any Federal Judicial District.

**C. Format and Completion.** The format and design of the VN is dictated by the Administrative Office of the United States Courts, Central Violations Bureau (CVB). Since the format changes periodically, please refer to the online version of the latest CVB Manual. Officers should contact their immediate supervisor or the CVB ([cvbmail@cvb.gov](mailto:cvbmail@cvb.gov)) for questions about completing and processing the VN.

**D. VN Generated in the LEMIS Investigative Subsystem.** We prefer that officers use LEMIS to generate a VN. When an officer initiates and opens an investigation, he/she should follow the prompts in the LEMIS Investigative Subsystem to generate the VN. When circumstances require the officer to immediately issue a VN, he/she may use a pre-printed sequentially numbered VN (ticket book).

**E. Forfeiture of Collateral Schedules.** A forfeiture of collateral schedule is basically a listing of the fines for specific violations. These schedules are specific to judicial districts and officers should maintain current approved forfeiture of collateral schedules for all of their areas of investigative responsibility. Officers must follow procedures and forfeiture of collateral guidance in their districts when issuing VNs. Officers may only deviate from the forfeiture of collateral schedule specific to their areas of investigative responsibility when authorized to do so by the U.S. Attorney General or the court.

**F. Charging Documents from Other Agencies.** When an officer assists with an investigation where another agency prosecutes the violation, the officer must document those charges in the LEMIS Investigative Subsystem by obtaining an INV number and giving the case the status of "SP" for State Prosecution or "RI" for Referrals to Another Investigative Agency (e.g., from The National Oceanic and Atmospheric Administration, United States Environmental Protection Agency, The Federal Bureau of Investigation, etc.) Once the case is adjudicated, the officer must report the adjudication in the ROI and change the status to "RC" for recommended closure. Table 1-2 lists the other status designations.

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Table 1-2 Report Status Codes	
Code	Description
AP	Case on Appeal
CF	Civil Forfeiture Action
CP	Civil Penalty Pending
FC	Forfeiture of Collateral Issued
FP	Federal Criminal Prosecution Pending
NI	No Investigation Possible in Foreseeable Future
P	Pending
PD	Disposition of Property Pending
RS	Referred to the Solicitor
SP	State Prosecution Pending
LC	Lead Closed
LP	Lead Pending
RC	Recommended For Closure
RI	Referrals to Another Investigative Agency
XX	Unknown
RP	Request to Prosecute Approval Pending
RA	Prosecutive and Administrative Referrals
TP	Tribal Court Pending
FB	Foreign Court Pending

**1.10 How do officers close investigative files?** Case officers should consult with their supervisor before recommending a case for closure.

A. Cases may warrant closure when:

- (1) Criminal (civil, when appropriate) prosecution is declined,
- (2) An indictment is not returned by the grand jury,
- (3) The prosecution of the defendant is complete,
- (4) The subject is unidentifiable,
- (5) No violation is substantiated,

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(6) Property is forfeited or abandoned, or

(7) The case is transferred to another agency.

**B.** The case officer must ensure the case is closed in a timely and proper manner by:

(1) Providing a final investigative report that summarizes the adjudication of the charges filed and final disposition of seized evidence or property,

(2) Disposing of grand jury material as directed by the Federal prosecutor, and

(3) Reconciling expenditures of special funds (purchase of evidence/information or covert business) according to The Use of Special Funds by the Office of Law Enforcement (450 FW 1), and The Use of Undercover Businesses by the Office of Law Enforcement (447 FW 2).

**1.11 What is an Intelligence Record and how do officers create them?**

**A.** Intelligence (Intel) Records help OLE to share intelligence information among law enforcement and judicial personnel while still conforming with the privacy and constitutional rights of individuals. Officers enter Intel Records in the LEMIS Intel Subsystem. Intelligence that is already recorded under an investigation in the LEMIS INV system generally should not be duplicated in the LEMIS Intel Subsystem.

**B.** Authorized OLE personnel compile wildlife-related intelligence in Intel Records. They also may contain background and reference information in support of OLE activities. An Intel Record can remain as a record, or an officer can flag it as an Intel Bulletin, an Inspector Alert, or a COV (see section 1.11C).

**C. Creating Intel Records.** Officers must log into LEMIS and proceed to the Intel Subsystem. The officer then selects "Create a New Intelligence Record" and completes all relevant fields under the LEMIS Intel Subsystem Policy. When the officer has added the subjects and completed the record, he/she sends it to his/her immediate supervisor for approval.

(1) **Creating an Intelligence Bulletin.** If the officer determines that the Intel Record requires timely dissemination to one or more Regions or offices, the officer must select "Yes" in the Intel Bulletin field. When the Intel Record is approved, the Intel Unit will automatically receive an email notification that an Intel Bulletin has been requested. The Intel Unit reviews the record and disseminates it to appropriate OLE personnel.

(2) **Creating an Inspector Alert.** Only HQ/OLE personnel may create and disseminate Inspector Alerts. If field personnel have information that they think warrants an Inspector Alert, they should consult with HQ/OLE personnel.

(3) **Creating a COV.** If an officer determines that the intelligence is an allegation of a specific violation of Federal wildlife law(s) or regulation(s) that should be disseminated to a specific Region or office, the officer must select "Yes" in the COV field. A new window will appear requiring the officer to enter information about dissemination of the COV. When the Intel Record is approved, the person who approves it (officer, supervisor, etc.) disseminates the COV as required using the "email link" feature at the bottom of the record. When the information links to a specific investigation, the receiving Region/office will have access to the case.

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**1.12 What is a prosecution brief?** A prosecution brief is a document, usually prepared by the case officer, outlining the facts and other relevant information of the case in support of a criminal prosecution.

**A. Purpose.** In a long and complex investigation, a prosecution brief helps the prosecuting attorney understand the investigation and prepare for prosecuting the case. The brief is not part of our investigative reporting system. The format and content often vary from one U.S. Attorney's office to another. Officers and other OLE personnel must treat prosecution briefs as attorney-client privileged information, and they should label them appropriately. Case officers should consult with their U.S. Attorney's office to ensure the proper information is provided to the prosecutor in the prosecution brief.

**B. Format.** The format for prosecution briefs varies depending on the U.S. Attorney's Office. Without guidelines from the prosecuting attorney, officers may use the following outline:

**(1) Synopsis of Investigation.** The synopsis provides an overview of the investigation, including why it was started, what the objectives were, how it was conducted, and the general results. It should include a brief and clear description of the violations and the relation to the defendant(s). This is a very important section. A prosecutor may decide if a case warrants prosecution based on this one section alone.

**(2) Description of Subject(s) and Criminal History.** This section gives a detailed description of each defendant, including full name, address, date of birth, and other significant information. The reporting officer should include a complete criminal history and document the disposition of each relevant prior violation when possible.

**(3) Laws Violated.** This section identifies the specific statutes, regulations, and corresponding jurisdiction for each violation the defendant committed. Prosecuting attorneys normally ask us to describe the laws violated in the format of a charging document. The officer should identify the sentencing classification of the offense (i.e., Class A, B, or C misdemeanor or Class E felony) and the maximum penalty for each violation.

**(4) Witness List.** This section lists each of the witnesses, including officers, who are referred to in the ROI. The witness list should include names, business addresses, home addresses (for witnesses who are not law enforcement personnel), email addresses, and telephone numbers to allow the prosecuting attorney to contact witnesses. The first witness listed should always be the case officer. The witness list should not include law enforcement personnel's home addresses or home telephone numbers.

**(5) Testimony for Grand Jury.** This section identifies the case officer, assisting officers, or key witnesses who should be called to testify before the grand jury. The reporting officer should specify what each individual will be able to testify about.

**(6) Testimony for Trial.** This section identifies the case officer, assisting officers, or key witnesses who should be called at trial. The reporting officer should indicate what each individual will be able to testify about and what he/she can introduce at trial as evidence.

**(7) Evidence.** Under this heading, reporting officers should list the evidence necessary to substantiate each violation and identify its secure storage location.

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**(8) Items to be Forfeited and Estimated Value.** Under this heading, reporting officers should list items subject to forfeiture, their estimated market value, and a statutory citation for the authority to forfeit the item(s). The officer should indicate the need for criminal versus civil forfeiture.

**(9) Referral to ROI.** Information in prosecution briefs should reference the location of the original information in the ROI by report number and page number. In most cases the officer should include a copy of all pertinent ROIs with the prosecution brief.

**(10) Draft Sentencing Guideline Calculation.** The Conservation and Wildlife section (2Q2) of the Federal Sentencing Guidelines Manual contains the formulas for calculating sentences for most wildlife-related crimes. To help prosecutors calculate a sentence within the guideline range, the case officer may provide this information and include possible offense enhancements applicable to each defendant.

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DEPUTY DIRECTOR

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