

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 454 Public Affairs and Release of Information

Chapter 3 Compulsory Process and Testimony

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3.1 Purpose. The purpose of this chapter is to provide procedures and policy for responding to compulsory process and demands for testimony by Service employees in certain judicial or administrative proceedings.

3.2 Compulsory Process. If the production of any Service record is sought by compulsory process and it is determined in accordance with the Freedom of Information Act that the records should not be disclosed, the person making such determination shall report the matter to the appropriate Office of the Solicitor. The person to whom the compulsory process is directed shall appear in court in answer to the process and respectfully decline to produce the records on the grounds that the disclosure, pending the receipt of instructions from the Secretary of the Interior, is prohibited by the regulations as contained in Title 43, CFR Part 2, Section 2.82 entitled Testimony of Employees.

3.3 Testimony of Employees. In other than civil penalty proceedings or criminal prosecution of law enforcement cases, no Service law enforcement officer may testify in any judicial or administrative proceeding concerning matters relating to the business of the Government without permission of the Director or his/her designee. If it is determined that permission should be withheld, the Solicitor shall be consulted for a determination and the employee shall appear in answer to the process and respectfully decline to testify, pending the receipt of instructions from the Secretary of the Interior, on grounds that testimony is prohibited by the regulations as contained in Title 43, CFR Part 2, Section 2.82 entitled Testimony of Employees.

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for DIRECTOR

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