Forest Service Handbook
National Headquarters - Washington Office
Washington, DC

Forest Service Handbook 5309.11 – Law Enforcement Handbook

Chapter 40 – Reports and Forms

Amendment: 5309.11-2012-3

Effective date: October 02, 2012

Duration: This amendment is effective until superseded or removed.

Superseded Directive: 5309.11,40, Amendment 5309.11-2009-3, 05/07/2009

Approved by: Mary Wagner, Associate Chief

Date approved: September 26, 2012

Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

Posting Instructions: Amendments are numbered consecutively by handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this handbook was 5309.11-2012-2 to 5309.11_50.

40: Replaces reference to "Law Enforcement and Investigations Management Attainment Reporting System" as "LEIMARS" throughout the chapter.

41.05: Updates the definition for "Incident."

41.2 through 41.5: Reorganizes and recodes the entire section and adds new codes and captions where applicable for new or revised direction for the LEIMARS business rules.

41.6 through 41.67: Establishes codes, captions, and sets forth new direction for case management. Recodes to section 41.61 direction previously set out in section 41.2 and changes caption from "Case Tracking to "Case Initiation."

41.7 through 41.9: Establishes codes, and recodes to these sections captions and direction previously set in sections 41.3 through 41.5.

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This chapter includes direction relating to various reports and associated forms used by law enforcement personnel.

40.2 - Objectives

1. To consistently and accurately document information on the types of violations occurring on National Forest System lands, the location, estimated property loss, and resources damaged.

2. To provide retrieval system for data on Agency law enforcement activity responsive to the needs of all organizational levels.

40.3 - Policy

1. A Report of Investigation (ROI) must be prepared in accordance with the style, format, and procedures set out in this chapter and in FSH 5309.11, chapter 20.

2. A Report of Investigation must contain information that enables the reviewing officials and attorneys to assess the facts and/or prosecutorial merits of the case, to present the case in court, and/or to determine the appropriate action required.

3. Forest Officers shall document all violations of law and incidents which could result in claims for or against the Government occurring on or affecting National Forest System lands, facilities, or users or provide the necessary information to law enforcement personnel to document violations and incidents.

40.4 - Responsibility

The Washington Office, Director, Law Enforcement and Investigations (LEI) (for personnel and cases assigned to the Washington Office) and Special Agents in Charge (SAC) (for personnel and cases assigned to the Regions) are responsible for ensuring that all Report of Investigations are properly prepared and submitted.

41 - Law Enforcement Reports

41.05 - Definitions

Case. An incident requiring investigation beyond the initial gathering of facts at the scene of a crime or accident or follow-up with potential witnesses and/or suspects shortly after the incident has been discovered. Cases would involve the utilization of additional personnel for the purpose of gathering information beyond the initial investigative period, conducting surveillance, utilizing technical investigative equipment to obtain evidence, or the identity of potential suspects.

Civil Proceeding. A proceeding instituted and conducted for the declaration, enforcement, or protection of a right, or redress, or prevention of a wrong, to recover some civil right, or to obtain redress for some wrong not being a crime; such as collecting fire suppression costs, resource damages, and so forth.

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Claim. Any incident which may result in civil proceedings being initiated in order to recover damages for or from the U.S. Government.

Controlling Office. The organizational office or entity responsible for oversight and final disposition of an investigation.

Criminal Proceeding. A proceeding instituted and conducted for the purpose of fixing the guilt of a crime already committed and punishing the offender; as distinguished from a civil proceeding, which is for the redress of a private injury.

Disciplinary or Other Administrative Action. Action taken to correct misconduct, conflict of interest, and prohibited personnel practices or some form of mismanagement. The action is appealable through a grievance procedure or the statutory appeal process.

Incident. A violation of law or an occurrence which has the potential to result in a claim for or against the Government. Examples of Claims include:

1. Man-caused fires where no criminal intent can be established,

2. Blatant violations of timber sale contract requirements,

3. Vehicle and personal injury accidents, and so forth.

Law Enforcement and Investigations Management Attainment Reporting System (LEIMARS). The approved automated system in use by the Forest Service for reporting violations of law, incidents which could result in claims for or against the U.S. Government, and monitoring associated investigations (FSM 5330). The use of LEIMARS is mandatory.

Report of Investigation (ROI). A report documenting the results and findings of an investigation (FS-5300-24 and 24a). Possible components of an ROI are described in section 41.7.

41.1 - Law Enforcement and Investigations Management Attainment Reporting System

The Law Enforcement and Investigations Management Attainment Reporting System (LEIMARS) is the incident reporting and case tracking system for the Forest Service. The principle purpose of LEIMARS is to record criminal and claims activity on the National Forest System (NFS) lands. LEIMARS tracks incidents from discovery through case closure in a single system. The use of LEIMARS is mandatory.

Incident Report (FS-5300-1) and Violation Notice (FS-5300-4) forms function as the primary record initiation documents for the reporting of all incidents related to the administration of the National Forest System (NFS) lands. All incidents will be documented in LEIMARS. Incidents are verified violations of criminal statutes, or involve situations that may result in civil claims for or against the Government.

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The purpose of this chapter of the Forest Service Handbook is to outline procedures for ensuring consistent and complete incident documentation. Consistent and quality information is critical if the data contained and the statistics derived are to be of any verifiable value. This information is one more tool to be utilized to support investigative activities and to assist in determining the proper allocation of resources.

All of the data contained on the following forms can be retrieved from LEIMARS in a variety of reports.

1. Law Enforcement Violation Notice, form FS-5300-4 (printed form).

2. Law Enforcement Incident Report/Warning Notice, form FS-5300-1, page 1, Warning Notice (printed form).

3. Law Enforcement Incident Report/Warning Notice, form FS-5300-1, page 2, Incident Report (printed form).

4. Supplemental Incident Report, FS-5300-22 (addendum to the FS-5300-1).

5. Supplemental Incident Report – Controlled Substance Activity, FS-5300-2a (addendum to the FS-5300-1).

6. Report of Investigation, FS-5300-24a.

41.11 - Notice of Non-Compliance (NNC)

As of December 11, 2009, the Notice of Required Fee (NRF), FS-2300-46 form, replaced a number of local forms currently in use to encourage visitor payment and Notice of Non-Compliances (NNCs). This will no longer be entered into the LEIMARS database, since LEIMARS is not an acceptable place to store administrative records from an NNC. For more information: http://fsweb.wo.fs.fed.us/rhwr/recfee/le.shtml.

According to the direction in the Recreation Enhancement Act toolbox, the Law Enforcement Officer (LEO) or Field Protection Officer (FPO) should attach a Warning Notice (WN) to the NRF form. In this case, the WN information would then be entered into LEIMARS.

41.12 - Incident Reporting

Incident reports must not be used to document activity which is not specifically related to criminal activity or potential claims. Activities which do not relate to violations or claims are to be reported in the Activity Reporting System (ARS) portion of the LEIMARS program (commonly known as the Bi-Weekly). These activities are as follows:

1. Public assistance.

2. Requests for information.

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3. Search and Rescues (SAR) resulting in no findings or where there is no potential for claims.

4. Investigation of reported activity which subsequently appears to be unfounded or cannot be located and verified.

5. Patrol and/or reconnaissance for illicit activity which results in no finding of criminal activity; that is, drug reconnaissance, patrol for opening day of hunting season, and so forth.

6. Assistance to other law enforcement agencies on incidents not related to the management of the NFS lands.

7. Administrative activities.

Administratively Uncontrollable Overtime (AUO) qualifying events that are not documented as incidents must be recorded on the AUO sheet without an incident number but should contain enough information to justify the AUO. These activities must not be entered into the Incident Reporting side of LEIMARS.

41.13 - Workforce Employee ID

An Employee Identification (ID) number is a required field in Workforce and must be provided in order for incident report (IR)/WNs and VNs to be entered and saved in LEIMARS. Unsworn personnel, such as Field Protection Officers (FPOs) and Student Career Employment Program (SCEP)/Student Temporary Employment Program (STEP), were previously identified in Workforce by their AD-53 assigned ID number.

With the phase-out of the AD-53 and implementation of the LincPass, unsworn personnel will be identified in LEIMARS Workforce by their LincPass ID number (use AD-53 ID number if LincPass is unavailable).

In this case, Regional LEIMARS Data Stewards will use the last five digits of the assigned LincPass ID serial number followed by the first and last name initials, for example: 3X91ML.

41.14 - Incident Type

An Incident Type is required information for all Incident Reports (IRs) and Violation Notices (VNs). This is a method to categorize an incident; however, realizing more than one offense may have occurred.

1. If multiple offenses have occurred for one incident, select the most serious offense to represent the violation.

2. If any incident qualifies as a potential claim, either for or against the Government, the Incident Type will be “Civil”, except in fire cases.

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3. Fire cases will maintain "Fire" as the Incident Type. Use Incident Retrieval Codes (IRCs) to capture fire claims for or against the Government.

41.2 - Incident Report and Multiple Violations/Violators

An Incident Report (Form FS-5300-1, page 2) is a written record of a violation, or multiple violations, of law where, generally, the violations are discovered after the fact and the violator (or violators) identity is unknown.

An "incident" is an occurrence or an event comprised of a single violation or multiple violations. If an incident appears to have involved multiple contacts and/or multiple violations, it should initially be documented as one incident. If upon further investigation, it is determined the multiple contacts and/or violations appear to be unrelated, it may then be documented accordingly.

An Incident Report meeting the Case Opening Guidelines can evolve into a Case, whereas a Violation Notice and Warning Notice would not. Some initial VNs may, after further consideration, be dismissed as a VN, and an Incident Report will be generated. This can then be pursued as a Criminal Complaint in Magistrate Court as a higher level offense than a Class B misdemeanor. Cases are often comprised of multiple violations as well as multiple violators.

Examples are as follows:

1. If a situation is observed where it appears six trees have been illegally harvested within reasonable proximity of each other, the incident would be documented in one Incident Report and entering (only once) 36 CFR 261.h in the Offense Code table. The quantity of the resource theft should be captured in the Property and Resources table.

2. An unoccupied campsite where a 6-pack of empty beer cans is discovered on the ground would be documented in one Incident Report as opposed to a separate Incident Report per beer can. This incident should also only have the applicable offense code for littering entered only once in the Offense Code table.

3. An unoccupied campsite where a 6-pack of beer cans was left on the ground, the picnic table is partially burned, and a bag of processed marijuana is discovered in the designated fire ring would be documented in one Incident Report with all applicable offense codes entered in the Offense Code table. In this same scenario, it is also discovered that the campsite had been reserved for James Bond, and a credit card receipt belonging to Miss Moneypenny for a 6-pack of beer is found on the ground; therefore, both subjects would be entered in the Contacts table within the same Incident Report.

4. State Offense Codes are to be entered with the two digit identifier for State (for example, CA for California, CO Colorado) using the State Offense Code identifiers and the acronym for the title that is, PC for Penal Code, PRC for Public Resource Code, VC for Vehicle Code, B&P for Business and Professions Code, H&S for Health and Safety Codes, N&H for Navigation and Harbors Code, and so forth.

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41.21 - Geographic Location

All incident records require latitude and longitude. The current standard for U. S. Forest Service maps and geographic information system (GIS) layers, utilizes GPS DATUM NAD-83. The format for this coordinate entry is degrees, minutes, and seconds, with latitude followed by longitude (that is, dd.mm.ss/-ddd.mm.ss or 34.58.30/-117.43.47).

41.22 - Incident Retrieval Codes (IRC)

Incident Retrieval Codes (IRCs) are used to more specifically categorize incidents in a simplified manner, but are not required. There is a national standard list of IRCs. Regions may also generate Region-specific IRCs which are three-digit numbers beginning with the Region number.

41.23 - Incident Narrative

The Narrative should contain all of the information gathered during the initial investigative period of the incident. It is especially important for "serious misdemeanors" and felonies, since the IR is the primary document for determining whether or not a case is to be opened and assigned. The IR can be printed and used as a "Preliminary ROI".

If the incident in question meets "case" criteria, but not enough information is available to pursue, a case number may be assigned without an officer being assigned in LEIMARS. The case is opened and closed with the IR. The IR is printed from the LEIMARS program and placed in the "Case File", and the case is closed and documented in the Case portion of LEIMARS. Enter an explanation to show determination as to why no one was assigned the case or why the case was opened and closed; use the notation field as necessary. The Case Status page will be printed from LEIMARS and placed in the case file.

41.24 - Offense Codes

Offense codes are among the most critical information related to an incident. An unlimited number of offense codes may be associated with any one incident. Offense codes specifically identify what has occurred and provide much greater analytical capability. For every IR or VN there must be at least one Offense Code listed.

Incidents related to potential claims for or against the Government, but which do not relate to violation of a specific statute, must be documented by an IR and must include appropriate codes which are listed in LEIMARS Offense Code table under "Venue" FED, "Section" FSMHS.

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FEDERAL TITLES - FSMHS & FSM

(For the following, be sure to use "Venue" of FED when entering into LEIMARS)

VENUE	TITLE	SECTION	SECTION DESCRIPTION
FED	FSMHS	670001	ANIMAL - WILD / DOMESTIC
FED	FSMHS	670002	DIVING ACCIDENT
FED	FSMHS	670003	DROWNING ACCIDENT
FED	FSMHS	670004	EQUIPMENT ACCIDENT
FED	FSMHS	670005	EXPOSURE
FED	FSMHS	670006	FIREARMS
FED	FSMHS	670007	HORSE ACCIDENT
FED	FSMHS	670008	LIGHTNING
FED	FSMHS	670009	LOGGING ACCIDENT
FED	FSMHS	670010	PERSONAL PROP-DAMAGE
FED	FSMHS	670011	PERSONAL PROP-STOLEN
FED	FSMHS	670013	SEARCH AND RESCUE
FED	FSMHS	670014	SKIING ACCIDENT
FED	FSMHS	670015	SLIP & FALL
FED	FSMHS	670016	SUICIDE
FED	FSMHS	670017	VEH ACC-AIRCRAFT
FED	FSMHS	670018	VEH ACC-BICYCLE
FED	FSMHS	670019	VEH ACC-BOAT
FED	FSMHS	670020	VEH ACC-HIGHWAY
FED	FSMHS	670021	VEH ACC-OFF ROAD
FED	FSMHS	670022	VEH ACC-OVER SNOW
FED	FSMHS	670023	ACCIDENT-OTHER
FED	FSMHS	670999	FATALITY ***1**

*1 This code is to be uesd in addition to any of the preceeding, if any of these incidents resulted in a fatality.

FED	FSM	6500	FINANCE AND CLAIMS ***2**
FED	FSM	53032	COOP LAW ***3**

*2 Use only if more appropriate section can not be found under FSMHS

*3 To be used when assisting other LE Agencies with incidents having no nexus to NFS or executing outstanding arrest warrants when the offense is not related to the management and protection of the NFS.

When documenting Code of Federal Regulations (CFR) violations which incorporate a State Code, enter the CFR in the offense block and reference the associated State Code in the "Description" block. If both the Federal and State offense codes are entered in separate offense blocks, this will result in "double-stating" the number of offenses. In situations where CFRs incorporate multiple State Offenses, such as in the case of some Off-Highway Vehicles (OHV) violations, you may enter the State Offense code, followed by entering the CFR in the description block. This is helpful since the State Code would be more descriptive and would allow more specific analysis and statistical report generation.

41.25 - Evidence

All evidence or impounded property valued at $1,000 or greater, or consisting of firearms, currency, or drugs of any value must be entered into the evidence portion of LEIMARS for the associated incident. Property of lesser value may also be entered into LEIMARS at regional discretion under 'Misc'.

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NOTE: Do not use the semi colon ';' in description area on the evidence tab as this creates additional columns in the reporting phase of the evidence reports.

41.26 - Suspicious Persons and Field Interviews (FI)

For incidents involving crimes or potential claims where the suspect or victim is unknown; do not enter "Unknown" or "Unidentified" in the Contacts fields unless a physical description can be provided. The contact information for the person(s) who provides the physical description of the unknown victim/suspect to LEI should also be entered as the Reporting Party (RP). Suspicious persons, suspicious activity, and field interviews (FIs) will not be entered into LEIMARS unless a crime, violation of law, rule, or regulation can be attached to incident.

41.27 - Internal Investigations

Internal investigations will be approved by the Washington Office, LEI. Regional Office LEI staff will then assign and track the internal case. All case information must be entered into LEIMARS at the Regional level. Preliminary reports submitted pursuant to an internal investigation will contain an incident number, Washington Office, or Office of the Inspector General (OIG) number which will be tracked in the 'Other Reference #" of the IR.

41.3 - Property Resource Damage

Incident Reports and VNs involving property damage or loss, resource damage or loss, or potential claims for the Government must have that respective information provided. A list of standard values should be established by Regional units.

Resource loss will be documented for every man caused fire incident entered into LEIMARS. In addition to damage to timber and/or other vegetation, include the cost of fire suppression and restoration, as these costs may be pursued in civil proceedings. Do not make excessive estimates that cannot be substantiated.

41.31 - Fire Incidents

There must be an IR entered into LEIMARS for every human-caused fire as they are either the result of criminal activity or may result in a claim by the Government.

An offense code of Venue; Federal, Title; 18 USC 1855, or Title; 18 USC 884, must be entered into LEIMARS for every IR where there is a suspicion of arson. If there are other violations in association with any one fire incident, the offense codes should be entered on the IR and also into LEIMARS without having to generate an additional IR.

A reasonable estimate of resource and/or property loss must be entered into the Property/ Resource table for every man-caused fire incident.

The Special Agent in Charge (SAC) or their designee shall open a case in LEIMARS for every fire incident related to arson or where damage and/or suppression costs exceed $1,000, even if the case is closed immediately due to lack of resources, leads, and so forth, or the fact that the

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particular case will be included in another investigation (FSH 5309.11, ch. 20, secs. 23.42 and 28.2, and sec. 41.12 of this Handbook).

41.4 - Supplemental Incident Report (SIR)

For some incidents, more information may be available or required than can be entered on the Incident Report form. In these situations, the Supplemental Incident Report (SIR) form has been developed which will allow the documentation of additional persons, vehicles, and property associated with a single incident along with a narrative.

The combination of an Incident Report (IR) and SIR has replaced the Preliminary Investigation Report (PIR) form for the purpose of capturing information in the field related to serious incidents; however, the SIR is not a stand-alone document. The supplemental incident information of multiple violators, multiple violations, and a larger narrative area describing the incident should be entered directly into LEIMARS. This report can then be printed; creating the hard copy SIR.

41.41 - Drug Incidents

If an incident or case involves actual drug violations, the SIR for Controlled Substance Activity (SIR-D) must be filled out for each incident, unless the data is entered directly into LEIMARS. This data must be entered into LEIMARS, as it is the basis for automated generation of the Controlled Substance Enforcement Activity Report (CSEAR). Incident reports will not be filed for situations where reported drug activity could not be substantiated, such as "drug reconnaissance".

41.42 - Archeological Incidents

If an incident or case involves actual archeological violations, all information concerning the incident must be captured and entered into LEIMARS under the Archeological Resource Protection Act (ARPA) button. This data must be entered into LEIMARS, as it is a basis for required reporting to the Department of the Interior, which then reports all ARPA data from all land management agencies to Congress.

41.43 - Accident Reporting

Forest Service policy directs that LEI is responsible for investigations of potential claims for and against the Government. This responsibility brings with it the necessity for following consistent reporting and report management across the Agency.

Whenever an individual other than a Forest Service employee is injured or killed on lands administered by the Forest Service, all necessary information must be captured on an Incident Report and subsequently entered into the Accidents detail table within LEIMARS. (See FSM 6180, FSM 6700, FSH 6109.12, and FSH 6709.12 for direction on reporting an injury of a Forest Service employee.)

A completed Accident IR of "Other Than Employees", must also be forwarded through the appropriate local channels. The old accident report (FS-6700-8) form can now be generated as a

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LEIMARS "Report" once all accident-related data for the incident has been entered into LEIMARS. When the data is collected, there should be one Incident Report prepared for an accident involving multiple people injured. The SIR-A has room for specifying injuries specific to any number of people and damage to any number of property items.

An Accident IR report is a per-person report and can be generated from LEIMARS for any person entered into the Contacts table for a particular incident by entering the Incident Report number and the person's name into the query parameters.

41.5 - Death on National Forest System Lands

All deaths (including accidental, suicide, murder, body dump, natural causes, unknown, and so forth) discovered on National Forest System lands should be documented in an Incident Report (IR). Within the IR, it is mandatory to document the offense code FSMHS 670999, Fatality, in addition to any other applicable offense codes that resulted in, or are related to, the fatality.

41.6 - Case Management

A case is initiated when an incident requiring investigation, beyond the initial gathering of facts at the scene of a crime or accident or follow-up with potential witnesses and/or suspects shortly after the incident, has been discovered.

Cases involve the utilization of additional personnel for the purpose of gathering information beyond the initial investigative period, conducting surveillance, utilizing technical investigative equipment to obtain evidence, or the identity of potential suspects.

41.61 - Case Initiation

The Washington Office, Director, Law Enforcement and Investigations (LEI) shall manage the tracking of cases involving felony and serious misdemeanor violations that are initiated in or assigned by the Washington Office. Special Agents in Charge shall manage the tracking of cases involving felony and serious misdemeanor violations that are initiated in or assigned by the Regional Offices.

LEIMARS must be used to track the status and actions of all investigations. Case numbers are assigned automatically through LEIMARS based on the number of the FS-5300-1, Law Enforcement Incident Report/Warning Notice which initiated documentation of the case.

Open or active cases will be updated at a minimum of every 60 days. Updates must include information as to the investigative activities undertaken and planned in order to determine whether to continue or close the case. Do not include suspect actions observed and information obtained as a result of investigative activity in the case update within LEIMARS. Enter this type of information only into the Report of Investigation.

Investigations on which all leads have been exhausted or for which investigative resources are not available must be closed immediately. Reasons for not assigning investigative resources must be documented under the "Case Initiation" portion of LEIMARS. All case closures must be documented within the "Case Status and Actions" portion of LEIMARS.

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41.62 - Case Review

Once an incident is entered into LEIMARS that meets the criteria established in FSH 5309.11 section 28.2, the Regional Case Manager (SAC or their designee) must be notified. This may be done by providing the IR number and indicating the incident needs to be reviewed.

The IR may then be queried within LEIMARS and evaluated. (As an alternative, the Patrol Captain may generate an electronic IR from LEIMARS and forward it to the Regional Case Manager for evaluation. This method would allow the inclusion of photos and other attachments.)

41.63 - Case Guidelines

After the Regional Case Manager reviews and determines the incident does not meet case guidelines, the record is entered into LEIMARS with a short explanation. A record of this determination is made using the case consideration tab on the IR screen.

After the Regional Case Manager reviews and determines the incident meets case guidelines, the case information is entered into LEIMARS via the initiating IR. The case number will then be generated automatically by LEIMARS. This is an automated numbering system, which identifies the calendar year utilizing the report date and Region conducting the investigation. These numbers are depicted as two digits and are added to the preprinted number on the IR (that is; 99-05-12345678) auto generated in LEIMARS.

41.64 - Case Assignment and Security

When a case is "assigned" in the initial stages of the investigation, only minimal information need be entered into the Case fields and may be limited to the case number, assignment instructions, and update report due date. The assigned personnel will be informed and provided with the IR number. The IR can be queried and directions reviewed by the assigned Special Agent (SA) or Law Enforcement Officer (LEO) with oversight from a SA.

The assigned LEO\SA can continue to update the information associated with the incident/case directly into LEIMARS. (It should be noted that once a "Case" has been generated, LEIMARS does not contain narrative information from the ROI, only synopsis information from the ROI depicting a brief overview of case, current activity accomplishments, and next phase of investigation/litigation/sentencing is entered in the update portion of case tracking.

LEIMARS detail records should continually be updated with additional persons, vehicles, arrests, Controlled Substance Enforcement Activity Reports, or property losses as is necessary to follow case. All information should be updated with additional persons or vehicle information as it is discovered.)

If a "Case" is assigned to an LEO, the LEO's ID number must be entered into the Case Assignment field. The ID of the SA providing "investigative oversight" must be entered into the "Assignment Instructions" block in the Case Records section and the "Assisting Officer" section

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of the IR in LEIMARS. When entering this information into the Assisting Officer table, enter "USFS – IO" in the "Agency" block.

All information in LEIMARS related to known individual's (PII) information, as well as the originating IRs, will automatically be assigned a Sensitivity Level 1 (SL1) classification. This will prevent viewing of any associated records by anyone outside of LEI. Cases upward reported will be maintained as a Sensitivity Level 2 (SL2), all internal investigations are assigned Sensitivity Level High/Internal, LEI personnel assigned to an internal investigation are assigned Sensitivity Level High/Internal (SLHL).
If an incident is determined to meet case criteria, but due to any number of factors the case is not assigned, the incident will be designated as a Case in LEIMARS and 'Case Number Assigned w/o Agent Assignment'. Documentation of non-assignment will be made via the Case screen drop down menu, and the case will be immediately 'Closed Unassigned'.

Internal investigations will be approved by the Washington Office LEI and tracked by the Regional Office LEI staff and must be entered into LEIMARS at the Regional level. The assigned SA and their immediate supervisor will be granted "High/Internal" access level for the duration of the case. Once the case is closed the Agent and their immediate supervisor will return to their original access level.

41.65 - Case Updates

Case Update Reports will be submitted to Regional Office LEI staff using ROI face pages. Regional Office LEI staff will enter pertinent update information into the LEIMARS record via the Case Tracking screen. As an alternative, Case Agents may enter Case Tracking to update information directly into LEIMARS themselves. The Agent's "update" information will focus on investigative needs and activity with sufficient information to allow the Regional Case Manager to determine the need to keep the case open. Case updates will not include details on what has been learned as a result of investigative activity, but rather what investigative activity has been conducted and reasons why continuing investigative activity is warranted.

A hard copy of the Case information contained in LEIMARS may be printed and put into the official case file. This process will be followed until the case is closed. A case will be "Closed" in LEIMARS only when an ROI is submitted and approved by the SAC or their designee showing all activity has been completed and no follow-up activity is required by LEI. The case status will then be identified as Closed Solved, or Closed Unsolved. Cases showing Closed Referred are to be maintained in the RO for final adjudication purposes. Once Final Adjudication is determined, a closing ROI showing case results will be submitted, reviewed, and approved and closed in LEIMARS as Closed Solved or Closed Unsolved.

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41.66 - Case Disposition and Closure

In order to support the effective management of cases in LEIMARS, the following case disposition information will be maintained in LEIMARS for all Closed Solved or Closed Referred cases, and upon the conclusion of case disposition:

TRIAL DISPOSITION	YEARS SENTENCED
DAYS SENTENCED	SUSP. SENTENCE YEARS
SUSP. SENTENCE DAYS	PROBATION YEARS
PROBATION DAYS	PROBATION TERMS
COURT COSTS ASSESSED	RESTITUTION
RESTITUION COSTS	FINES IMPOSED
FINES ASSESSED	PLEA ENTERED
CLAIM AMT FOR GOV'T	CLAIM AMT FOR GOV'T AWARDED
CLAIM AMT AGAINST GOV'T	CLAIM AMT AGAINST GOV'T AWARDED
FEDERAL ACTION	REFERRAL AGENCY
STATE ACTION	

41.7 - Report of Investigation

A Report of Investigation (ROI) is required on all cases involving loss or damage to the Forest Service of $1,000 or more and/or any felony or serious misdemeanor. All incidents, criminal or civil, which result in an ROI being generated, must be initially documented in the LEIMARS using an FS-5300-1, Incident Report form. Progress and resolution of all such cases must be documented in the "Case" portion of LEIMARS, associated with the parent incident report.

1. Each ROI generally has one major focus:

   a. Criminal violations,

   b. Employee misconduct, or

   c. Administrative problems (including civil violations).

2. Each ROI must contain clear and concise statements that summarize the pertinent information for the reader. It should contain the information necessary to support criminal proceedings, civil actions, or administrative actions. Depending on the focus of the investigation, this can best be judged by contacting and developing a working relationship with the regional attorney for the U.S. Department of Agriculture, Office of the General Counsel; the U.S. attorney; or employee relations specialists in the Human

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Resources Management staff. Separate criminal, civil, and administrative ROIs are usually not desirable; however, they may be required for various reasons, such as protecting the identity of informants or the integrity of grand jury information.

3. Civil or administrative action can proceed only after the applicable U.S. attorney has advised that civil or administrative action would not prejudice criminal proceedings. Some investigative efforts relating to the civil or administrative aspects of the offense may be delayed if the facts are not relevant to a criminal proceeding, if information is not desired in the case report for the criminal proceedings, or if the added investigative effort would delay the criminal action. Information supporting civil or administrative action can be added to the criminal violation information at any time.

4. An ROI is prepared and submitted as one of the following:

a. A Preliminary Report of Investigation is used to report investigative findings, as needed, prior to the completion of the investigation. This may take the form of a detailed, well-written Law Enforcement Incident Report/Warning Notice, FS-5300-1, and associated Supplemental Incident Report, FS-5300-22.

b. An Auxiliary ROI is used to report the results of investigative activity by a Region or unit not responsible for issuing the completed ROI.

c. A Final ROI is used to report the results of a completed investigation for submission to the prosecuting attorney or other appropriate official for a determination of judicial, civil, or administrative action.

d. A Closing ROI is used to report the final disposition(s) and close the case as solved/unsolved for criminal investigations and substantiated/unsubstantiated for civil, mismanagement, and employee conduct investigations.

e. A Supplemental ROI is used to report the results of leads and/or issues developed and investigated after a final report has been submitted.

5. The Final ROI must contain all of the relevant facts of the case, including those previously reported on a Preliminary or Auxiliary ROI. This report must be generated utilizing the format outlined in section 41.71 of this Handbook.

6. Law enforcement personnel preparing an ROI shall remember that most ROIs may be subject to release through the Freedom of Information Act (FSH 6209.13). Caution must be exercised to ensure the ROI does not improperly or unnecessarily disclose information protected by the Privacy Act, the Inspector General Act - Whistleblower Complaints, the Right to Financial Privacy Act, or controlled investigative techniques.

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41.71 - Preparing a Report of Investigation

Prepare Reports of Investigation (ROIs) using the following instructions and format:

1. Cover. Complete form FS-5300-24, Report of Investigation (cover sheet). This is a printed form available from the Beltsville Service Center. Ensure the following information appears in the title space of the cover.

a. Case/File Number. Enter the Forest Service case number that is assigned by the controlling office for the investigation and is derived from the initial Incident Report number.

b. Case Name. Enter the name(s) of the subject of the investigation. If unknown, enter "Unknown" and the case type.

c. Investigating Office. Enter the administrative unit where the focus of the investigation occurs (for example, Region, Forest, District, Job Corps Center, Research Station, and so forth).

d. Investigator. Enter the name of the person who is heading the investigation and is responsible for preparing the ROI.

e. Report Type. Enter the type of report being submitted, such as Preliminary, Auxiliary, Final, or Supplemental. No other entry is permitted.

Do not include any additional information on the cover sheet of the ROI.

2. Title Page. Use page 1 of the electronic FS-5300-24a, Report of Investigation for the title page. Complete the title page as follows:

a. Case/File Number. Enter the Forest Service case number assigned through LEIMARS. In the case of a referral from another Region or unit, use the file number referenced by the controlling office.

Example: 07-08-0000001 Where: 07 - pertains to the calendar year.
08 - pertains to the respective Region (Washington Office would be Region 13).

0000001 - pertains to number assigned via LEIMARS, which is derived from the Incident Report number that initiated the case.

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b. Controlling Office. Enter the controlling Forest Service unit/office for the investigation.

Example 1: A Hotline complaint referred from the Office of Inspector General (OIG) and investigated at the Washington Office level would be entered "OIG/WO Law Enforcement & Investigations."

Example 2: An investigation originating within Region 8 and investigated by Region 8 would be entered "R8 - Law Enforcement & Investigations."

c. Investigating Office. Enter the actual unit conducting the investigation.

d. Case Type. Enter the type of case investigated, for example, Timber Theft, Employee Misconduct, and so forth.

e. Investigative Period. Enter the time period the case is investigated. The inclusive dates may be different from the date the report is prepared, for example December 31, 1996 to January 6, 1997.

f. Status. Make one of the following entries:

(1) Continued. Use this entry when the investigation is continuing.

(2) Pending Judicial Action. Use this entry when the case has been referred for prosecution, but the final disposition has not been rendered.

(3) Pending Administrative Action. Use this entry when the case has been referred for administrative action, but the final resolution has not been determined.

(4) Closed. Use this entry when the case has been closed, and no further action is planned or anticipated. When a case is closed, the designation "Solved or Unsolved" or "Substantiated or Unsubstantiated" must be noted after "Closed."

Example 1: Closed/Substantiated.

Example 2: Closed/Unsolved.

Only the Law Enforcement and Investigations (LEI) line officer for the LEI office controlling the case may close a case. This authority may be delegated.

g. Report Type. Enter the type of report being submitted, such as Preliminary, Auxiliary, Final, or Supplemental. No other entry is permitted.

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h. Investigated By. Enter the name(s), title(s), and badge number(s) of the primary agent(s)/officer(s) conducting the investigation.

Example 1: Special Agent Sandra GREEN, #007. (The last name must be uppercase.)

Example 2: Special Agents, Lance SMITH, #003 and Sandra GREEN, #007. (The last name must be uppercase.)

i. Case Name. Enter the name(s) of the primary subject(s) and/or suspect(s) of the investigation. If unknown, enter "Unknown" and the case type. If the case involves a primary subject and other unknown or lesser subjects, use the abbreviation, "et al." after the name of the primary subject of the investigation.

Example 1: "Unknown Subject(s)/Employee Misconduct."

Example 2: "Lizzy HALL, et al." (The last name must be uppercase.)

j. Synopsis. Center the word, **SYNOPSIS**, in bold, underlined, and uppercase print in the space below the title. The synopsis is a simple statement that:

(1) States what was investigated,

(2) Summarizes the results of the investigation in one or two sentences,

(3) Reports the subject's or subjects' confirmation or denial of the allegation(s), and

(4) Provides any mitigating or aggravating circumstances.

Each major crime, allegation, or issue investigated must have a separate synopsis. If the title page does not contain enough room for the entire synopsis, page 2 of the Report of Investigation becomes the continuation of the synopsis. Do not include any other information (other than what is on the title page) with the synopsis.

k. Distribution. Check the appropriate boxes and enter the number of copies sent to each location. The original ROI must be maintained by the investigator.

l. Signature Block. The signature block contains the signature of the investigator, reviewing official (if applicable), and approving official. Only the controlling office for an investigation may approve the ROI. The date is the date prepared.

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3. Subsequent Pages of the ROI. Complete page 2 of the electronic form FS-5300-24a, Report of Investigation, for the body of the report. Complete the report using the following format.

a. Introduction. Center the word, **INTRODUCTION**, in bold, underlined, and uppercase print at the beginning of the page immediately following the title page or the synopsis (if applicable).

(1) State the origin of the case and provide any background information necessary to introduce the situation so the reader can more fully understand the nature of the violation(s) or issue(s) investigated. The introduction should lead the reader into the specific issues addressed in the report, helping the reader assimilate the facts presented.

(2) This section is not a substitute for presenting evidence. It may contain information not attributed to any source. However, when information directly relates to proving the elements of an offense, the information must be set out and attributed to a source in the later text or exhibits.

b. Details. Center the word, **DETAILS**, in bold, underlined, and uppercase print immediately below the "Introduction" section.

(1) In bold print, enter a subheading that reflects the substance of the violation(s) and/or issue(s) investigated. This heading should draw the reader's attention to the specific issue.

Example 1: **Embezzlement and Theft - 18 U.S.C. 641**

Example 2: **Fraud and False Statements - 18 U.S.C. 1001**

(2) Each issue investigated is generally addressed on its own merit. This must be done because the elements of proof vary for each violation or issue. The narrative addressing the specific issue is written in summary or synopsis form, referring to the exhibits that amplify and support the statements being made. Do not refer the reader to an exhibit and expect the reader to find the salient facts. Instead, report the facts in summary form and identify the exhibit that contains them.

(3) This portion of the report should be organized as if it were a criminal case being presented in court. The text is written in the third person. When the facts of the investigation are assembled in this manner, the flow of information is logical and more easily understood by the reader. In the courtroom, the prosecution presents its evidence first. The Report of Investigation should follow a similar pattern and the writer shall ensure "who, what, when, where, why, and how" for each issue are covered.

(4) For criminal cases, the elements of proof for the specific violation must be covered in the text. This should be followed by the subject's account of what took

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place and the inclusion of any credible exculpatory or mitigating information developed by the investigation. If available, rebuttal information should be presented.

(5) Enter the names of the persons who participated in interviews, arrests, and other activities if they provided information relevant to proving or disproving the case. Enter all of the last names in uppercase letters for easier identification. Enter the names of businesses in uppercase letters, if they are the subject of the investigation. Use titles and first names only to introduce a person for the first time. Thereafter, use only the last name except in situations where a title or first name is required to distinguish persons with the same last name.

(6) Be concise and specific. State only the facts.

(7) For statements, document if rights or warnings were given to a subject. Summarize the pertinent parts of all statements. Do not repeat the entire statement. Attach statements and refer the reader to them for details. Document if a person provides an oral statement and swears to its truth, but refuses to provide a written statement.

(8) When reporting undercover work, be careful not to compromise the agent, the case, or the informant. Identify confidential informants by using the confidential informant code name. Do not use personal pronouns (he/she) when making reference to the informant.

(9) Report all seizures, for example, contraband, personal property, evidence, and so forth. Report the specifics as to receipt, transfer, and disposition of all seizures under "Disposition of Evidence."

(10) When facts are presented that are derived from a document or evidence, refer the reader to the source of that information. To help the reader in locating the material, number the exhibits within parentheses, for example (Exhibit 12, Statement of Don HOWARD).

This completes the text portion of the ROI. To signify the end of the text portion of the ROI, enter a line of five horizontally double-spaced asterisks, centered one vertical space below the last line of text, as follows:

* * * * *

c. Subject(s) of the Investigation. Center the phrase, **SUBJECT(S) OF THE INVESTIGATION**, in bold, underlined, and uppercase print immediately below the "Details of the Investigation" section of the report.

(1) Enter the full name of each individual who is a subject of the investigation. Provide descriptive data, including aliases, date and place of birth, Social Security Number, State drivers license number, National Criminal Information Center (NCIC) number, height, weight, race, sex, and any other identifying information available.

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(2) If a previously listed subject/suspect is eliminated from the investigation, report that fact in this section.

(3) If applicable, report the results of any National Crime Information Center (NCIC) (wanted persons) or criminal case history (CCH) inquiries. If a criminal record check is made, provide the name and location of the agency or department.

(4) If the subject is a U.S. Department of Agriculture employee, include their series, grade, and employment status and job title, for example "GS-342-7, PFT, Support Services Supervisor."

(5) Report whether fingerprints and photographs were taken of a defendant or subject.

(6) Include full names, aliases, nicknames, street addresses, telephone numbers and, if applicable, automobile descriptions and license numbers of potential subject(s) in criminal related investigations.

d. Judicial Action. Center the phrase, **JUDICIAL ACTION**, in bold, underlined, and uppercase print immediately below the "Subject of the Investigation" section of the report.

(1) Report all judicial action that is pending or has taken place, including indictments, obtaining and returning a search warrant, arrest warrant, subpoena, and so forth. Indicate NONE or NOT APPLICABLE as appropriate.

(2) Report evidence or information collected as a result of the execution of judicial documents and, relevant to proving or disproving the case, in the "Details of Investigation" section.

(3) Provide the name of the representative of the U.S. attorney or local prosecutor contacted and the date of contact if prosecution is authorized or declined.

(4) If formal charges are filed in court, list the charge(s) by statute number and description, name(s) of the presiding magistrate or judge, location of hearings, dates, and results.

e. Administrative Action. Center the phrase, **ADMINISTRATIVE ACTION**, in bold, underlined, and uppercase print immediately after the text of the "Judicial Action" section of the report.

Report in detail and in chronological order all administrative action that is pending or has taken place. Indicate NONE or NOT APPLICABLE as appropriate. This completes the body of the ROI. To signify the end of the body portion of the ROI, enter a line of five horizontally, double-spaced asterisks centered one vertical space below the last line as follows:

* * * * *

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8. Exhibits. Center the word, **EXHIBITS**, in bold, underlined, and uppercase print after the body of the report.

(1) The list of exhibits becomes the last numbered page of the ROI and immediately precedes the attached exhibits. Exhibit 01 is a sample of how this summary of exhibits will appear.

(2) Exhibits supplement, amplify, and support information in the details and include pertinent items relevant to the issues investigated, such as statements, interviews, records, schedules, and so forth. An exhibit should:

(a) Be legible. If not, a conformed copy should be prepared, by transcribing the document into a legible document, noting it is a transcription rather than a facsimile of the document.

(b) Be necessary for a complete understanding of the information presented in the details.

(c) Reduce the narrative of the report.

(3) Do not use original documents as exhibits in a ROI. The investigator for evidentiary purposes shall retain the original documents.

(4) Exhibits must be consecutively numbered as they appear in the ROI. They must be numbered in the lower right corner (for example, exhibit 01, exhibit 02, and so forth). When an exhibit contains more than one page, each page must be numbered (for example, exhibit 01, Page 1 of 6).

(5) Do not tab exhibits on ROIs submitted to the Washington Office.

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41.71 - Exhibit 01

Example of a List of Exhibits for a Report of Investigation

EXHIBITS

Exhibit Number	Description of the Exhibit	Page Introduced
1	Statement of Lizzy HALL	2
2	Audit Report for Imprest fund	3

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41.8 - Controlled Substance Activity Reporting

Forest Service form FS-5300-2, Controlled Substance Enforcement Activity on NFS Lands, is a cumulative report on drug seizures over a designated period of time, and it can be generated by the Law Enforcement and Investigations Management Attainment Reporting System (LEIMARS) program from the data available in LEIMARS. This report may be pulled at any time for a variety of statistical needs. Therefore, the Special Agent in Charge shall ensure that controlled substance activity reporting is constantly up to date in LEIMARS. The form is also available electronically for optional use for other drug enforcement reporting needs.

Complete FS-5300-2a, Supplemental Incident Report - Controlled Substance Activity, to report all activities related to controlled substances on or affecting National Forest System lands, including cannabis sites, clandestine labs, eradication efforts, related arrests and/or assaults, and firearms seized. Follow the detailed instructions included with the form.

Special Agents in Charge shall insure that form FS-5300-2a is completed for each individual incident involving confirmed drug activity in a timely manner. Data contained in the FS-5300-2a is an addendum to the Law Enforcement Incident Report/Warning Notice or Law Enforcement Violation Notice; therefore, the FS-5300-2a must be accompanied by a form FS-5300-1, Law Enforcement Incident Report/Warning Notice or FS-5300-4 Law Enforcement Violation Notice, at a minimum, for LEIMARS reporting.

41.9 - Law Enforcement Activity Report (Form FS-5300-5)

Use form FS-5300-5, Law Enforcement Activity Report, as a means to evaluate problems regarding the protection of people and their property and to monitor cooperator performance. Measure cooperative law enforcement agreements in patrol units; that is, 4-person hours of patrol equal one patrol unit.

42 - Law Enforcement Forms

Exhibit 01 is the list of commonly used law enforcement forms and exhibit 02 is the list of related law enforcement forms. Forms denoted with an asterisk (*) are available electronically at *http://fsweb.wo.fs.fed.us/im/forms/fs_forms/index.htm*.

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42 - Exhibit 01

Forest Service Law Enforcement Forms

(Forms with an asterisk (*) are available electronically at *http://fsweb.wo.fs.fed.us*)

Law Enforcement Incident Report/Warning Notice (printed form – available from Beltsville)	FS-5300-1
Instructions for Completion of FS-5300 Law Enforcement Incident Report/Warning Notice (Instructions available on Web site)	FS-5300-1i
Controlled Substance Enforcement Activity on NFS Lands	FS-5300-2*
Supplemental Incident Report - Controlled Substance Activity	FS-5300-2a*
Law Enforcement Violation Notice (printed form – available from Beltsville)	FS-5300-4
Instructions for Law Enforcement Violation Notice (Instructions available on Web site)	FS-5300-4i
Law Enforcement Activity Report	FS-5300-5*
Training Course Evaluation	FS-5300-10*
Participants Post-Evaluation of Training	FS-5300-11*
Manager/Supervisor's Post-Evaluation of Training	FS-5300-12*
Affidavit	FS-5300-15*
Statement	FS-5300-16*
Advice/Waiver of Rights	FS-5300-17*
Memorandum of Interview	FS-5300-19*
Record for Payment of Information/Evidence	FS-5300-20*
Consent to Search	FS-5300-21*
Supplemental Incident Report	FS-5300-22*
Impounded/Seized Property Record	FS-5300-23

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Report of Investigation	FS-5300-24a
LEI Daily Activity Report	FS-5300-26*
LEI Ride-Along Program-Information Statement and Application	FS-5300-33*
LEI Ride-Along Program - Assumption of Risk, Waiver of Liability and Indemnity Agreement	FS-5300-34*
USDA Forest Service Operational Plan	FS-5300-35*
Field Training Officer Applicant Activity Summary	FS-5000-36*
Filed Training Officer Application	FS-5300-37*
Supervisor's Assessment of FTO Applicant	FS-5300-38*
FTO Candidate Questionnaire	FS-5300-39*
FTO Assignment Plan	FS-5300-40*
LEI Field Training & Evaluation Program Daily Observation Report	FS-5300-41*
FTEP Final Certification	FS-5300-42*
FTO Critique	FS-5300-43*
Recruit Exit Interview	FS-5300-44*
Wildland Fire Origin and Cause Supplemental Incident Report	FS-5300-45*
K9 Team Evaluation Form	FS-5300-46*
K9 Training Log	FS-5300-47*
Evidence Custody and Control Form (Inventory of Seized or Impounded Property)	FS-5300-48*
Evidence Custody and Control Form (Continuation Sheet) (Inventory of Seized or Impounded Property)	FS-5300-49*
Firearms Qualification and Training Record	FS-5300-50*
Defensive Tactics Qualifications & Training Record	FS-5300-51*

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42 - Exhibit 02

Related Law Enforcement Forms Used by the Forest Service

(Forms denoted with an asterisk (*) are available electronically at *http://www.uscourts.gov/forms*

Summons in a Criminal Case	AO-83*
Subpoena to Testify at a Hearing or Trial in a Criminal Case	AO-89*
Subpoena to Testify at a Deposition in a Criminal Case	AO-90*
Criminal Complaint	AO-91*
Search and Seizure Warrant	AO-93 (6/82)*
Search and Seizure Warrant on Oral Testimony	AO-93A (6/82)*
Application for a Search Warrant	AO-106 (6/82)*

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