

**Request for Proposals (RFP)**  
**USAID Wildlife Asia Activity**

**Rapid Reference Guide (RRG) for**  
**Investigators and Prosecutors of Wildlife Crimes - Thailand**

Title: International Consultant – Prosecution Trainer  
Proposed Dates: August 15, 2017 to February 28, 2017  
Level of Effort: 100 days  
Location: Home-based with travel to the region

Commodity/Service Required:	International Consultant – Prosecution Trainer
Type of Procurement:	RFP
Type of Contract:	Consultancy
Term of Contract:	100 days
Contract Funding:	Project Code 12298
This Procurement supports:	USAID Wildlife Asia Activity
Submit Proposal to:	<a href="mailto:salvatore.amato@usaidwildlifeasia.org">salvatore.amato@usaidwildlifeasia.org</a> and <a href="mailto:apotter@rti.org">apotter@rti.org</a>
Date of Issue of RFP:	June 15, 2017
Date Questions from Supplier Due:	June 30, 2017
Date Proposal Due:	July 15, 2017
Approximate Date Purchase Order Issued to Successful Bidder(s):	August 1, 2017

**Method of Submittal:**

Questions for clarification should be submitted by June 30, 2017 17:00 Bangkok time, and final proposals should be submitted by July 14, 2017 17:00 Bangkok time in Microsoft Office format to the following email addresses:

[salvatore.amato@usaidwildlifeasia.org](mailto:salvatore.amato@usaidwildlifeasia.org) and [apotter@rti.org](mailto:apotter@rti.org)

All final proposals must include:

1. The Consultant's Updated CV
2. Completed and signed USAID Biodata Form (<https://www.usaid.gov/forms/aid-1420-17>) – consultant fees will be based on prior salary history in accordance with USAID policy.
3. Proposed Methodology - a brief description of the proposed approach and methodology to be used, to include proposed travel itineraries – travel expenses will be reimbursed by USAID Wildlife Asia in accordance with standard USAID travel policy.

Solicitation Number:	UWA/RFP/2017/001
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## **I. Background**

The USAID Wildlife Asia Activity is a five-year, regional USAID/RDMA-funded project under the USAID Counter Wildlife Trafficking Activity Indefinite Delivery Indefinite Quantity (IDIQ). The USAID Wildlife Asia activity is implemented by International Resources Group (IRG). The purpose of this Activity is to improve regional action to end wildlife crime in Southeast Asia and China. The four main objectives of the USAID Wildlife Activity are to: 1) reduce consumer demand for wildlife and wildlife products in target areas; 2) strengthen regional law enforcement capacity and coordination; 3) increase commitment to addressing CWT; and 4) support RDMA's regional coordination of CWT stakeholders and efforts to strengthen the USG interagency CWT team.

Wildlife crime today is a serious and growing problem and comprises the fourth largest illegal trade after arms and drugs trafficking, and trafficking in human beings. In this regard wildlife crime is not only a major and significant threat to the security of the environment, but also frequently involves other forms of serious criminality such as money laundering, corruption, human trafficking, tax and customs fraud, labor exploitation, environmental and public health and safety laws. Organized criminal networks are moving poached or illegally harvested wildlife using a variety of smuggling techniques, often by means of existing infrastructures and well-developed routes used for the trafficking of drugs, people, weapons, counterfeit goods and other forms of contraband. Furthermore, it fosters corruption, robs communities of their natural resources, impacts livelihoods and food security of local populations.

Annually, the international wildlife trade is estimated to be worth billions of dollars and to include hundreds of millions of plant and animal specimens. Levels of exploitation of some animal and plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction. The illegal trade, particularly in elephant ivory and rhinoceros horn, is highly lucrative for criminals and organized crime groups. But a consequence of poaching activities is that the wildlife population is being severely depleted and endangered. It is estimated that 30,000 African elephants are killed annually by poachers to supply the illicit market with ivory. Many countries are ill equipped to respond to the challenges of wildlife trafficking and organized crime generally. They often have to contend with factors which contribute to an environment where crime can flourish such as poverty, lack of economic opportunities, inadequate legal structures, limited state capacities and lack of cooperation between law enforcement agencies.

Demand for illegal wildlife products stems from their use in traditional East Asian medicine, the international trade in commercial goods and exotic pets, and a desire for status symbols, among other factors. Source, transit and consumer countries often do not collaborate with each other, therefore undermining regional security and strengthening transnational criminal syndicates.

A number of countries have to contend with factors which contribute to an environment where crime can flourish, such as poverty; lack of economic opportunities; inadequate legal structures; limited state capacities, insufficient means to train and retain motivated officials; and insufficient cooperation between law enforcement agencies to identify and appropriately deal with wildlife

crime. Some of the main problem areas faced in efforts to investigate and successfully prosecute wildlife crime and which are addressed in the project relate to:

- Inadequate legislation for wildlife offences
- Absence of strategic, tactical or operational focus due to wildlife crime not being viewed as a priority crime
- Lack of information and poor understanding of the nature of demand for and actors involved in the trade of illicit wildlife products
- Porous borders and often ineffective border controls
- Inadequate collaboration and information sharing between enforcement agencies
- Inadequate systems for intelligence gathering, analysis and use, together with a lack of effective cooperation at local/national/regional/international levels in information/intelligence exchange
- Lack of basic equipment for police, border control, customs and other officials involved in combating the illegal wildlife trade
- Lack of trained staff with the expertise and skills in specialist investigation techniques such as controlled deliveries
- Poor crime scene investigation / forensic capacities
- Lack of specialist expertise to undertake money laundering investigations and to seize and confiscate criminal assets
- Grand and petty corruption in the agencies which could control the harvesting and movement of wildlife products
- Focus on the low-level actors committing the physical crime rather than the corrupt organizers and facilitators of wildlife crime
- Weak law enforcement management and monitoring capacity to oversee and assess the scale and scope of poaching of endangered wildlife species

To address this, the USAID Wildlife Asia activity delivers a range of technical assistance activities within several thematic areas towards achieving the key activity objective of strengthening capacity to prevent and combat wildlife crime and trafficking on a regional, national and trans-national basis. USAID Wildlife Asia also raises awareness of wildlife crime and trafficking among different stakeholders at the global and regional levels, including civil society, aimed to contribute to the reduction of demand for wild fauna and flora. Further USAID Wildlife Asia has a primary objective on promoting the rule of law supporting environmental conservation, and will collaborate for the development of tools supporting the prosecution of wildlife crime and trafficking.

Addressing these issues means targeting various aspects of wildlife crime. Not every country has the sufficient means to train officials and to identify the different forms of illicit wildlife trafficking. Therefore, law enforcement authorities, front line officers, prosecutors, judiciary in source and consumer countries have to be included in awareness raising activities to ensure that the wildlife animals and products can be intercepted by well- trained motivated law enforcement staff, the criminal cases can be properly investigated, prosecuted and adjudicated thus resulting in the disruption of criminal networks. Despite the progress made to date, rates of investigation, prosecution and adjudication of wildlife crime cases from Africa and Asia remains low. This issue is addressed in the proposal through a number of targeted interventions, which aim to support the law enforcement and prosecutorial response to wildlife crime.

## *Building the capacity of Public Prosecutors in Southeast Asia*

Effective wildlife and forest law enforcement requires a well-functioning and efficient prosecution, both to hold offenders accountable for their actions and to protect the legal rights of various stakeholders. Public prosecutors play a unique role in criminal cases in that they appear on behalf of the government as the representative of the people rather than of an individual victim. It is important that prosecutors be properly trained and resourced, uphold the rule of law, and maintain an ethical and professional standard. As with every aspect of a criminal justice system, the integrity and accountability of prosecutors must be ensured, and their independence and impartiality protected. This requires measures to shield officers from corruption, nepotism and coercion.

The reality in many countries, however, is that prosecution authorities function poorly for a variety of reasons. They are often understaffed and under-resourced, and face caseloads that greatly exceed their financial and human capacity to cope efficiently. The training of prosecutors may be weak in general and does not usually involve specific training in wildlife and forest law. In some countries, corruption is rife, and prosecutors operate under the influence of politicians or other branches of government. It has to be noted that, in the context of wildlife and forest crime - and environmental crime in general - criminal prosecutions and the initiation of judicial proceedings are seen by most countries as a last resort.

The inadequate or nonexistent prosecution of wildlife and forest offences also sends the message that this type of crime is victimless and less serious than other crimes. To address this, USAID Wildlife Asia seeks to build the capacity of Southeast Asian Public Prosecutors who work with Wildlife and Forest Crime offences.

In August - September 2015, UNODC held Prosecution Skills Workshops for Wildlife Prosecutors in both Tanzania and Uganda. As a result of those workshops, Prosecutors who deal with Wildlife Crimes across Tanzania and Uganda developed a series of recommendations to their respective Directors of Public Prosecutions requesting the development and use of Standard Operating Procedures, resources and prosecution tools which would assist them in their work and improve prosecutions for wildlife and forest crimes. The UNODC has been asked to help develop those SOPs, a Rapid Reference Guide (RRG) to Wildlife and Forest Crimes and a set of prosecution tools/templates for these cases.

In March 2017, UNODC held a Wildlife Inter-Regional Enforcement (WIRE) meeting in Bangkok for prosecutors with experience in wildlife crime cases and for central authorities responsible for sending and receiving mutual legal assistance requests, from Botswana, Kenya, Uganda, and key ASEAN countries including Cambodia, Laos P.D.R., Thailand, and Vietnam. The meeting focused on effective use of Mutual Legal Assistance Treaties (MLAT), and authorization for the use of specialized investigative techniques for wildlife crime cases. During the meeting, the RRG developed and being utilized in East Africa was discussed with general agreement and support that the RRG should be more widely developed and utilized.

Building from lessons learned and the effective roll-out of the RRG to wildlife and forest crime in East Africa by the UNODC, and given the identified need and level of support expressed by

relevant countries in Southeast Asia, USAID Wildlife Asia will develop and roll out RRG's for use by prosecutors and investigators in Southeast Asia, beginning in Thailand.

## **II. Scope of Work Objective**

The Consultant will be tasked with working together with staff of USAID Wildlife Asia, regional UNODC representatives, the Office of the Attorney General of Thailand, Royal Thai Police (NED), Thailand Customs, and Thailand Department of National Parks, Wildlife and Plant Conservation to design, develop, review and introduce the recommended set of standard operating procedures, rapid reference guide and prosecution tools.

## **III. Specific Activities**

The assignment will be carried out under the overall guidance of the Chief of Party, USAID Wildlife Asia activity and the direct supervision of the activity's Law Enforcement Specialist. The consultant will also liaise with other members of the USAID Wildlife Asia team as directed. More specifically, the Consultant will perform the following tasks:

1. For the Standard Operating Procedures (10 days),
  - a. draft Standard Operating Procedures (SOPs) for wildlife crimes and trafficking, to include mandating prosecution-led investigations, use of joint investigation plans, use of evidence/elements worksheet templates, managing early arrests/bail oppositions including pre- and post- arrest conferences, further guidance on charging decisions for wildlife crimes, and model pleadings/submissions for bail hearings and sentencing.
  - b. prepare a set of tools to be included with the SOPs to include a draft joint investigation plan, a suspect evidence/element worksheet template, an annotated witness list, an annotated evidence list and a proofing chart template.
  - c. consult with the Office of the Attorney General of Thailand or an allocated Working Group from the AG's office to get agreement on draft.
2. Design and draft for the framework or outline of the Rapid Reference Guide (10 days),
  - a. a template for hard copy and excel spreadsheet version the RRG in liaison with AG/working group of wildlife prosecutors.
  - b. a list of crimes to be included.
  - c. a list of information to be included per crime, such as key definitions and case law affecting the elements to be proven at trial, model charges and counts for each offence, etc.
  - d. a list of other reference material to be included.
  - e. consult with the Office of the Attorney general of Thailand or an allocated Working Group from the AG's Office to get agreement on drafts. (can be remote or in-country depending on consultant's preference)
3. Research and collate relevant Thai legislation and case law (12 days) including;
  - a. Conduct desktop research on each offence to include all information to be provided in the RGG, including a full review of relevant Thai case law, with assistance from working group and possible involvement of the Thai Institute of Justice and the Supreme Court of Thailand.

- b. Submit all primary material obtained during this desktop research (including legislation and case law) for possible uploading/updating on to SHERLOC<sup>1</sup> to assist in the population and availability of an online database of underlying material to be made available to Thai Wildlife Prosecutors.
  - c. evidence available to prove elements, to include relevant case law, current investigation capabilities and inclusion of forms of evidence which could be available through capacity building or regional mutual legal assistance.
- 4. Consult with AG Working Group on model charges/counts for each crime (AG to produce, Consultant to advise). (5 days)
- 5. First draft of the Rapid Reference Guide according to agreed template, list of crimes, information and other reference material to be included. (15 days)
- 6. Using the first draft Rapid Reference Guide, prepare a set of draft evidence/element worksheet templates for each offence included in the RRG, using research and information obtained and included in the RRG. (10 days)
- 7. Draft recommendations (recommended wording) to the AG (6 days) for
  - a. further guidance on charging decisions for wildlife crimes, and
  - b. model pleadings/submissions for bail hearings and sentencing.
- 8. Preparation and attendance at validation workshop to consult with stakeholders (including judiciary) over draft package of SOPs, RRG and prosecution tools. (10 days - in-country for 5 days)
- 9. Make amendments following consultations and prepare final draft for AG approval and adoption. (5 days)
- 10. Preparation and delivery (possibly in conjunction with UNODC) of 4 sets of 4-day trainings (including training of trainers) in multi-disciplinary groups (preferably with case scenario based training) to roll out SOPs, RRG and prosecution tools. (20 days - in-country for 2 trips of 10 days each)

#### **IV. Deliverables**

The deliverables due upon the completion of this consultancy are as follows:

- 1. Draft Standard Operating Procedures (SOPs) for Wildlife and Forest crimes as outlined in paragraph 1 of Specific Activities listed above. Due approximately 10 days after initiation of contract.
- 2. Draft framework or outline of the Rapid Reference Guide as outlined in paragraph 2 of Specific Activities listed above. Due approximately 20 days after initiation of contract.
- 3. Collated research of relevant Thai legislation and case law as outlined in paragraph 3 of Specific Activities listed above. Due approximately 32 days after initiation of contract.

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<sup>1</sup> SHERLOC (Sharing Electronic Resources and Laws on Crime) is a UNODC portal initiative to facilitate the dissemination of information regarding the UN Convention against Transnational Organized Crime.

4. Notes from consultation with AG Working Group on model charges/counts for each crime as outlined in paragraph 4 of Specific Activities listed above. Due approximately 37 days after initiation of contract.
5. First draft of the Rapid Reference Guide according to agreed template, list of crimes, information and other reference material to be included. Due approximately 52 days after initiation of contract.
6. Draft evidence/element worksheet templates for each offence included in the RRG, using research and information obtained and included in the RRG. Due approximately 62 days after initiation of contract.
7. Draft recommendations (recommended wording) to the AG as outlined in paragraph 7 of Specific Activities listed above. Due approximately 68 days after initiation of contract.
8. Preparation and attendance at validation workshop. To be conducted within 75 days of contract initiation.
9. Submit final draft for AG approval and adoption. To be completed within 80 days of contract initiation.
10. Delivery (possibly in conjunction with UNODC) of 4 sets of 4-day trainings as outlined in paragraph 10 of Specific Activities listed above. To be completed within 100 days of contract initiation.

#### **V. Location & Level of Effort**

The level of effort for this assignment is approximately 100 days. The Consultant will be home-based with travel to the region.

#### **VI. Reporting**

The assignment will be carried out under the overall guidance of the Chief of Party, USAID Wildlife Asia activity and the direct supervision of the activity's Law Enforcement Specialist.

#### **VII. Submission of Proposals**

Questions for clarification should be submitted by June 30, 2017 17:00 Bangkok time, and final proposals should be submitted by July 14, 2017 17:00 Bangkok time in Microsoft Office format to the following email addresses:

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