INVESTIGATIVE AND ENFORCEMENT SERVICES

Animal and Plant Health Inspection Service

Delegation of Authority to IES

7 CFR 371.5(b)(7) is the Delegation of Authority to IES for:

- Directing and coordinating investigations related to APHIS program statutes and regulations and coordinating enforcement with the Office of the General Counsel.

IES’ Customers

- U.S. Customs and Border Protection
- Department of Homeland Security
- Biotechnology and Regulatory Services

IES Map

IES’ Services

- Investigations
  - Fact Finding, Administrative, Civil, and Criminal collection of evidence
- Enforcement
  - Subpoenas, Official Warnings, Settlement Agreements, Hearing
  - Logistical and Financial Support for Administrative, Civil, and Criminal prosecution
- Intelligence Analysis
- Training
- Program Support

Role of IES Investigations

- Investigate alleged violations of APHIS statutes and regulations
- Collect physical, documentary, and testimonial evidence
- Prepare, document, and submit comprehensive investigative reports to programs
- Offer regulatory support and interpretation
Role of IES Enforcement

The Animal Welfare Enforcement Branch, Animal Health and Horse Protection Enforcement Branch and the Plant Health and Border Protection Enforcement Branch

- Review and analysis of investigative reports for enforcement action, as necessary (administrative, civil and/or criminal action)
- Liaison with the Office of the General Counsel
- Process subpoena requests
- Provide regulatory support and interpretation
- ISO certified business processes

Types of Adjudication

- Spot Settlements by PPQ and CBP at the Ports and Field Offices
- Non-monetary and Civil Penalty Settlement Agreements (Stipulations) by Enforcement
- Informal Conferences (Veterinarian Accreditation)
- Formal Administrative Enforcement Actions with USDA’s Office of the General Counsel (OGC) and Administrative Law Judges (ALJ)
- Criminal proceedings with OGC or Office of the Inspector General (OIG) and Department of Justice (DOJ)

Formal Administrative Process

- Processed by Enforcement and USDA OGC
- Formal Administrative Complaint issued by APHIS Administrator
- Opportunity for hearing before a USDA ALJ
- Decision by ALJ
- Preponderance of Evidence
- Appeals to USDA Judicial Officer and then to the U.S. District Court or U.S. Court of Appeals, as appropriate
- Process penalties through APHIS Financial Management Division collection procedures

Criminal Prosecution

- Prepared by IES in cooperation with USDA OGC or OIG
- Referred to the DOJ (US Attorney’s Office)
- Knowing violations
- Burden of Proof - beyond a reasonable doubt

Continuous Improvement to Investigative and Enforcement Services

- Lean Six Sigma
- Strategic use of investigative and enforcement resources
- Comprehensive guidance documents
- Improved timeliness of enforcement
- Feedback from customers

Questions and Answers

Conclusion