UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

8010.2, Revision 2

6/25/08

INVESTIGATIVE METHODOLOGY

CHAPTER I – GENERAL

I. PURPOSE

This directive provides the methodologies that the Food Safety and Inspection Service (FSIS), Office of Program Evaluation, Enforcement and Review (OPEER), Compliance and Investigations Division (CID) Investigators, Supervisory Investigators (SI), and Regional Managers (RM) and other authorized Agency personnel will apply when conducting investigations of apparent violations, food safety incidents, or other allegations under the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), Egg Products Inspection Act (EPIA) (the Acts), and related laws and regulations.

Key Points Covered

- The responsibilities of OPEER/CID personnel.
- The investigative methodology.
- Investigative analysis and decisions.
- Procedures for preparing statements and other interview documentation.

II. CANCELLATION

FSIS Directive 8010.2, Revision 1, Investigative Methodology, dated 9/4/07

III. REASON FOR REISSUANCE

FSIS is reissuing this directive in its entirety to incorporate instructions related to the In-Commerce Surveillance (ICS) system.

IV. REFERENCES

Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et seq.)
Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 et seq.)
Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 et seq.)
Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901-1907)

Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.)
21 U.S.C. 458 (a) (3)
FSIS Directive 8410.1, Detention and Seizure
9 CFR Sections 320.4, 381.146, 381.178 and 590.200
FSIS Directive 8010.1, Methodology for Conducting In-Commerce Surveillance Activities
FSIS Directive 8010.3, Procedures for Evidence Collection, Safeguarding and Disposal
FSIS Directive 8010.4, Report of Investigation
FSIS Directive 8010.5, Case Referral and Disposition

V. BACKGROUND

Under the FMIA, PPIA, EPIA, and related laws and regulations, FSIS has the legal authority to regulate meat, poultry, and egg products in U.S. commerce. These Acts state that it is essential to the public interest to protect the health and welfare of consumers by ensuring that meat, poultry, and egg products are wholesome, not adulterated, and properly marked, labeled, and packaged.

FSIS conducts surveillance and investigative activities at food warehouses, distribution centers, retail stores, and other in-commerce businesses where meat, poultry, and egg products are stored, offered for sale or sold, and distributed. These activities are designed to ensure that meat, poultry, and egg products are safe, secure, wholesome, not adulterated, and properly marked, labeled, and packaged. When violations of the Acts are alleged or detected, FSIS Investigators control or detain adulterated, misbranded, or other violative products in-commerce; investigate allegations or violations; and document a Report of Investigation (ROI) to support Agency decisions, investigative findings, and enforcement or legal actions.

VI. RESPONSIBILITIES

A. INVESTIGATOR

An Investigator is to:

1. Conduct investigations and related activities in accordance with this directive.

2. Collect, maintain, and secure evidence in accordance with FSIS Directive 8010.3, “Procedures for Evidence Collection, Safeguarding and Disposal.”

3. Maintain communication with the SI regarding investigative activities from the initiation of an investigation through the investigative decision.

B. SUPERVISORY INVESTIGATOR

A SI is to:

1. Conduct supervisory activities related to investigations in accordance with this directive.

2. Monitor and coordinate the investigative caseload of Investigators under his or her supervision.

3. Maintain communication and be available to discuss investigations and related activities with the Investigator from the initiation of an investigation through the investigative decision.

4. Update the Regional Manager (RM) periodically with the status of the investigative caseload of Investigators under his or her supervision, particularly complex or unusual investigations.

C. REGIONAL MANAGER

A RM is to:

1. Conduct management activities related to investigations in accordance with this directive.

2. Monitor the regional investigative caseload.

3. Maintain communication with SIs and Investigators to provide guidance on investigations and related activities from the initiation of an investigation through the investigative decision.

VII. INVESTIGATORS' NOTES

A. Investigators' notes are a contemporaneous record regarding surveillance, investigative, or other activities. These notes are to be accurate, objective, factual, and free of personal feelings or conclusions. Notes are confidential because of the data they may contain (e.g., information pertaining to open investigations, confidential business information, and personal information protected under the Freedom of Information Act (FOIA) or Privacy Act).

B. When Investigators make notes, the notes are to:

1. be handwritten or electronic;

NOTE: Electronic notes are to be stored in a manner that ensures data integrity (e.g.,

on a CD-R or computer disk).

2. be made in a manner and in a recording medium that will provide continuity and integrity (e.g., bound or loose-leaf notebook or loose paper);

3. be identified with the Investigator's name, title, telephone number, and address;

4. be maintained with the corresponding case investigation or Report of Investigation (ROI); and

5. be retained in accordance with the retention schedule in FSIS Directive 8010.3, "Procedures for Evidence Collection, Safeguarding and Disposal."

CHAPTER II – INVESTIGATIVE METHODOLOGY

An investigation is a fact-gathering and analytical activity conducted to develop and document facts relevant to apparent violations, food safety incidents, or other allegations to support Agency decisions, investigative findings, and enforcement or legal actions.

This directive provides the steps and methods necessary to conduct the investigative process effectively. Although the directive presents the steps sequentially, some aspects of the investigation may occur simultaneously.

I. INITIATION OF AN INVESTIGATION

A. Investigations are initiated in response to several different types of occurrences. The four main occurrences that lead to the initiation of an FSIS investigation are:

1. An observation by an Investigator of an apparent violation while conducting surveillance activities;

2. A referral of an allegation from other internal FSIS program areas (e.g., Office of Field Operations, Office of International Affairs) regarding possible violations involving regulated product;

3. A referral of an allegation from an outside agency (e.g., Federal agency, State or local government agency) regarding possible violations involving regulated product; and

4. A referral of an allegation from a private citizen, organization, or association (e.g., industry, consumer, informant) regarding possible violations involving regulated product.

B. Investigators are to use the appropriate code in the In-Commerce System (ICS) to report the basis (i.e. predication) on which the investigation was initiated.

II. ASSESSMENT OF AN ALLEGATION OR VIOLATION

A. When an Investigator, SI, or RM receives an allegation or observes an apparent violation, food safety incident, or other allegation he or she is to:

1. assess the allegation and available facts to determine whether the facts establish an apparent violation of FSIS statutes or regulations or other allegation or incident that requires investigation;

2. determine or verify that FSIS has jurisdiction and authority to investigate

the alleged violation; and

3. conduct a preliminary inquiry, when necessary, to assess the validity of the allegation or information, the reliability of the source, or that FSIS has jurisdiction.

B. When the available facts or preliminary inquiry indicate that a violation of FSIS statutes or regulations has occurred, and FSIS has jurisdiction and authority, the RM or designee is to determine, in accordance with the criteria set forth in the Memorandum of Understanding (MOU), whether to refer the allegation to the Office of Inspector General (OIG) for investigation.

1. If the allegation is referred to the OIG, the OIG will determine whether to investigate (e.g., open a case memorandum); or

2. If the OIG declines to open an investigation or the RM or designee determines that referral to the OIG is not required under the MOU, FSIS may initiate an investigation.

C. When the available facts or preliminary inquiry do not substantiate that a violation of FSIS statutes or regulations has occurred, or if FSIS does not have jurisdiction and authority, Investigators are to:

1. discuss these findings with the SI or RM; and

2. recommend that no action be taken; or, refer the apparent violation or the allegation to the appropriate Federal, State, or local government agency.

III. INVESTIGATIVE PLAN

A. Planning helps to ensure that an investigation is thorough and well-organized and promotes efficient use of resources. Investigators are to prepare a written Investigative Plan for each investigation and attach the plan into the ICS.

NOTE: There may be situations when it is not necessary to prepare an Investigative Plan. For example, an Investigative Plan may not be necessary when an Investigator recognizes and identifies an apparent violation of the Acts while conducting surveillance activities and concurrently collects all available evidence relevant to the violation. In this situation, the Investigator and his or her supervisor may determine that the evidence collected is sufficient to prove the violation without development of an Investigative Plan or further investigation.

B. An Investigative Plan consists of the following elements:

1. File Number - A unique identifier that is assigned by the ICS, to the

investigation (case) for use from initiation to investigative decision (final disposition).

2. Subject of the Investigation - Include the name, title, or business affiliation if relevant to the investigation (case).

3. Allegations/Violations - A brief statement (summary) of the allegations or facts upon which the investigation is based. The violation should cite the relevant statutes and/or regulations, and state or paraphrase the language of the statutes or regulations (e.g., 21 U.S.C. 453 (g) (4) and 458 (a) (3), improperly stored poultry products, after transportation in commerce, under insanitary conditions causing the products to become adulterated).

4. Scope of Investigation - The proposed scope of the investigation based on available information. The scope should briefly state the extent or range of the investigation and may address areas such as: subjects or parties of interest, laws or regulations at issue, geographic area, time period, magnitude of the allegation or violation, and any public health issues or concerns. If the initial scope of the investigation cannot be determined with the available information, the plan may indicate that the scope cannot be determined based on the available information and/or indicate that the scope will be determined at a later date as information becomes available.

5. Investigative Steps - Identify and prioritize the steps necessary to develop the information and to collect evidence regarding the apparent violation, food safety incident, or other allegation that is the subject of the investigation. The steps may include one or all of the following:

a. Investigative Techniques - Investigators are to use appropriate investigative techniques to ensure that material facts are developed, and that relevant evidence is collected (e.g., interviewing and record/document collection and analysis).

b. Resources - Identify the resources necessary to meet investigative needs (e.g., personnel, equipment, and timeframes).

c. Safety - Identify resources and tools that are to be used should the investigation involve situations that could become hostile, unsafe, or potentially dangerous.

d. Investigative Liaison - Coordinate with the appropriate Agency or other Government officials if issues or situations are observed or encountered that involve Investigator safety (e.g., OIG, State or local police), public health concerns or issues (e.g., FSIS' Office of Public Health Science, HHS' Centers for Disease Control and Prevention (CDC), or State or local agencies), or food security issues (e.g., OIG, FSIS' Office of Food Defense and Emergency Response, or the Federal Bureau of Investigation).

C. Investigators need to evaluate the Investigative Plan periodically as the investigation progresses, revise the Plan as findings are developed or evidence is collected that dictate a revision, and attach the revised Plan into the ICS.

IV. THE INVESTIGATION

A. Investigative activities include, but are not limited to, those activities performed to investigate an allegation or an apparent violation observed during surveillance activities.

B. When conducting an investigation, Investigators are to use appropriate investigative techniques to ensure that material facts are developed, and that relevant evidence is collected and preserved to support alleged or apparent violations. These techniques include:

1. Examining meat, poultry, or egg products and the facilities and conditions under which they are held using the methodology as set forth in FSIS Directive 8010.1, "Methodology for Conducting In-Commerce Surveillance Activities," to determine whether they are wholesome, not adulterated, and properly marked, labeled, and packaged, or exempt from the requirements of the Acts.

2. Collecting and submitting investigative samples of meat, poultry, or egg products alleged to be in violation of the Acts in accordance with FSIS Directive 8010.3. Laboratory analysis findings may prove the allegation or violation or be used to focus the investigation.

3. Photographing meat, poultry, or egg products alleged to be in violation of the Acts and any conditions that may have contributed to the violation in accordance with FSIS Directive 8010.3.

4. Detaining meat, poultry, or egg products, in accordance with FSIS Directive 8410.1, "Detention and Seizure," that there is reason to believe are adulterated, misbranded, or otherwise in violation of the Acts. Investigators may work jointly with other Federal, State, or local agencies to use other means to control product (e.g., State Health Department embargos).

5. Examining, copying, collecting and/or photographing records (e.g., invoices, contracts, temperature records, HACCP records) relevant to the alleged violation or other allegation. Investigators are to examine and collect records or documents and to analyze these evidentiary documents carefully to assess whether the content will prove the violation or allegation under investigation. Findings may be subject to differing interpretations; therefore, Investigators are to examine the evidence for inconsistencies and either resolve the issues or be prepared to explain the

contradictions (make notes of explanations to refresh memory in case of time lapse). Investigators are to collect documentary evidence in accordance with FSIS Directive 8010.3.

6. Identifying subjects of the investigation (e.g., persons, firms, responsible management officials, product owners, custodians), possible witnesses with information relevant to the investigation (e.g., employees, consignees), or others with background or other information relevant to the investigation (e.g., Agency officials, Federal or State officials with relevant background information).

7. Interviewing subjects, witnesses, or others to obtain information about the allegation or apparent violation under investigation to:

a. explain, confirm, supplement, and expand upon the facts;

b. pinpoint what witnesses heard or observed;

c. help correlate, identify, and explain evidence; and

d. permit persons involved to admit, deny, or explain actions.

8. Documenting interviews in a statement, memorandum of interview (MOI), or Shipper's or Receiver's Certification (FSIS Form 8050-2) in accordance with Chapter IV of this directive.

NOTE: A well-prepared and properly documented signed statement is the preferred method to document information provided by subjects of an investigation, witnesses to the violation, or others interviewed during an investigation. An MOI may be appropriate in a variety of situations (e.g., witness declines to sign statement, background interview with Federal or state agency official). A Shippers/Receivers Certification should be used with discretion to document information provided during an interview.

9. Determining whether product may have been shipped to other entities ("trace-forward" activities), or whether product came from other entities, where it still may be present ("trace-back" activities). Investigators conduct trace-forward and trace-back activities to determine the scope of the incident and to determine the extent of detention actions necessary to control adulterated or misbranded product. These activities may occur simultaneously at multiple locations in multiple areas. Investigators should coordinate related activities to ensure that they are done in a manner that will preserve the integrity of the investigation. Investigators are to collect associated records and any other relevant evidence and conduct interviews with employees at multiple levels of the organization (e.g., president, manager, or employee) to determine the following information:

a. Product Identifying Information - Include pertinent information on

container type, size, lot codes, production or pull dates (if available), and product origin.

b. Shipping and Receiving Practices –

i. Determine the receiving dates and times for each shipment of the identified products in the requested time period.

ii. Indicate how the dates on the shipping records reflect the receipt date of the product.

iii. Determine how the supplier documents or records deliveries.

iv. Determine the firm's suppliers or consignees during this time period.

c. Handling and Storage Practices - Interview employees regarding handling and storage of the implicated product.

d. Stock Rotation Practices - Review the standard operating procedures or good manufacturing practices at the firm for stock rotation (e.g., first-in-first-out) and determine how closely the firm follows the procedures or practices.

e. Sanitation and Pest Control Records - Determine whether the firm has, or has had, issues or concerns directly related to, or having impact on, the implicated product.

10. Performing searches of relevant public records, including internet searches of public records.

C. Investigators are to collect and safeguard evidence, in accordance with FSIS Directive 8010.3, to ensure positive identification of evidence and that chain of custody is documented, so that the integrity of the evidence is maintained, and the evidence is admissible in any litigation. They also are to evaluate the facts and evidence periodically to determine which investigative findings they support because the scope of the investigation may expand beyond the original apparent violation or allegation to include additional areas of inquiry.

D. Investigators may conduct covert surveillance of people, places, or things to obtain information. Investigators may conduct this activity on foot, in vehicles, or from a fixed location and by using photographic equipment to document the subject activity.

E. An Administrative *Subpoena Duces Tecum* is used, when necessary, to obtain access to facilities, inventory, and records, to copy or collect copies of records, or for other lawful purposes. Investigators are to contact, through supervisory channels, the Evaluation and Enforcement Division (EED), OPEER, to request a subpoena and

provide any supporting information necessary to obtain the subpoena, and for enforcement or related activities. EED and the Regional Office are to coordinate the delivery of the subpoena, with support from Federal, State, or local authorities, as necessary, to ensure Investigators' safety and legal service of the subpoena.

CHAPTER III – INVESTIGATIVE ANALYSIS AND DECISION

I. INVESTIGATIVE ANALYSIS

During the course of an investigation an Investigator is to:

1. organize and analyze the evidence and facts periodically to make determinations regarding investigative activities;

2. determine whether the evidence and facts are sufficient to support an Agency decision, enforcement or legal action, or that further investigation is required;

3. determine whether the evidence and facts require further investigation of the apparent or alleged violation be conducted in another CID region;

NOTE: The RM in the CID region where the apparent violation, food safety incident, or other allegation occurs will contact the RM in the second region to coordinate investigative activities in accordance with this directive, evidence collection in accordance with FSIS Directive 8010.3, "Procedures for Evidence Collection, Safeguarding and Disposal," document an ROI in accordance with FSIS Directive 8010.4, "Report of Investigation," and initiate enforcement or other agency action or decision in accordance with FSIS Directive 8010.5, "Case Referral and Disposition."

4. determine whether the evidence and facts require investigative resources from another Federal, State, or local agency;

5. determine and recommend whether the facts and evidence indicate that the case should be referred through the SI and RM to the OIG under the terms of the MOU;

NOTE: If the OIG declines to open an investigation the RM or designee may decide to continue the investigation.

6. determine whether further investigation is needed that would require the use of special investigative techniques as set out in the MOU with OIG and recommend through the SI and RM that the case be referred to the OIG for further joint investigative activities;

7. determine and recommend whether the evidence and facts indicate that the case should be referred through the SI and RM to an appropriate Federal, State, or local agency for investigation and enforcement action;

8. determine and recommend to SI and RM whether, after using all appropriate investigative techniques, the evidence and facts do not support further enforcement action and the investigation should be closed.

II. INVESTIGATIVE DECISION

A. At the conclusion of an investigation, an Investigator is to:

1. organize the evidence in a logical and coherent fashion;

2. conduct a thorough and impartial analysis of the evidence, to determine the findings, supported by the evidence;

3. complete an ROI as set out in FSIS Directive 8010.4, “Report of Investigation;”

4. refer the ROI to the RM through the SI in the ICS system for enforcement or other agency action or decision as set out in FSIS Directive 8010.5, “Case Referral and Disposition.”

NOTE: There may be situations in which an ROI will be prepared at the conclusion of an investigation, even when the evidence and findings do not support Agency enforcement action under the Acts.

CHAPTER IV – PROCEDURES FOR A STATEMENT, MEMORANDUM OF INTERVIEW, AND SHIPPER'S OR RECEIVER'S CERTIFICATION

I. STATEMENTS

A statement is a written description of the facts, events, or other relevant information provided by an interviewee of his or her knowledge of, or role in, the subject of the investigation or inquiry.

B. Investigators are to prepare statements in the following format:

1. Show the date and the location of the interview in the upper right-hand corner of the first page.

2. The statement should be written in the 1st person from the interviewee's point of view.

3. The opening paragraph should include the name of the interviewee and name and title of the Investigator conducting the interview, attest that the information is being provided freely and voluntarily, reflect an understanding of what the interview is in regard to, and provide Privacy Act notification.

Example:

I, Edward A. Jones, make the following statement in regard to inquiries made by Clyde Frebish, who has identified himself to me as an Investigator, Compliance and Investigations Division, Office of Program Evaluation, Enforcement and Review, Food Safety and Inspection Service, United States Department of Agriculture. I am providing this information freely and voluntarily. I understand that a possible violation of the Federal meat, poultry, or egg products inspection laws may be involved. I have been provided a copy of the Privacy Act Notice.

4. When more than one Investigator participates in an interview, include his or her name in the opening paragraph of the statement.

5. The second paragraph should state the interviewee's date and place of birth, address, official job title, name of employer, and length of service.

Example:

I was born November 29, 1941, in Boise, Idaho. I live at R.D. #1, Turlock, California (zip code). I own and operate the Edward Jones Cattle Company, 100 Main Street, Turlock, California. I have been buying and selling cattle for the past 10 years.

6. The body of the statement should employ language that the interviewee

used previously or can understand. Avoid composing a statement that does not reflect the interviewee's exact language or that contradicts previous statements. The statement should describe relevant facts, including the facts of the violation and any events leading up to the violation, the interviewee's intent and motivation, how the interviewee is involved in the violation, and specific facts of the violation, such as the amount of FSIS-regulated product involved or affected. The statement may summarize some details succinctly as long as the summarization of this information does not affect the content of the statement.

7. The concluding paragraph of the statement should contain an attestation that declares: the number of pages in the statement, that the interviewee has read, or has had read to him or her, the statement; that he or she initialed each page and each correction; and that the statement is complete and true to the best of his or her knowledge.

8. When more than one page is necessary for an statement, number each page for order clarification (e.g., Page 1 of 2, Page 2 of 2).

9. Type or print each signatory name under the concluding paragraph, leaving enough space for signatures.

10. Allow the interviewee the opportunity to make corrections or additions to the statement

11. Have the interviewee initial any corrections or additions, sign or initial each page, and sign the statement above his or her name.

12. Observe the interviewee while he or she makes corrections or additions and signs the statement.

13. The Investigator preparing the statement should sign the last page of the statement above his or her name after the interviewee signs the statement.

14. In a situation where the interviewee refuses to sign a statement, but admits that the content is true, add an addendum to the statement that declares that the statement was read by or to the interviewee, who acknowledged the content to be true, but refused to sign the statement. The Investigator preparing the addendum should sign below the addendum and ensure that Investigators and any other persons who heard the acknowledgement sign below the addendum attesting that he or she witnessed the acknowledgement.

15. Special Circumstances - When a signed statement is obtained from an individual who cannot read, write, or speak a language understood by the Investigator, a third-party witness is required (e.g., relative, friend, neighbor, or employee) who is able to understand the Investigator. Prepare the statement as follows:

a. Interviewee cannot read - allow the witness to read the statement to the individual so the witness can attest that what was written was in fact read. The last paragraph is modified as follows - “I have had read to me the preceding statement consisting of (number of handwritten/typed) pages and have been given an opportunity to make additions or corrections. It is true and correct to the best of my knowledge.”

b. Interviewee cannot write (sign name) - have the individual make his or her identifying mark so that the witness can attest that the interviewee signed the statement.

c. Interviewee cannot speak the language - use a third-party witness who can interpret the conversation. Modify the last paragraph as follows: “(Name of interpreter), acting as my interpreter, has read to me the preceding statement consisting of (number of handwritten/typed) pages. I have been given an opportunity to make additions or corrections, and it is true and correct to the best of my knowledge.”

d. Third-party witness - have the witness sign the statement and include, in the statement, the name, address, and relationship of the witness to the interviewee.

e. When the interviewee’s attorney is present, provide him or her the opportunity to sign as a witness and include the name and address of the law firm and the capacity in which he or she is serving the interviewee.

II. MEMORANDUM OF INTERVIEW (MOI)

A. An MOI is the Investigator's written summary of the information obtained from an interviewee. An Investigator prepares an MOI to record the specifics of an interview.

B. Investigators are to prepare an MOI in the following format:

1. Show the date and the location of the interview in the upper right-hand corner of the first page.

2. Enter the title “Memorandum of Interview” on the first page, centered and in bold font.

3. Enter the name and title of Investigator; name and official job title, business address, employer, and length of service for the interviewee; and names and titles of others present during the interview in a heading format prior to the first paragraph.

4. Write the body of the MOI in the 1st person from the interviewer’s point of view.

5. The first paragraph should indicate how the Investigator identified himself or herself. This description of the introduction/identification process should be detailed and thorough and should include documentation of the interviewee's acknowledgement of understanding regarding the investigators official capacity.

Example:

Investigator Frebish and I introduced ourselves to Ms. Jones and presented our credentials to her. I explained that we were Investigators with the Compliance and Investigations Division, Office of Program Evaluation, Enforcement and Review, Food Safety and Inspection Service, United States Department of Agriculture. Ms. Jones acknowledged that she understood our official capacity.

I introduced myself to Mr. Jones and presented my credentials to him. I explained that I am an Investigator with the, Compliance and Investigations Division, Office of Program Evaluation, Enforcement and Review, Food Safety and Inspection Service, United States Department of Agriculture. Mr. Jones acknowledged that he understood my official capacity.

6. Use either the first or the second paragraph to state the purpose of the interview to provide a pre-summary that informs the reader early in the MOI what kind of information this MOI will reveal.

7. The remainder of the MOI should contain the facts elicited from the interviewee presented in a logical and concise manner. Present the facts in a narrative fashion using paragraphs to separate different segments.

8. Include a closing statement to account for the date the MOI was prepared and to certify that it contains all the information discussed during the interview.

Examples:

I prepared this report on ____, 20_ , immediately after the interview with the witness. I certify that this report has recorded in it a summary of all pertinent matters discussed with the interviewee.

OR

I prepared this report on ____, 20_ , two weeks after the interview with the witness for inclusion in the Report of Investigation with the witness's signed statement. I certify that this report has recorded in it a summary of all pertinent matters discussed with the interviewee on ____ , 20_.

C. The Investigator documenting the MOI is to promptly sign and date the document.

D. If additional Investigator(s) participated in the interview, he or she may sign the MOI as a witness.

E. When more than one page is necessary for an MOI, number each page for order clarification (e.g., Page 1 of 2, Page 2 of 2).

III. SHIPPER'S OR RECEIVER'S CERTIFICATION (FSIS FORM 8050-2)

A. The Shipper's or Receiver's Certification is used to document initial contact with the shipper or receiver of meat, poultry, or egg products that appear to be in violation of the FMIA, PPIA or EPIA. FSIS Form 8050-2 is located in Outlook at:

Outlook/Public Folders/All Public Folders/FSIS Issuances/Forms/8000 Series and https://inside.fsis.usda.gov/fsis/emp/static/global/forms/forms.jsp.

B. Complete each block of the Shipper's or Receiver's Certification.

1. Description of Product - Mark the appropriate block to identify the statement as that made by the shipper or receiver. Describe the product by its common or usual name. Show approximate weight and number of items or containers shipped or received.

2. Date Product was Shipped or Received - Enter the phrase "on or about" and the date or dates "shipped" or "received."

3. Observed By - Enter the names of FSIS personnel involved.

4. Place Where Observed - Enter location where product was observed.

5. Date Observed - Enter date product was observed.

6. Name and Address of Shipper - Enter the shipper's organizational name and address as identified by the consignee, invoice, receiving ticket, or other available material.

7. Type of Shipping Records - Enter type of shipping records examined, if any were available.

8. Shipping Record Numbers - Enter the identifying number from the bill of lading or other available shipping record.

9. Date of Shipping Records - Enter date of shipping record, if any.

10. Name of Processor and Address - Enter the processor's organizational

name and address. If the shipper and processor are the same, the entry “Same as item 6" will suffice. If the case involves several processors, enter the name and address of the main processor, plus the word “various.”

11. Method of Transportation - Enter the mode of transportation, such as Shipper's truck, Consignee's truck, or Tom Jones Company. Do not use the word “truck” without clarification of its owner or operator.

12. Markings on Containers or Product – Enter identifying marks observed on containers or product.

13. Invoice Issued By - Enter the name and address of the person or firm that issued the invoice, or if the name is the same as item 6, the entry “Same as item 6.”

14. Invoice Number - Enter the invoice number, or, if the invoice is not numbered, enter other identifying features of the invoice.

15. Date of Invoice - Enter the invoice date.

16. Remarks - Entries in this block are to be brief and clarify the findings.

17. Certification - Enter the organizational name and address of the shipper or receiver, or his or her representative. Enter the date of signature. In the area directly under his or her signature, print or type the true name (not nickname) of the person who signed the statement. Do this in the presence of the signatory.

IV. Privacy Act Notification

A**.** When personal information is obtained from an interviewee, regardless of the form of documentation of the interview (e.g., statement, MOI), Investigators are to provide a copy of the Privacy Act Notice and an explanation of the Notice. The Privacy Act Notice is located in Outlook at:

Outlook/Public Folders/All Public Folders/FSIS Issuances/Forms/8000 Series and https://inside.fsis.usda.gov/fsis/emp/static/global/forms/forms.jsp.

B. Personal information includes any of the following:

1. Date of birth
2. Place of birth
3. Home address
4. Home telephone number

NOTE: When the interviewee is an employee of FSIS, it is not necessary to obtain personal information or to provide a copy of the Privacy Act Notice.

Direct all questions on this directive through supervisory channels.

Assistant Administrator
Office of Policy and Program Development