



449 FW 2

Reports of Investigation (ROIs) and Investigative Leads

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2.1 What is the purpose of this chapter?

A. This chapter provides policy and procedures for U.S. Fish and Wildlife Service (Service) Office of Law Enforcement (OLE) officers and other personnel on the format, management, and administration of Reports of Investigation (ROIs).

B. The chapter directly addresses case officers and the personnel who support them when developing ROIs.

C. For information on how ROIs fit into the overall process of case management documentation, when and how often ROIs are updated, and how they are used throughout an investigation, see [449 FW 1](#).

2.2 What are the authorities and the terms you need to know to understand this chapter? See [449 FW 1](#) for a list of all the authorities and terms you need to know for the chapters in Part 449.

2.3 What is the overall purpose and audience of an ROI?

A. Purpose of an ROI. The ROI gives OLE personnel a systematic and secure method to document investigative activity. OLE personnel enter information into the Law Enforcement Management Information System (LEMIS) investigations subsystem, which is then used to generate the ROI and other reports associated with an investigation. This standardization ensures that officers use a consistent format, organization, and style of reporting so that all officers, managers, and others can easily understand the reports. OLE designed the ROI to be flexible enough for simple and adequate reporting of minor offenses while also providing a mechanism for documenting activities associated with complex and lengthy investigations. Case officers update ROIs regularly to reflect ongoing investigative activities (see [449 FW 1](#) for information about when and how often they are updated).

B. Audience. The following groups of readers typically review ROIs:

(1) Prosecuting Attorneys. Prosecuting attorneys use ROIs to determine which, if any, charges should be filed, and as a basis for civil or criminal litigation.

(2) Managers. Managers routinely use ROIs for management purposes, such as providing guidance, overseeing employees, and making informed decisions on the direction of investigations. ROIs also serve as a mechanism for allocating resources (e.g., funding, personnel, and equipment).

(3) Officers. Officers use ROIs when making decisions on the course of investigations, distributing information about the investigation to others, forwarding investigative leads, and preparing for a trial.

(4) Others. Although ROIs are written primarily for the benefit of prosecuting attorneys and managers, other individuals and organizations (e.g., defendants and their attorneys, special interest groups, private citizens, and the media) may gain access to these documents.

2.4 What are the essentials of a good ROI?

A. An ROI should clearly convey the facts of the investigation to the reader. A good ROI is accurate, complete, organized, concise, objective, and chronological.

(1) Accurate. Accuracy is essential when writing ROIs. An ROI should report the facts of an investigation. Report relevant facts precisely. Quotes must be exact and contained within quotation marks. Avoid stating opinions or other information that may insinuate a bias. You may include officer notes in parenthesis or brackets to clarify information for the reader, but indicate they are your notes (e.g., “OFFICER NOTE: ...”).

(2) Complete. Document all information that is relevant to the investigation so that officers, managers, and prosecutors can make informed decisions about the investigation, prosecution, and sentencing. The ROI must be detailed enough so that an officer can rely on it for accurate testimony in future legal proceedings. Clearly identify and document any exculpatory evidence or relevant information favorable to the defendant that you uncover during the investigation.

(3) Organized. Organize the ROI in a way that makes it easy for readers to locate relevant information (see [sections 2.5](#) and [2.6](#) for information on essential elements).

(4) Concise. Only put the substantive information needed to present a clear message to the readers in the ROI. Use plain language—not police jargon. Avoid repetition, including irrelevant information, and writing lengthy descriptions of attachments.

(5) Objective. Be objective. Report facts fairly and impartially and in a manner that requires little or no explanation.

(6) Chronological. Document the facts in chronological order whenever possible. When the information is presented chronologically, it more clearly shows a time line of relevant facts and events in the investigation.

B. Write ROIs in the third person, e.g., “Officer Jones interviewed the subject.” When you reference officers for the first time, use their common full titles (Special Agent, Wildlife Inspector, Refuge Officer, or State Conservation Officer) and their first and last names (e.g., Special Agent Rhonda Jones). In subsequent references, use the abbreviated title followed by the officer’s last name (e.g., “SA Jones”).

C. You may use acronyms in ROIs and related documents. Spell out the word or words that identify the title, entity, or organization the first time it appears in the ROI, followed by the acronym in parentheses. You can then use the acronym as needed throughout the ROI.

2.5 What is the format officers must use for ROIs? The ROI consists of the required LEMIS-generated cover page; the required investigative report template containing the details of the investigation and other headings such as subjects, witnesses, evidence, and attachments; and the required Administrative Page template.

A. LEMIS ROI Cover Page. The LEMIS ROI cover page identifies the report number, case title, specific case management information, and report status. It provides a synopsis of the content of the ROI. Follow the requirements below when inputting information into LEMIS and obtaining a cover page for each ROI. The cover page is not numbered but is considered page 1 of the ROI.

(1) Case Title. The capitalized case title should include the name of the subject(s) of an investigation.

(a) When corporations or businesses are subjects, use full company names.

(b) When the subject is an individual, list the name in the following format: LAST NAME, FIRST NAME, MIDDLE NAME OR INITIAL.

(c) For two or three subjects, use the subjects’ last names separated by a “/.” If two or three subjects have the same last name, use the last name and first initials.

(d) If there are more than three subjects, use the principal subject’s name followed by the notation “et al.”

(e) If the investigation involves an unknown subject, use a brief description that identifies the circumstances and location of the violation, e.g., 6 BALD EAGLES FOUND DEAD: ANCHORAGE, ALASKA.

(f) For covert, complex, or task force operations, you may use an operation or project name. When using an operation name, you may reference the defendant(s) discussed in the report (e.g., OPERATION HAULOUT (Re: Doe, John)).

(2) Subjects of Report. List subjects of the report with assigned permanent LEMIS Identification Database (LID) numbers under the “Subjects of Report” heading on the cover page. You do this by linking the LID to the ROI. Make sure you query the LID

subsystem before assigning a new LID so that you don't duplicate records. If you don't know the subject's first or last name, do not enter the subject in the LID system. When you refer to an unknown subject in the ROI and you know one name but not the other, you may write it as First Name Unknown (FNU) or Last Name Unknown (LNU) (e.g., BROWN, First Name Unknown (FNU). If no name is known, you can enter FNU/LNU.

(3) Synopsis. Include a brief synopsis of the case report on the cover page. Summarize the material information documented in the case report—do not just refer the reviewer to the narrative. The synopsis is what LEMIS users see when they query a case in LEMIS. It helps the reader determine what report they want to read without having to open all the reports in the investigation.

(4) Case Status. The case status on the cover page should show the status for that reporting period. Only list the status under the "Case Status" heading—not elsewhere in the report.

(5) Report Distribution and Approval List. Ensure that the case distribution list is correct and appropriate individuals have access to all or parts of the report.

(6) External Distribution List. List anyone outside OLE who must receive a copy of the report under the "External Distribution List" heading.

B. Narrative. Write the ROI in a narrative style in the format provided in the current LEMIS template and using the headings described in [section 2.6](#). You can either electronically generate an ROI narrative within LEMIS or upload a completed and finalized ROI (using the approved template) into the LEMIS Investigative Subsystem. You must scan, upload, and label attachments as described in [section 2.6G](#) and the "Attachments" section of the ROI template.

C. Numbering Pages. The LEMIS ROI cover page is the first page of the ROI. The first page of the Details of Investigation is page two of the ROI and so on. Number ROI pages (except the cover page) as the page number followed by the total number of pages (e.g., 2 of 5.) Do not include any page numbers of attachments as part of the page numbering of the ROI. Administrative pages must be numbered separately from the ROI.

D. Highlighting Subject Names. The first time you use the name of a subject under investigation, use the first and last name of the individual or the complete business name in CAPITAL LETTERS. Don't put officers', witnesses', or non-subjects' last names in capital letters. For subsequent references, only use the last name or abbreviate a business's name in CAPITAL LETTERS. For example, for a business called "TRAIL CREEK HUNTING AND FISHING LODGE," you write it out the first time and then you may subsequently refer to it by an abbreviation, such as "LODGE."

E. Cooperating Private Individuals. A Cooperating Private Individual (CPI) (or informant) is a person who OLE pays for information or whose information-gathering OLE directs. OLE conceals its relationship with CPs. OLE assigns CPs a LEMIS-generated CPI number, which OLE uses to identify the CPI in the ROI and elsewhere. Only refer to CPs in the ROI by their LEMIS-generated CPI numbers—do not use T-numbers. Avoid gender-specific references to the CPI. For security reasons, the true identity of the CPI and other relevant information is maintained elsewhere in LEMIS.

F. Report Headings for Details of the Investigation. Following the LEMIS cover page, the ROI starts with the heading "DETAILS OF INVESTIGATION." Write all headings in underlined capital letters, bold type, and left-justified. You can find examples of the headings and their order of appearance in [section 2.6](#). If there is no new information within a particular heading, enter: "No New Information."

2.6 What are the headings officers must include in the ROI?

A. DETAILS OF INVESTIGATION. The information in the DETAILS OF INVESTIGATION section provides a chronological narrative of the facts and progression of the investigation. It contains the basic “who, what, when, where, how, and why” of the investigation. The first ROI should begin with how the information came to the attention of the case officer.

(1) Subheadings. Use subheadings in the Details of Investigation section to further clarify separate investigative events or activities. For example, use separate subheadings for information received during an interview, events associated with execution of a warrant, a telephone conversation with a witness, and a summary of laboratory analysis of evidence. Left-justify the content of the subheadings and write in regular, bold type. Do not underline the title or content of subheadings. The title of the subheadings should briefly describe the investigative activity or event and date, e.g., “Contact and Interview of Witness on January 30, 2011” or “Results of Forensics Examination.”

(2) Summary of Detailed Information Included as Attachments. Because you may also receive a document that contains lengthy or detailed information about the investigation, you may summarize the important parts of the information under a subheading in this section and include a copy of the original document as an attachment to the ROI.

(a) When you include an attachment(s) and reference it in the narrative of the report, identify and number the attachment(s) in the order you present them and use the phrase, “See attachment # ____.” Follow the reference with a brief description of the attachment. For example, after summarizing an interview that is an attachment, identify the attachment number and its contents in the first reference (e.g., “See attachment # 1, interview of John DOE”). Then just reference the attachment number. See [section 2.6G](#) below for more information about attachments.

(b) The ATTACHMENTS section of the ROI will contain a sequential listing of all attachments.

B. DESCRIPTION OF SUBJECTS. The DESCRIPTION OF SUBJECTS section provides a full description of all subjects mentioned within the ROI. Follow LEMIS guidelines when assigning LID numbers and linking subjects to specific ROIs.

(1) Subjects. Subjects can be people, organizations, corporations, clubs, companies, etc. Provide all available descriptive information when you write the ROI. The description of a person should include the full name, address, race, sex, date of birth, height, weight, eye color, hair color, social security number, LID number, driver’s license number, telephone numbers, and any other known identifiers. Include additional information in subsequent ROIs as information becomes available.

(2) Juveniles. When documenting the name of a juvenile as a subject in a case report, include a statement in the DESCRIPTION OF SUBJECTS section and on the cover page of the report indicating the report contains the name and biographical data of a juvenile. Include in the statement that the information may be eligible for withholding even after the case is closed in accordance with [5 U.S.C. 552\(b\)\(3\)](#) and [18 U.S.C. 5038](#) (Juvenile Delinquency Act). Following is an example statement:

“This report contains the name and biographical data of a juvenile and is eligible for withholding in accordance with 5 U.S.C. 552(b)(3) and under the Juvenile

Delinquency Act (18 U.S.C. 5038)."

C. PRIOR VIOLATIONS. List the subject's prior violations from the most recent to the oldest. For each subject listed in the report, the officer:

(1) Must, at a minimum, run a query in LEMIS and describe the search results in this section.

(2) Should run a query for prior violations in other available State and Federal data systems and initiate a background check with the National Crime Information Center (NCIC). When available, list the date of the prior violation, jurisdiction, specific law(s) violated, and adjudication of the charge(s). If you don't find any information, enter the following text as appropriate:

"LEMIS, NCIC, and State violation checks on [insert date] returned negative results."

D. WITNESSES. Use the WITNESSES section to list the names, addresses, and telephone numbers of the reporting officer, all law enforcement officers, and other individuals assisting case officers mentioned in the ROI. The reporting officer must be the first witness listed. Do not include residential information for officers or other Government employees serving in official capacity. Information pertaining to CPIs and confidential sources must not be included under the WITNESSES section.

E. LAWS VIOLATED. When a violation is substantiated, complete the LAWS VIOLATED section to include the subject, date of violation, and a full description of the laws and regulations that the subject could be charged with for that specific ROI.

(1) For a Lead Completed ROI, write, "To be determined by case officer."

(2) If the list of possible charges that could be filed is too long, you may identify only those charges that are or are likely to be filed.

(3) Make a distinction between Federal and State charges.

(4) Identify the defendant(s), date(s), jurisdiction(s), specific laws violated, culpability level, and elements associated with each violation.

(5) For a Lacey Act violation, reference all applicable statute citations and the underlying law.

F. EVIDENCE. Use the EVIDENCE section to describe the physical evidence seized by or transferred to OLE that is described within the ROI. Also identify the secure evidence storage location.

(1) Describing Evidence. Describe the evidence in detail. Descriptions of wildlife evidence should include species, quantity, commodity (hide, carcass, horns, and product), sex, condition, and any unusual markings such as tags or tattoos. Descriptions of seized weapons should include make, model, serial numbers, gauge/caliber, etc. All automobiles, vessels, aircraft, and other vehicles that are seized must be fully described by year, model, vehicle/hull identification numbers, serial number, color, and unique characteristics.

(2) Audio Recordings/Video Recordings/Photographs Created by Law Enforcement. You should describe audio/video recordings and photos you've created in

support of the investigation under a separate subheading within the EVIDENCE heading.

(3) Evidence Maintained by Another Agency. Include an “Evidence Maintained by Another Agency” subheading in the EVIDENCE section when evidence was seized and retained by another agency and could be used as evidence in an OLE investigation. Include pertinent information about the evidence, the agency name, and the secure storage location where the other agency is keeping it. Any evidence later transferred to an OLE officer is the officer’s responsibility and must be documented, stored, and disposed of properly.

(4) Disposition of Evidence. Include any information about the disposition of evidence under the EVIDENCE heading and under the DETAILS OF INVESTIGATION heading. Include supporting documentation about disposition as an attachment to the ROI.

G. ATTACHMENTS. Use the ATTACHMENTS section to list all documents or related items that you reference in the ROI, and attach them in the order they appear in the ROI.

(1) Convert documents into PDF files and upload them as attachments in LEMIS. In the bottom, right-hand corner, label them using the attachment and page numbers, e.g., ATTACHMENT # __, Page __ of __.”

(2) Retain original documents in a 1-A envelope or other appropriate method of storage.

(3) Do not include the administrative documents we describe in section 2.10A as attachments.

(4) When you reference an attachment, include a description of it, its date, and the number of pages. For example:

“1) Copy of Form 3-332, Interview of John DOE on January 29, 2007 (five pages).”

2.7 What is the Administrative Page and what is its relationship to the ROI? OLE uses the Administrative Page to provide information that is not appropriate for the narrative section of the ROI. This information includes investigative leads to other Regions and field offices, such as requests to conduct an interview, conduct surveillance, or execute a warrant.

A. You can use the Administrative Page to relay appropriate information about the direction of the investigation, requests for investigative assistance, or recommendations to the Government attorneys. It may serve a variety of purposes, but using it is optional and dependant on the function of a specific ROI.

(1) Do not restate the case status or provide a case synopsis on the Administrative Page.

(2) Avoid stating opinions or other information that insinuates a bias.

(3) Be aware that OLE must provide Administrative Pages to Government attorneys, and they may be discoverable to the defense.

B. If an Administrative Page is needed, it is up-loaded into LEMIS as a separate document from the ROI.

C. The Administrative Page is in the LEMIS Report Subsystem. You may review it in LEMIS and print it as needed. LEMIS generates an "ADMINISTRATIVE PAGE" watermark on the document.

2.8 What are the different types of investigative leads and how do they fit in the ROI?

A. Intra-Regional and Inter-Regional Leads. During an investigation, a case officer may seek investigative assistance from supporting officers either within the Region (intra-Region) or from another Region (inter-Region).

(1) Intra-Regional Requests for Assistance. Normally, case officers do not enter requests for assistance within the Region into the LEMIS Investigative Subsystem. Each Region determines their process for these requests. Typically, supporting officers use FWS Form 3-332 to document responses, but they may also report them in an ROI, depending on the circumstances of the case, agreement of the immediate supervisors, and the needs of the case officer.

(2) Inter-Regional Investigative Leads. When requesting investigative assistance outside the Region of origin, the case officer submits the lead request on the Administrative Page of a stand-alone ROI. The SAC or ASAC in the Region of origin must ensure that an investigative lead sent to another Region is necessary and appropriate. After approval by the SAC/ASAC in the Region of origin, support staff generate investigative leads in the LEMIS Investigative Subsystem and send them to the supporting Region.

(a) Expedited Lead Requests. In exigent circumstances, and with prior SAC/ASAC approval, a Region may request an expedited lead by granting the supporting Region access in LEMIS to the draft ROI containing lead details. The SAC/ASAC must agree that waiting for a formal LEMIS lead request would jeopardize or otherwise negatively impact the investigation.

(b) Reporting an Inter-Regional Investigative Lead. The supporting officer typically documents requested investigative work in a Lead Completed ROI and sends it to the Region of origin within 45 days from the date the investigative lead is received. The SAC in the supporting Region must ensure the timely completion of leads in his/her Region. If an investigative lead cannot be completed within the 45-day limit, the supporting Region must notify the requesting Region about the nature of the delay. The supporting Region is only responsible for completing the requested tasks (e.g., interview, search warrant service, subpoena service, etc.); for reporting the results using a Lead Completed ROI uploaded into LEMIS; and for closing the lead in the Lead Processing Screen in LEMIS. The Region of origin must input the appropriate property, special funds, and violation data into LEMIS.

(c) Requesting support to serve a subpoena or Violation Notice (VN). Coordinate requests with other Regions to serve subpoenas or VNs by notifying the appropriate RAC of that Region. Requests to serve a subpoena or VN do not require a lead if the request does not include an interview or other investigative activity.

B. Coordinated or Joint Enforcement Operations Not Requiring a Lead. Some enforcement actions conducted within or outside the Region of origin do not require investigative leads but do require prior SAC approval. For example, if a Region plans to conduct a search warrant using their own Service special agents in another Region, the first Region must coordinate with the SAC of the other Region, but they do not need to use the lead system in LEMIS. As needed, the Region of origin may provide specific

directions on the appropriate means to document and submit the investigative activity using an ROI, FWS Form 3-332, or some other method.

C. Administrative Leads. Submit requests for assistance that do not involve investigative activity through the LEMIS Investigative Subsystem and identify the specific request on the Administrative Page. For example, import/export declaration packages to HQ/OLE and permit searches or verification requests directed to the Division of Management Authority or the Division of Migratory Bird Management must be submitted as an administrative lead, through the appropriate SAC/ASAC to HQ/OLE. HQ/OLE will use the Lead Closed function to provide information to the requesting officer.

D. Foreign Leads.

(1) Outgoing Foreign Leads. You must coordinate all investigative requests to foreign governments or officers through HQ/OLE. Submit the request in the LEMIS Investigative Subsystem and document it on the Administrative Page of an ROI just as you would an inter-Regional lead.

(a) Identify the request in the subheading (e.g., **Headquarters, Foreign Request at Madrid, Spain**) in bold type, and place it under the heading, INVESTIGATIVE LEADS. HQ/OLE will process these requests as soon as they are received. Allow for the possibility of a longer than expected response time from foreign countries.

(b) Ensure there is a genuine need for certified copies of foreign laws required for court proceedings before requesting them through HQ/OLE. If you request certified copies, you must include the foreign law citations for the relevant sections you need. You can find current foreign laws on the [Library of Congress Web site](#) and in [LEMIS under the Intel record 200891305 of "foreign law."](#)

(2) Incoming Foreign Leads (except Canada). You must coordinate all incoming investigative requests from foreign countries (except those exempted by [CD-B32, U.S / Canada Cross Boarder Assistance](#)) through HQ/OLE. Submit leads received from foreign countries in the LEMIS Investigative Subsystem. HQ/OLE assigns them to the SAC/ASAC of the supporting Region for completion. Document investigative results in an ROI and as a completed lead in LEMIS, and send it through the appropriate channels to HQ/OLE.

(3) Joint Service/Foreign Investigations. You must coordinate joint investigations with foreign countries through HQ/OLE and the SAC/ASAC of the originating/supporting Region(s).

(4) Canada and Mexico Border Investigations. You may coordinate limited investigations that involve border issues shared with Canada or Mexico through the appropriate immediate supervisor and the SAC/ASAC. Once approved, officers stationed along the border ports may, through liaison with the cooperating foreign officials in Canada or Mexico, coordinate investigations in matters limited to local interest and mutually agreed upon investigations. If an investigative lead expands or develops away from the local border area or intersects State/Provincial jurisdictions, you must coordinate with HQ/OLE, who will then coordinate with the affected State or country ([per CD-B32 U.S. / Canada Cross-Border Law Enforcement Assistance](#)).

2.9 What has to be in an Investigative Lead?

A. Background Information. You must submit an ROI requesting a lead as a "stand alone" ROI (i.e., all information necessary to conduct the lead must be in the ROI). In the

narrative section of the ROI under the DETAILS OF INVESTIGATION heading, provide background information on the investigation and identify the person(s) to be interviewed. Complete the additional sections as appropriate given the request for assistance.

B. Lead Information. Use the heading “**INVESTIGATIVE LEADS**” in bold and all capital letters on the Administrative Page to request investigative activity outside your area of responsibility. Use subheadings to identify the Region and geographic location (city and State) where the supporting officer will conduct the lead (i.e., Region 3, at Milwaukee, Wisconsin).

(1) The case officer requesting assistance must provide the results of a complete criminal history check for each individual to be contacted and document the results and date of the query under the heading “Results of Criminal History” on the administrative page.

(2) The case officer also must provide a complete and detailed list of questions or tasks to be performed for each investigative lead. Once an investigative lead has been assigned, the supporting officer should contact the case officer to confirm the investigative activity requested and obtain any additional information or intelligence before conducting the lead.

2.10 What documents and information are not part of the ROI, although they may be part of the investigative file? Certain information relating to an investigation may not belong in an ROI, but may be necessary for the proper management of the investigation. Such information may include administrative documents, working documents, grand jury information, and prosecution briefs. Officers typically keep this information with the investigative file and provide it, as appropriate, to managers, the prosecuting attorney, or to the defense attorney if the prosecuting attorney directs it as part of the discovery process. Written and electronic correspondence is increasingly subject to discovery and officers should keep correspondence to the minimum necessary when conducting an investigation.

A. Administrative Documents (see [449 FW 1](#) for a definition and examples).

B. Working Documents (see [449 FW 1](#) for a definition and examples).

C. Grand Jury Information. Grand jury information is subject to the General Rule of Secrecy as proscribed by Rule (6)(e)(2) of the Federal Rules of Criminal Procedure (FRCP). Rule 6(e) prohibits the disclosure of any information that would reveal "matters occurring before the grand jury." Rule 6(e) does not cover all information developed during the course of a grand jury investigation—only information that would reveal the strategy or direction of the investigation, the nature of the evidence produced before the grand jury, the views expressed by members of the grand jury, or anything else that actually occurred before the grand jury.

(1) Agents should state on the Administrative page of an ROI that the investigation involves use of the grand jury, but not provide any specifics. Only necessary personnel assisting a Government attorney in performing that attorney’s duty to enforce Federal criminal law, after having been advised of their obligation of secrecy under FRCP rule 6 (e)(3), may view grand jury material. Although the case officer should consult with the prosecutor, generally the following personnel may view reports containing grand jury materials in a given case because such review is necessary to assist the prosecutor in performing his or her duties:

(a) Reporting agent(s),

(b) Supervisors in the agent's direct chain of command, and

(c) Administrative staff charged with recordkeeping and review related to reports.

(2) Courts differ widely as to the extent that documents are considered "matters occurring before the grand jury." Therefore, the local rules and the case law in the jurisdiction where the grand jury is sitting should be consulted before any documents are disclosed. In the absence of specific guidance, the officer may summarize and report relevant grand jury information in an ROI as necessary to properly document that information, without revealing where the information came from. With the prosecuting attorney's concurrence, the officer may also include relevant documents as attachments to the ROI without revealing that they came through the grand jury. It is the case officer's responsibility to properly safeguard and store original grand jury material so it is not commingled with other case documents and may be easily located to aid both the prosecution and proper disposition of the material when the investigation is over.

(3) The agent must not distribute grand jury material except as authorized by the Government attorney and following the guidance above.

2.11 What do officers need to know about the sensitivity and security of ROIs and other investigative information?

A. Report Designation.

(1) **Restricted.** ROIs are automatically considered RESTRICTED information. They are "For Official Use Only" for law enforcement purposes. You do not need to stamp each ROI "RESTRICTED" because of the automatic designation. You can find more on safeguarding Privacy Act records in 383 DM 8.

(2) **Sensitive Information.** An ROI and investigative files are designated "sensitive" when they require special protection against unauthorized or inadvertent disclosure.

(a) The SENSITIVE designation applies primarily to covert investigations and those types of investigations involving public employees, such as:

(i) An assault against an OLE employee;

(ii) Investigations of Departmental employees, State wildlife department employees, State or Federal officials, or other people of special significance to the public;

(iii) Investigations involving violations of law over which OLE has jurisdiction; and

(iv) Other investigations designated sensitive by the Chief, OLE. ([Chief Directive CD-B21, Washington Office Monitor Cases](#)).

(b) LEMIS automatically identifies the first page of the ROI as sensitive when the case officer selects "yes" in the sensitive field on the Case Information Screen in LEMIS. When disseminating hard copy reports, OLE personnel must attach a "Sensitive Material Notice" cover sheet (FWS Form 3-2039) to the investigative file including ROIs.

(3) **Headquarters Monitor.** Investigations meeting certain criteria require monitoring by OLE/HQ. The case officer designates such cases as Washington Office (WO) Monitor in LEMIS. When a case is designated in LEMIS as WO Monitor, the SAC of the Branch of Investigations (SAC/INV) is added to the case distribution. For more information on cases requiring WO monitoring, see the [Chief's Directive B21, Washington Office](#)

[Monitor Cases.](#)

(4) Minor Violations by Juveniles. In addition to following the requirements we describe in [section 2.6B\(2\)](#), officers must meet the following requirements when they encounter minor violations by juveniles:

(a) Administratively close a case when the SAC determines that a person under 18 has committed an unintentional minor violation of law under the jurisdiction of OLE.

(b) When appropriate, refer investigations involving juveniles to State authorities for local disposition, and then administratively close the case.

(c) For additional information on investigations of minors, see 445 FW 2 for Service policy on Detention and Arrest, and the Federal Law Enforcement Training Center (FLETC) Legal Division's guidance on advising juveniles of rights under the Federal Juvenile Delinquency Act.

B. Dissemination of ROIs.

(1) Requirements: You may only release an ROI if reviewed and approved by your immediate supervisor and the SAC or ASAC. Disseminate ROIs on a need-to-know basis and release only those portions relevant to a request. See [section 2.8A\(2\)](#) for guidance on disseminating draft ROIs under urgent circumstances.

(2) Methods of Dissemination:

(a) LEMIS. Officers may only transmit ROIs to other OLE personnel electronically within LEMIS. Do not transmit ROIs to other OLE personnel using email.

(b) Mail. You may mail ROIs and attachments only if you use a Service "Special Attention - To be Opened Only By" blue envelope. Write the name, title, and office of the intended recipient on the front of the blue envelope.

(c) Electronic Transmittal. To avoid unauthorized access to ROIs, follow Service policy about sending sensitive and restricted information electronically (see [270 FW 9](#), Email Use and Management).

(d) Facsimile Transmissions. Do not send ROIs via facsimile except in emergency situations. If it is necessary to fax ROI material, you must call before you fax to ensure there is an authorized person available to receive the document at the time it is sent.

C. Storage and Security of Investigative Files.

(1) Access to Documents. The officer, immediate supervisor, and the SAC or ASAC should ensure that only authorized individuals have access to ROIs, associated files, including electronic files, and related items. However, ROIs that are uploaded into LEMIS should never be password protected. All documents should be maintained in a secured area when not in use. The immediate supervisor and the SAC or ASAC should ensure law enforcement offices have a secured storage area to prevent access by unauthorized personnel during non-working hours. All electronic investigative files may only be stored on encrypted laptops or encrypted removable media and storage devices including, but not limited to, external hard drives and thumb drives.

(2) Open Investigations. You must not disclose open files to non-law enforcement agencies except as provided for under the Federal Rules of Criminal Procedure, the Privacy Act, the Freedom of Information Act, or other applicable statutes. The officer, the

immediate supervisor, or the SAC or ASAC may release a copy of the official investigative file, or a part of the official investigative file, to another law enforcement agency, a prosecuting attorney, or SOL for official purposes only. The case officer's supervisor must approve release of any information about an open investigation outside of law enforcement channels with concurrence of the SAC or ASAC. See [454 FW 1](#), Release of Information.

(3) Closed Investigations.

(a) Custodian. The Chief/OLE or his/her designee is the official Custodian of the Records for all investigative records that OLE maintains. The Chief has delegated to the Regional SACs the duty of official custodians of records for their Regions. Custodians may either destroy or continue to retain investigative case files according to Service policy (see [283 FW 2](#), Disposition Schedules, and the [Service Disposition Manual](#).)

(b) Documents and Related Items. Officers must send 1-A envelope materials to the SAC in the Regional LE office for retention after an investigation is closed. The Regional LE office maintains these files for a minimum of 20 years (see [283 FW 2](#), Disposition Schedules and the [Service's Disposition Manual](#)).

(c) Release of Closed Files. The Chief/OLE must approve the release of closed files for other than law enforcement purposes. Our authority to release closed files is governed by the Privacy Act, the Freedom of Information Act, and other applicable statutes.

For information on the content of this chapter, contact the Office of Law Enforcement. For more information about this Web page, contact [Krista Bibb](#) in the Division of Policy, Performance, and Management Programs.

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