# PSQA Directive	8010.4 Rev. 5	4/28/17

REPORT OF INVESTIGATION

I. PURPOSE

This directive provides the methodologies Compliance Investigators will apply when preparing a Report of Investigation (ROI). Investigators prepare an ROI to support findings of apparent violations, food safety incidents, or other allegations under the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA),), the Humane Methods of Slaughter Act (HMSA) (the Acts), and related laws and regulations. PSQA-MG is reissuing this directive in its entirety to update information related to the ROI and to make additional clarifications.

KEY POINTS:

- *Defines an ROI and its components*
- *Clarifies ROI document, heading, and subheading formats*
- *Sets out the process for the review and submittal of the ROI*

II. CANCELLATION

MSA Directive 8010.4, Revision 4, Report of Investigation, dated 04/24/17

III. BACKGROUND

The purpose of the ROI is to set out findings and supporting evidence that Investigators develop in investigating apparent violations, food safety incidents, or other allegations relating to the Acts, using the methodology set out in PSQA Directive 8010.2, *Investigative Methodology*. The ROI provides PSQA-MG a means to determine whether the evidence supports the findings, and whether the Agency will take action. The ROI is used to support Agency decisions, investigative findings, and enforcement or other legal actions. The ROI is also used to document investigations that may not result in a violation.

IV. THE ROI

A. A well-written ROI chronicles the nature of the alleged violations and the applicable statutes and regulations, and organizes the findings and supporting evidence to allow the reader to evaluate and assess whether the ROI and evidence support the allegations, or whether violations did not occur. A ROI is

to be factually correct, impartial, concise, clear, logically organized, and completed in a timely manner.

B. Each ROI is to contain clear and concise statements of findings that present the relevant evidence, identify sources for the evidence, and report the evidence or other case information in context (e.g., fact as fact, observations as observations). The ROI is to be exhibit oriented. Therefore, the text narrative is to be a summary of the findings and is to refer the reader to particular exhibits for detail.

C. Investigators are to ensure that the ROI:

1. Communicates the purpose, scope, sources of information, facts, and findings of the investigation appropriately and is restricted to items that are important and relevant to the scope and objectives of the investigation;

2. Sets forth facts in a manner that facilitates reader comprehension;

3. Includes a statement of the applicable law that was allegedly violated or that formed the basis for the investigation;

4. Is factual, objective, and does not contain personal opinions, views, or editorials;

5. Avoids unanswered questions and does not leave matters open to interpretation;

6. Records or references all pertinent evidence and investigative activities;

7. Contains enough relevant and reliable evidence to support the findings; and

8. Is completed in a timely manner.

D. Investigators are to limit distribution of the ROI to officials responsible for taking action on the matter investigated and to those having an official need to know the results of the investigation. Investigators are not to distribute the ROI without authorization.

V. ROI FORMAT

Investigators are to prepare the ROI and other documents using Microsoft Word.

1. The text of the ROI, including headings, and other documents created for the ROI, are to be in font type Verdana, font size 12 point; and

2. The text of the ROI and all other documents created for the ROI are to use 0.5" margin on all sides.

A. ROI Headings Format – Investigators are to prepare the ROI headings and any sub-headings using the following format:

1. Headings Format – Headings in the ROI are to be in uppercase, underlined, and aligned over each section on the left side of the page (e.g., PREDICATION). Investigators are to ensure that headings do not start at the bottom of a page.

2. Sub-headings Format – Sub-headings may be used to organize the Predication and Findings sections of the ROI and to aid the reader's comprehension (i.e., sub-headings are not to be used in the Summary and Background sections). When used, sub-headings are to be formatted in title case and underlined (e.g., ABC Sold Misbranded Product).

B. ROI Headings – Investigators are to prepare the ROI to include the following components as headings:

1. **Predication** – A brief statement that identifies when and how the program area (e.g., OIEA) became aware of and involved in the issue;

2. **Objective** – A brief statement that identifies the purpose (one or more objectives) of the investigation or inquiry;

3. **Summary** – A brief statement of the investigation or inquiry with respect to the objectives, presented in the same order as the objectives, to answer whether the findings sustain or do not sustain the respective objectives;

4. **Background** – A brief statement that states the Agency's statutory and regulatory responsibilities and identifies relevant background information about the subject of the investigation (e.g., nature of business operations, organization, responsible officials). Investigators also may use background, when necessary, to explain any unusual, confusing, or complex regulatory or other issues (e.g., issues concerning Specified Risk Material (SRM) or humane handling).

5. **Findings** – Organization and content of the findings are critical to the ROI. Findings are to be organized as follows:

    a. Include the Firm Information and Subject of Investigation;

    b. Include a paragraph that charges the elements of the statutory or regulatory violation;

NOTE: Investigators may need to address a factual situation that may not involve violations, but an ROI is necessary to show a completed inquiry (e.g., Office of Inspector General (OIG) Hotline Complaint with no violation).

    c. Cite the relevant section of the statute or statutes and quote or paraphrase the language of the statute (e.g., TITLE 21 UNITED STATES CODE § 610 (a) and (c)) and link to the appropriate violator if more than one violator included;

    d. Present the findings and evidence developed in response to each statutory violation or factual situation; and

    e. Include, for each finding, a specific reference to the supporting evidence in an exhibit or exhibits.

6. **Product Disposition** – A brief, specific statement of the products dispositions, if applicable, including whether the Investigator witnessed the disposition actions.

7. **Compliance History** – Include relevant compliance history for the subjects of the ROI. Include any known violations of the FMIA, PPIA, EPIA, or HMSA; relevant administrative enforcement actions; or relevant violations of other Federal or State laws. Include the file number (e.g., ANet/ICS Investigation Number, ANet/ICS Enforcement Number), type of case (e.g., Criminal – Adulterated – Food Safety), closing action (e.g., Notice of Warning, Injunction), and date closed. If none, state "No record of past violations."

NOTE: Subject, Witnesses, Firms – When a subject, witness, or firm is mentioned more than once in the ROI, Investigators are to write the full name of the person or firm the first time it is used in the ROI; thereafter, they are to

use uppercase letters to abbreviate and reference names of those persons and firms (e.g., John Smith (SMITH); Clyde's Meat Company (CLYDES). Investigators are not to use this abbreviation method for Federal, State, and local government employees.

8. **List of Exhibits** – The "List of Exhibits" is the list of evidence included as exhibits in the ROI.

    a. Exhibits are to be presented in an order that facilitates an understanding of the findings and the evidence in the ROI. Exhibits shall be placed in the order referenced in the text of the ROI;

    b. All exhibits used in the ROI are to have an evidence collection date, as required by PSQA Directive 8010.3, *Procedures for Evidence Collection, Safeguarding and Disposal*. The evidence collection date is the date the Investigator obtained the evidence. For organizational structure, flow charts, summary tables, and other demonstrative or informational documents created by Investigators, the evidence collection date is the date the Investigator collected the information from an individual, firm, or government entity to support creating the document, not the date the document was created; and

9. **List of Evidence Not Included** – The "List of Evidence Not Included" is a list of evidence and any non-evidentiary materials obtained in the investigation but not included as exhibits in the ROI.

VI. REFERRAL AND TRANSFER OF ROI

At times, it is necessary to refer and transfer an ROI to another Compliance Investigator (CI) for completion. When the ROI is referred to another CI, the assigned CI is responsible for adding their findings to the current ROI. Only one ROI is to be included in the final investigative record. The CI responsible for completing the ROI is to ensure it satisfies all parts of this directive and determine the proper order of the exhibits and prepare the list of exhibits.

VII. ROI SUBMITTAL AND REVIEW

Investigators and supervisors are to use the following process for review and submittal of the ROI in the ICS:

1. Investigators are to submit the ROI in the ANet/ICS to his or her supervisor.

2. The supervisor is to review and evaluate, as necessary, the ROI to ensure that it has been prepared in accordance with this directive.

3. The supervisor is to return the ROI to the Investigator if changes are needed. If no changes are necessary, or after revisions are received, the supervisor is to submit the ROI with his or her recommended action.

VIII. QUESTIONS

Refer questions through supervisory channels.

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