

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 5300 – Law Enforcement
Chapter 5360 – Cooperative Law Enforcement**

Amendment: 5300-2000-10

Effective date: July 27, 2000

Duration: This amendment is effective until superseded or removed.

Approved by: Mike Dombeck, Chief

Date approved:

Responsible Staff:

Last Change: 5300-2000-9 to FSM 5360 Contents

Superseded Document(s): Amendment 5300-98-2 to FSM 5360

Posting Notice. Amendments are numbered consecutively by Title and calendar year. Post by document name. Remove entire document and replace with this amendment. Retain this transmittal as the first page of this document. The last amendment to this Title was Amendment 5300-2000-9 to FSM 5360 Contents.

Digest: Following is an explanation of the changes throughout the directive by section.

5360.1 - 5360.12: Codes the previously uncoded introductory direction to the Authority section at FSM 5360.11, State and Local Law Enforcement on National Forest System Lands, and FSM 5360.12, Forest Service Cooperative Law Enforcement With State, Local, and Other Federal Agencies.

5360.3 - 5360.33: Recodes the direction in the Policy section to FSM 5360.31, Cooperation With Other Law Enforcement Agencies; FSM 5360.32, Reimbursement to State Agencies for Public Protection; and FSM 5360.33, State Deputization of Forest Service Law Enforcement Personnel.

5364.04a: Adds the responsibility of Special Agents in Charge to approve regular patrol cooperative agreements jointly with Forest Supervisors.

5364.04b: Adds the responsibility of Special Agents in Charge to approve cooperative agreements and joint financial and operating plans for cannabis investigation agreements (para. 1) and to authorize law enforcement personnel to be deputized (para. 2).

Forest Service Manual 5300 – Law Enforcement
Chapter 5360 – Cooperative Law Enforcement
Amendment: 5300-2000-10
Effective date: July 27, 2000

5364.04c: Sets out the responsibilities for Supervisory Special Agents and Supervisory Law Enforcement Officers to coordinate and negotiate cooperative agreements (FSM 5364.04b).

5364.3: Revises direction on evaluating cooperative agreements to ensure compliance.

Table of Contents

5360.1 - Authority.....	4
5360.11 - State and Local Law Enforcement on National Forest System Lands.....	4
5360.12 - Forest Service Cooperative Law Enforcement With State, Local, and Other Federal Agencies	4
5360.2 - Objectives	4
5360.3 - Policy	5
5360.31 - Cooperation With Other Law Enforcement Agencies	5
5360.32 - Reimbursement to State Agencies for Public Protection	5
5360.33 - State Deputization of Forest Service Law Enforcement Personnel	5
5361 - Operating and Financial Plan.....	5
5362 - Reimbursement	5
5363 - Continuing Nature of Cooperative Law Enforcement Programs.....	6
5364 - Cooperative Agreements.....	6
5364.04 - Responsibility	7
5364.04a - Special Agents in Charge and Forest Supervisors	7
5364.04b - Special Agents in Charge.....	7
5364.04c - Supervisory Special Agents and Supervisory Law Enforcement Officers	7
5364.1 - Additional Services	7
5364.2 - Cooperative Qualifications.....	8
5364.3 - Monitoring	8
5364.4 - Reports	8

5360.1 - Authority

The authorities governing cooperative law enforcement are in Title 16, United States Code, sections 480, 551a, and 553, and OMB Circular A-102.

5360.11 - State and Local Law Enforcement on National Forest System Lands

State and local law enforcement agencies generally have the same authorities and responsibilities on National Forest System lands as they do elsewhere in their respective jurisdictions (16 U.S.C. 480).

5360.12 - Forest Service Cooperative Law Enforcement With State, Local, and Other Federal Agencies

Certain National Forest System management activities generate law enforcement workloads in addition to what State and local law enforcement agencies may be able to shoulder. The Secretary of Agriculture is authorized to cooperate with any State or political subdivision thereof in the enforcement and supervision of their laws within the boundaries of any unit of the National Forest System. This includes authorization to reimburse such a State or subdivision for certain expenses incurred in connection with these activities.

1. Direct assistance by Forest Service personnel is authorized if there is a cooperative arrangement between the Secretary and State or local government; the Forest Service Officer is otherwise deputized under State law; and the enforcement of State laws is related to the administration and regulation of National Forest System lands (16 U.S.C. 551a).

2. Pursuant to 16 U.S.C. 553, the Forest Service is required, in all ways that are practicable, to:

- a. Aid in the enforcement of State laws with regard to livestock, forest fires, and protection of fish and game, and
- b. Aid other Federal agencies, upon request, in the performance of their duties with respect to the National Forest System.

5360.2 - Objectives

To maximize the use of the cooperative law enforcement program, to improve protection of persons and their property when visiting the National Forest System, and to utilize the opportunity to cooperate with States and Federal agencies in carrying out their specific responsibilities related to the National Forest System.

5360.3 - Policy

5360.31 - Cooperation With Other Law Enforcement Agencies

It is Forest Service policy to provide protection to the public and their property through cooperation with other law enforcement agencies pursuant to Title 16, United States Code, section 551a (16 U.S.C. 551a). Generally, the sheriff or equivalent officer has the responsibility for enforcement of local and State laws for protecting persons and their property. However, in some States, a State police agency or equivalent thereof may have the responsibility.

5360.32 - Reimbursement to State Agencies for Public Protection

If State conservation agencies have the responsibility for public protection in addition to their normal enforcement responsibility, they could be eligible for reimbursement when fulfilling their public protection responsibility (FSM 5362). Reimbursement is not authorized to fish and game departments for enforcement of fish and game laws on National Forest System lands.

In implementing this policy, Forest Officers shall establish close liaison with local authorities to provide for the exchange of information, aid in training, and mutual support.

5360.33 - State Deputization of Forest Service Law Enforcement Personnel

When practical, Special Agents in Charge may authorize, under 16 U.S.C. 553, 559d(5), or 559g(c), law enforcement personnel to be deputized by State law enforcement agencies to aid in the enforcement of State laws (FSM 5303). In exercising this authority, the Special Agent in Charge ensures that there is an agency basis or interest to be served or gained by the deputization so requested. The Special Agent in Charge may approve the required memorandum of understanding between the commissioning agency and affected units.

5361 - Operating and Financial Plan

For each law enforcement cooperative agreement, the authorized officials shall prepare an operating and financial plan. See FSH 1509.11 and 5309.11, for additional information on cooperative agreements and operating and financial plans.

5362 - Reimbursement

1. Cooperative Agreements. The Forest Service may cooperate and reimburse the expenses of States or their subdivisions for law enforcement activities (FSM 5301 and 5360.32; 16 U.S.C. 551a). For such reimbursement, it is necessary to bilaterally execute a cooperative agreement in accordance with FSM 1580 and FSH 1509.11. Limit reimbursement to those additional expenditures incurred with respect to the protection of persons and their property. These expenditures should be in connection with activities on National Forest System lands beyond those that the local law enforcement agency is normally able to provide. Certain

activities of a cooperative entity may not be actually conducted on National Forest System lands, but shall be directly related to activities occurring on such lands.

2. Training and Services. Reimbursement may include the costs incurred by a cooperating entity in equipping or training its officers to perform the law enforcement activities. Normally, limit reimbursement to a pro rata share based on the percentage of time an officer spends or equipment is used as defined under the cooperative agreement.

3. Equipment. When expensive items of equipment are needed by the cooperating entity in order to perform the law enforcement activities, consider reimbursing the cooperator for costs incurred in leasing the equipment rather than outright purchase. If purchase is determined necessary, document the need for such a determination and make the documentation a part of the cooperative agreement official file. The total reimbursement for the specialized equipment cannot constitute the major portion of the agreement. Further, when reimbursement is authorized for expensive items, such as radios, radar equipment, and boats, stipulations in the operating and financial plan shall estimate the useful life of such equipment. In these cases, equipment use rates shall include only operation and maintenance costs and shall exclude depreciation and replacement costs.

5363 - Continuing Nature of Cooperative Law Enforcement Programs

1. Cooperative Agreements. Cooperative law enforcement is a continuing program. Agreements should not be cancelled and then renegotiated, except on rare occasions. A State or its subdivision retains title to equipment for which it is reimbursed.

2. Funding. Use Cooperative Law Enforcement Work Activity PL121 (Regular Patrol Agreements) and PL122 (Cannabis Investigation Agreements) for reimbursing cooperators under a cooperative agreement, with the following exception. During extraordinary fire emergency situations, when additional law enforcement activity is required of the State or local law enforcement agencies, the Forest Service may use Emergency Suppression and Rehabilitation funds (EFFS budget line item) for the additional required services. Forest Service funds shall pay only for the additional activities requested and not for activities that are regularly performed by the law enforcement agencies.

5364 - Cooperative Agreements

In order to receive reimbursement under 16 U.S.C. 551a, the State or its subdivision and the Forest Service must first execute a cooperative agreement. See FSH 1509.11, Grants and Agreement Handbook, for examples.

The Forest Service and the cooperating agency should define what services the local agency is providing. If additional services are needed, the Forest Service shall, in consultation with the cooperator, determine those additional services by specific area and time period.

5364.04 - Responsibility

5364.04a - Special Agents in Charge and Forest Supervisors

It is the responsibility of the Special Agents in Charge and Forest Supervisors to approve cooperative agreements and joint financial and operating plans pursuant to Title 16, United States Code, section 551a (16 U.S.C. 551a) for regular patrol agreements. This authority shall not be redelegated (FSM 5304.41, para. 7(a)(1)).

5364.04b - Special Agents in Charge

It is the responsibility of Special Agents in Charge to:

1. Approve cooperative agreements and joint financial and operating plans pursuant to Title 16, United States Code, section 551a (16 U.S.C. 551a) for cannabis investigation agreements. This authority shall not be redelegated (FSM 5304.41, para. 7(a)(1)).
2. Authorize law enforcement personnel to be deputized by State law enforcement agencies to aid in the enforcement of State laws in compliance with 16 U.S.C. 553, 559d(5), or 559g(c) (FSM 5304).

5364.04c - Supervisory Special Agents and Supervisory Law Enforcement Officers

It is the responsibility of Supervisory Special Agents and Supervisory Law Enforcement Officers to coordinate and negotiate cooperative agreements and joint financial and operating plans and submit such agreements and plans to the Special Agent in Charge for approval (FSM 5304).

5364.1 - Additional Services

The Forest Service may develop cooperative agreements with counties having lands within National Forest System boundaries to cover any requested services for unanticipated or unexpected incidents, such as rock music concerts and large group gatherings, even if the specific additional services are not specified. The additional services agreed upon shall be for the purpose of enforcing State or local laws in order to provide protection for persons using the National Forest System and protection of their property.

The cooperative agreement shall not be used for the purpose of having a State or local law enforcement agency enforce the Federal laws and regulations. The enforcement of Federal laws and regulations is the responsibility of the Forest Service. However, law enforcement activities caused by concentrations of people resulting from special restrictions qualify for reimbursement.

5364.2 - Cooperative Qualifications

Where State Peace Officer Standards of Training (POST) exist, any officers assigned to perform the agreed upon services should meet such standards. In all cases, the training and performance of the officers operating under the agreement must be at least equal to that of officers in the rest of the area of jurisdiction of the cooperator.

5364.3 - Monitoring

Resident Forest Special Agents or Supervisory Law Enforcement Officers shall make an evaluation of cooperative agreements from the reports and through periodic reviews of the cooperator's activities to ensure compliance with the requirements of the agreement.

5364.4 - Reports

Submit the Cooperative Law Enforcement Activity Report as required by FSM 5343.3.