

USDA/FS-33

System Name: Law Enforcement Investigation Records, USDA/FS.

System Location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices and 123 Forest Supervisor Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Subjects: individuals against whom allegations of wrongdoing have been made. Principals: Individuals not named as subjects, but yet may be responsible for alleged violations. Complainants: Those who allege wrongdoing. Others: Those closely connected with the matter of investigation

Categories of records in the system: Files containing investigative and other reports, correspondence, informal notes, statements of witnesses, names, addresses, social security records and dates of birth.

Authority for maintenance of the system: 16 U.S.C. 559.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; (2) referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States of Agriculture; (4) referral to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored on magnetic media and vertical file folders.

Retrievability: Files are maintained under 5320 designations, identified by the case number.

Safeguards: Staff is instructed to allow access to authorized persons only. The files are kept in a locked file room.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Director, Law Enforcement and Investigations, USDA-Forest Service, P.O. Box 96090, Washington, D.C. 20090-6090 or the appropriate Field Office at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (3)(4)(G), (H), (I), and (f). See 7 CFR 1.123. This exemption will only be used to maintain the efficacy and integrity of lawful investigations, and to prevent access to certain law enforcement files which would alert subjects of investigations that their activities are being scrutinized and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to the appropriate system manager.