

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 450 Special Funds and Rewards

Chapter 2 The Payment of Rewards by the Office of Law Enforcement

450 FW 2

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OVERVIEW

2.1 What is the purpose of this chapter? This chapter describes how and when the U.S. Fish and Wildlife Service's (Service) Office of Law Enforcement (OLE) pays rewards for law enforcement operations. Rewards are an invaluable tool for law enforcement. We usually pay a reward at the end of an investigation to compensate an individual or entity for their service and assistance with an investigation. We may also offer to pay a reward for information that leads to an outcome in situations where other enforcement tools have not given us any leads in an investigation.

2.2 What are the authorities for this chapter?

- A. The Endangered Species Act (16 U.S.C. 1540(d)).
- B. The Fish and Wildlife Revenue Enhancement Act (16 U.S.C. 742/(k)).
- C. The Lacey Act Amendments of 1981(16 U.S.C. 3375(d)).
- D. The Rhinoceros and Tiger Conservation Act (16 U.S.C. 5305a(f)).

POLICY

2.3 What is the policy? We may pay rewards in situations in which an individual or entity has:

- A. Furnished information leading to any one of the following outcomes:

(1) A criminal conviction,

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- (2) A civil penalty assessment,
- (3) A payment of forfeiture of collateral,
- (4) Abandonment or forfeiture of property,
- (5) A court-negotiated settlement, or
- (6) An out-of-court settlement; or

B. Furnished information that does not lead to an outcome listed in section 2.3A, but contributed significantly in furthering the investigative portion of the case.

2.4 What is the difference between paying for information and paying a reward? We must distinguish between paying for information (450 FW 1) and paying a reward.

A. Paying for information: If information furthers an investigation but has not yet led to an outcome, then we pay for the information according to the procedures in 450 FW 1.

B. Paying a reward: At the conclusion of an investigation, if the information led to one of the outcomes listed in section 2.3A or contributed significantly to an investigation as we describe in section 2.38, then we may pay a reward according to the procedures in this chapter. A person to whom we have paid for information (450 FW1) is not precluded from being a reward recipient in accordance with this chapter.

2.5 Who is ineligible for a reward? We must not pay rewards to:

- A.** An official of a local, state, Federal, or foreign government who was acting in his/her official capacity;
- B.** A non-government organization (NGO), an individual member of an NGO, or any other individual or entity that acts or attempts to act in a law enforcement capacity when not authorized to do so by the Service; or
- C.** Any person or entity whose receipt of a reward would create a conflict of interest or appearance of impropriety.

2.6 May the Service offer rewards for information? When it makes sense to do so, OLE may advertise that the Service may pay a reward for information leading to one of the outcomes or significant contributions we discuss in section 2.3. An example would be a reward posted in a local newspaper for information regarding a recent eagle shooting.

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MECHANICS OF PAYING REWARDS

2.7 How do we request payment of a reward?

A. Once an outcome or significant contribution as we describe in section 2.3 has occurred, we send a request for reward payment (see Exhibit 1) in writing to their Special Agent-in-Charge (SAC). If the SAC approves the request, he/she sends it to the Assistant Director - OLE for review and approval.

B. Requests for paying rewards should include the following information:

(1) The name, address, occupation, and employer (when appropriate) of the proposed recipient.

(2) If the proposed recipient has had a personal or business relationship with the requestor, a family member of the requester, or with any other person or family members of a person involved in the investigation, we should provide details of the relationship.

(3) The permanent Cooperating Private Individual (CPI) identification number, if applicable.

(4) The investigation (INV) number and title.

(5) The amount of reward requested.

(6) The total amount of compensation the individual has already received for assistance in the investigation, and the total amount of compensation paid to the individual within the last fiscal year for any investigation.

(7) The authority for issuing the reward (see sections 2.2 and 2.8).

(8) A justification statement that must include the following factors:

(a) A summary of the investigation and a description of the individual's contributions;

(b) The number of subjects involved;

(c) A summary of the criminal or civil charges filed, the settlement, the abandonment or forfeiture of the property, or payment of the forfeiture of the collateral;

(d) The results of all legal proceedings. If legal proceedings are not completed prior to the request, we must provide a reason why the reward is being requested beforehand and include a statement confirming that the prosecuting attorney concurs with payment;

(e) The probability the investigation would have been successfully concluded/prosecuted without the information/testimony;

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- (f) The relationship, if any, between the success of prosecution and the information provided;
- (g) The safety risk, if any, to the individual;
- (h) The impact of the illicit activities to the resource;
- (i) How the amount of the reward was chosen (statutes the Service enforces generally do not specify reward amounts, so Service officers must take into account the factors in section 2.78(8) when determining the amount of a reward); and
- (j) Circumstances, if any, requiring the issuance of a special check (see section 2.9).

2.8 From what accounts do we pay rewards? When we pay rewards resulting from law enforcement operations under:

- A.** The Lacey Act, the Endangered Species Act, and the Rhinoceros and Tiger Conservation Act, where there has been an outcome identified in section 2.3A, the money comes from the Law Enforcement Reward Account.
- B.** Any other statute where there has been an outcome identified in section 2.3A, the money comes from the Headquarters (HQ) OLE Special Funds Account.
- C.** Any statute when information was furnished that did not lead to an outcome listed in section 2.3A, but their involvement was essential in bringing the investigative portion of the case to a conclusion (see section 2.38), the money comes from the HQ/OLE Special Funds Account.

2.9 Are there any special considerations for issuing checks to reward recipients?

- A.** We usually issue reward checks in the name of the reward recipient.
- B.** Sometimes a recipient wants to remain anonymous, and receiving a Government-issued check may reveal his/her cooperation with the Government. In these circumstances, we may use one of the following procedures to pay the reward:

(1) We may issue a covert check to the individual from the HQ/OLE Special Funds Account.

(2) We may issue a check from the Law Enforcement Reward Account or the HQ/OLE Special Funds Account to the Regional Special Funds Account. The SAC then issues a check from the Regional Special Funds Account to the requester responsible for the investigation. The check is cashed and the reward paid to the individual in cash. In this situation, we must send a Reimbursement Claim for Purchase of Evidence/Information(FWS Form 3-302) to the SAC. The form documents the cash reward payment and must be signed by the recipient.

C. HQ/OLE mails all reward checks to the office of the SAC. The SAC coordinates with the

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requestor for delivery to the recipient.

2.10 Do we need to obtain receipts when we pay rewards? Yes, we need to obtain receipts. Reward recipients should be advised that the reward is reportable as taxable income on Federal income tax returns and state and local taxes may be owed as well (see 450 FW 1, Exhibit 1, for a sample receipt/tax acknowledgment letter).

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

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