

OUTFITTERS & GUIDES LICENSING BOARD	POLICY NUMBER: 3005	PAGE NUMBER: 1 of 4
	SUBJECT: Investigative Reports Procedures	Drafted: Adopted: 08/24/05 Revised: 08/19/14 Reformatted: 10/26/15

1.00.00 POLICY OF THE AGENCY

It is the policy of the Idaho Outfitters and Guides Licensing Board that parties must submit written allegations concerning outfitters or guides in order for an investigation to be initiated.

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3.00.00 REFERENCES

Idaho Code, Title 36, Chapter 21
Unofficial Rules of the IOGLB

4.00.00 DEFINITIONS

Complaint Form: a standardized form containing complainants identifying data, names of witnesses, and written allegations concerning an outfitter or guide. Photographs and or maps may be attached to the complaint form.

Investigative Report: a written report submitted by an agent or investigator that answers specific questions concerning written allegations of violations of Idaho Code, Title 36, Chapter 21 and Unofficial Rules of the IOGLB.

5.00.00 PROCEDURE

All complaints against an outfitter or guide shall be filed with the Bureau of Enforcement (BOE) in writing and shall minimally provide the following information:

- (a) Name and address of licensee;
- (b) Name, address, telephone number of complainant and e-mail address of complainant;
- (c) Nature of alleged violations;
- (d) A short and concise statement of facts relating to the alleged violations; and
- (e) Signature of complainant;
- (f) Photographs or maps to include GPS coordinates if applicable.

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Received complaints shall be reviewed by the Chief of Enforcement and, when appropriate, assigned to an Agent or Investigator for investigation. If the complaint does not warrant further action by the BOE, the Chief shall advise the complainant that the matter has not been assigned for investigation.

If the complaint does warrant further action, the assigned agent or investigator shall conduct an investigation. At the completion of an investigation, a detailed investigative report shall be submitted to the Chief for review. If the Chief deems that the case warrants review for prosecutorial merit by the Enforcement Attorney, a copy of the case file shall be forwarded to the Enforcement Attorney for review.

5.01.00 Investigative Reports

The purpose of an investigative report (IR) is to document and present all pertinent facts relating to a case to facilitate a proper adjudication. An IR shall be written clearly and concisely so that the reader can readily comprehend the significance of its contents, be certain of thoroughness, and assured of the facts presented. The IR is a confidential document and its contents may not be divulged to anyone outside the BOE without authorization of the Chief. The IR shall serve as the basis for the presentation of a case for trial or a Board Hearing.

The IR should convey to the reader with accuracy and clarity the essential facts disclosed as a result of an investigation. IR writing is an art that requires study, practice, and persistent effort. There are no hard and fast rules applicable to all cases at all times; therefore, IR's must be based on a background of experience, judgment and knowledge. Some essentials are fairness, accuracy, thoroughness, uniformity, and conciseness in a logical presentation.

Fairness is as important as procuring facts with impartially. The writer should be an unbiased fact-finder, not a partisan to a particular cause. He/she should report all material facts and evidence in a manner that speaks for itself and requires little or no explanation of their significance. Any distortion of the significant material diminishes the value of the report. Quotes must be exact and if used, the writer should say so. Hearsay and rumors, properly identified as such, may be included in the report but only if relevant. IR's should reflect an impersonal attitude and should contain no offensive remarks regarding race, religion, political affiliation, national origin, or sex.

Accuracy is essential. Facts must be reported with exactness. IR's are the basis for administrative and legal action of the utmost importance, including assessment of substantial amounts of civil penalties and or criminal action. The writer should state facts, not opinions or conclusions. If requested, opinions and conclusions should be submitted separately.

The IR should be considered from the viewpoint of a reader having no knowledge of the case. Only report facts that are essential and germane to the case. All facts should be documented in order to establish truth and thoroughness. The source of all evidence should be documented.

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Facts that point to weaknesses in the case should be included. Any weakness should be documented before a case is presented to the Enforcement Attorney or County Prosecutor in order to prevent surprises and to give the reviewers opportunity to suggest ways of overcoming the weak points. Speculation and conjecture of the writer concerning defense theories have no place in the IR. Evidence favorable to the defendant, including testimony and potential witnesses, must be thoroughly reported.

IR's should be concise and contain only that which is essential to the case. Irrelevant data is confusing and misleading. Conciseness should be applied to the entire report to include sentence and paragraph structure.

An introduction is necessary to present background information followed by the body of the report in chronological order of events, list of facts and data to be covered may be a helpful reference to maintain consistency in IR's.

Each case opened will be assigned a file number with the first two digits identifying the year the investigation was opened and the second three digits identify the case number (00-000).

A consistent procedure and format familiar to the Enforcement Attorney will aid in the construction of the case. The following procedure shall be adhered to:

- (a) Letter sized manila file folder, two hole punched at top with fasteners will be utilized to permit additions of necessary paperwork.
- (b) Case name and number on folder tab
- (c) Completed Report of Investigation (standard BOE format)
- (d) Charge(s): violation cited and date
- (e) Evidence: Photos, documents, and transcripts of conversations
- (f) Witnesses: Name, address, and telephone number.
- (g) Statements from all necessary parties (including business telephone numbers, home telephone numbers and residential and e-mail addresses).
- (h) Agents and Investigators shall provide appropriately detailed maps identifying relevant locations (including GPS coordinates) marking the significant location or locations of the parties.
- (i) Testimony: Brief sentence of witnesses' testimony.
- (j) Disposition: Completed at conclusion of case.
- (k) Confiscated items shall be inventoried.

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Executive Director, IOGLB

Date