

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

**Forest Service Manual 5300 – Law Enforcement
Zero Code**

Amendment: 5300-2022-1

Effective date: February 17, 2022

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Approved by: Angela Coleman, Associate Chief

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Responsible Staff:

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Posting Instructions: Amendments are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this title was ID 5380-2019-1 to FSM 5300 Chapter 80.

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

Zero Code: Revises cross-references and makes minor editorial and technical changes throughout the chapter.

5301.1: Changes wording in second sentence and adds the language “However, exercise,” in paragraph 2.

5302: Adds the language “crimes” in paragraph 2. Adds the language “the public about their responsibilities and National Forest System laws,” in paragraph 3.

5303.11: Changes direction from “President's Council on Integrity and Efficiency ‘Quality Standards for Investigations’” to “The Council of Inspectors General on Integrity and Efficiency ‘Quality Standards for Investigations’.”

5303.12: Adds “and” in paragraph 1a. Adds “or” in paragraph 1b. Adds the language “should” and “or other course approved by the Director, LEI,” in paragraph 6.

5303.5: Adds language at paragraph 1 on “Proactive and high visibility law enforcement patrols.”

5303.7: Establishes additional disqualifying criteria for the role of Forest Protection Officer at paragraph 5c-f. Paragraph 6 replaces paragraph 7.

5303.71: Establishes code, caption, and sets forth direction on “Law Enforcement Standards of Conduct” and objective statements for the law enforcement code of conduct and ethical standards, and the International Association of Chiefs of Police Code of Ethics previously found in 5303.7.

5303.72: Establishes code, caption, and sets forth direction on “Grooming and Appearance Guidelines for LEI Personnel” and objective statements for the grooming and appearance guidelines for law enforcement.

5303.73: Establishes code, caption, and sets forth direction on “Use of Social Media” and objective statements for use of social media previously found in ID 5300-2016-1 and purpose and policy for social media previously found in ID 5300-2016-1.

5304.21: Adds language to number 3 paragraph “a” “immediately refer to the LEI Assistant Director, Office of Professional Responsibility, all incidents of threats or assaults involving Forest Service employees.” Adds language to number 3 paragraph “b,” “Assistant Director, Office of Professional Responsibility (LEI AD, OPR).”.

5304.33b: Adds direction to “Ensure all authorized Forest Protection Officers (FPOs) are issued a PIV Card.”

5304.41: Adds language to number 7, paragraph 9 on “The Council of Inspectors General on Integrity and Efficiency “Quality Standards for Investigations.” Adds language to number 7, paragraph b1 on “Assistant Director-Office of Professional Responsibility and...” Adds language to number 7, paragraph b4 “and notify the Assistant Director-Office of Professional Responsibility.” Adds language to number 9 “and Assistant Director-Office of Professional Responsibility.”

5304.52: Adds direction to number 1 on “LEI Supervisory Personnel.”

5304.61: Adds language to number 3, “Unless conducting a hunting compliance check.”

5304.61: Adds language to number 4, paragraph b, “Contacts” and “excessive use of alcohol or use of drugs.”

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5305: Adds definitions for “May,” “Office of Professional Responsibility (OPR),” “Shall/Will/Must,” and “Should.” Adds “Serves as a uniformed patrol officer while conducting law enforcement activities” to the definition for “Reserve Law Enforcement Officer (RLEO).”

5308: Adds language to paragraph 2, “Council of Inspectors General on Integrity and Efficiency ‘Quality Standards for Investigations’.”

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5301 - Authority

Forest Service law enforcement authority exists when violation of laws or regulations occurs on National Forest System (NFS) lands or incidents which affect the NFS (FSM 5305). Forest Service law enforcement authority also exists when:

1. Cooperative agreements provide for exercise of such authority (FSM 5360), or
2. Situations involve a crime of violence resulting in an immediate threat to a person. Actions taken by law enforcement personnel may continue until such time as the agency having primary jurisdiction is able to respond with sufficient resources to adequately provide for public safety.

5301.1 - Laws

1. The Act of June 4, 1897 (Title 16, United States Code (U.S.C.), section 551; 16 U.S.C. 551), authorizes the Secretary of Agriculture to promulgate rules and regulations governing occupancy and use of National Forest System (NFS) lands. This is the authority for issuing the regulations at Title 36, Code of Federal Regulations (CFR), Part 261 (36 CFR Part 261).
2. The Act of March 3, 1905 (16 U.S.C. 559) authorizes all persons employed by the Forest Service to make arrests for the violation of laws and regulations relating to the National Forests. However, exercise of this authority is limited to law enforcement personnel (FSM 5305).
3. The Act of May 23, 1908 (16 U.S.C. 553) permits employees designated by the Secretary of Agriculture to aid:
 - a. State and local agencies in the enforcement of laws with regard to livestock, the prevention and extinguishments of fires, and the protection of fish and game, and
 - b. Federal agencies in the performance of duties that relate to the NFS.
4. The Act of March 1, 1911 (16 U.S.C. 480) provides that both State and local civil and criminal jurisdiction over persons within the NFS shall not be affected or changed by reason of their existence, except for the punishment of offenses against the United States.
5. The Act of August 10, 1971 (16 U.S.C. 551a) authorizes the Secretary of Agriculture to cooperate with and provide reimbursement to any State or political subdivision for the enforcement of their laws on the NFS.
6. The National Forest System Drug Control Act of 1986, as amended (16 U.S.C. 559b-g), authorizes:
 - a. Special Agents and Law Enforcement Officers of the Forest Service to carry firearms, make arrests, serve warrants and other process, conduct searches, seize

evidence, conduct investigations of violations, and enforce 21 U.S.C. 841 (Controlled Substance Act) and other criminal violations relating to controlled substances that are manufactured, distributed, or dispensed on NFS lands.

b. Enforcement and investigation actions both within the exterior boundaries of the NFS as well as areas outside exterior boundaries if the violation affects the administration of the NFS.

c. The acceptance of law enforcement designations from any other Federal, State, or political subdivisions for the purpose of cooperating in the investigation and enforcement of any Federal or State law or regulation of any such agency when such investigation or enforcement mutually benefits the NFS and the cooperating agency or jurisdiction.

7. The Federal Law Enforcement Officers Good Samaritan Act of 1998 (Public Law 105-277) authorizes protection of Federal law enforcement officers who intervene in certain situations. This Act authorizes that notwithstanding the United States Code, or any other provision of law relating to tort liability, a law or any other provision of law, for the purposes of 28 U.S.C. 171, an enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes any action, including the use of force, that is determined by the officer to be necessary to: protect an individual in the presence of the officer from a crime of violence (18 U.S.C. 16); provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

8. The Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C). With certain limitations and conditions, the Act exempts active and retired "qualified law enforcement officers" from State laws and local ordinances prohibiting the carrying of concealed weapons. The Act does not purport to affect any State or local laws and ordinances that permit restrictions of concealed firearms on private property or any such laws that restrict the possession of firearms on any State or local government property, installation, building, base, or park.

9. Title 18 U.S.C. 3559 establishes categories of offenses based on the maximum amount of imprisonment for each offense. Offenses with a maximum term of 6 months of imprisonment (such as those described in 36 CFR Part 261) are punishable as Class B Misdemeanors.

10. Title 18 U.S.C. 3571 prescribes a wide range of fines for Class B Misdemeanors, depending on specific circumstances associated with the violation.

11. Title 7 U.S.C., sections 2217 and 2218 provide authority for employees designated by the Secretary of Agriculture to administer oaths and take affidavits on matters where the Secretary has an interest. See FSH 5309.11 for procedures concerning witness Statements taken during criminal, civil, and administrative investigations.

5301.2 - Federal Regulations

1. Title 36, Code of Federal Regulations (CFR), Part 261, Subpart A contains general prohibitions that apply throughout the National Forest System (NFS) and to Forest Service administrative sites and offices. Title 36 CFR, Part 261, Subpart B contains prohibitions in areas designated by an order. Title 36, CFR, Part 261, Subpart C contains prohibitions that apply to certain areas within a region.
2. Title 36, CFR Part 262 contains details on certain operational authorities and requirements associated with the Forest Service law enforcement program, such as rewards and payments (36 CFR Part 262, Subpart A), and impoundments and removals (36 CFR Part 262, Subpart B).
3. Title 36, CFR Part 242 contains prohibitions relating to subsistence activities on NFS lands in Alaska.

5301.3 - Department of Agriculture Internal Directives

U.S. Department of Agriculture (USDA) Departmental Regulation 1710-2 sets forth the authority and requirements for investigations that are conducted within the USDA at the request of the USDA, Office of Inspector General, Investigations Branch.

5301.4 - Memorandums of Understanding

The Forest Service has entered into memorandums of understanding with several Federal departments and agencies to enhance law enforcement programs. See FSM 1530 and FSH 5309.11, chapter 60 for current memorandums of understanding and agreements.

Forest Service Directive System issuances are published under delegated authority as follows (36 CFR 200.4 (c)):

1. The Forest Service Manual and Forest Service Handbook issuances to all Forest Service units are published by the Office of the Chief.
2. Forest Service Manual and Forest Service Handbook issuances may be supplemented as needed for field office use by the Area Director, LEI.

5302 - Objectives

Specific objectives of the law enforcement program are to:

1. Protect the public, employees, natural resources, and other property under the jurisdiction of the Forest Service,
2. Investigate crimes and enforce laws and regulations that affect the National Forest System, and

3. Prevent criminal violations through educating the public about their responsibilities and National Forest System laws.

5303 - Policy

Law enforcement is an integral part of the overall management of the Forest Service. Line Officers (FSM 1230.6) and appropriate staff shall ensure that prevention, investigation, enforcement, and program management requirements are fully integrated into all Forest Service programs. Law enforcement personnel (FSM 5305) operate as full partners within the Forest Service organization in carrying out the Agency's mission, especially in upholding Federal laws and regulations that protect natural resources, Agency employees, and the public. Accomplishment of the Forest Service law enforcement mission is a product of trust, cooperation, and collaboration between law enforcement personnel and other Agency employees.

In furtherance of their public trust responsibilities, LEI employees will conform to the U.S. Department of Justice, Civil Rights Division's guidance regarding the use of race, ethnicity, or national origin as a factor by Federal law enforcement agencies in conducting stops, searches, and other investigative procedures (FSM 5303.9).

5303.1 - Investigations and Enforcement Activities

The ability of law enforcement personnel to conduct investigations and enforcement activities, free of pressure or inappropriate constraint, is essential to achieving the law enforcement mission. Cooperation of law enforcement personnel with other agency employees and the maintenance of investigative and enforcement independence are equally necessary and mutually compatible elements of working toward common agency goals.

5303.11 - Investigations

1. Law enforcement personnel shall comply with applicable guidelines set forth in The Council of Inspectors General on Integrity and Efficiency "Quality Standards for Investigations."
2. Appropriate action must be taken to discover and investigate violations of applicable laws and regulations. Continue these investigations until responsibility is established or until reasonable leads have been exhausted. Take appropriate criminal and/or civil action to hold responsible parties accountable.
3. The LEI staff has overall program and oversight responsibility for investigations of incidents that could result in claims for or against the Government (FSH 6509.11h, sec. 11.04c).

5303.12 - Enforcement Activities

1. Law enforcement personnel and forest protection officers (FPOs) may use discretion when deciding what type of action to initiate when handling Class B Misdemeanor violations pursuant to Title 36, Code of Federal Regulations (CFR), Part 261, Subparts A, B, and C, and Part 242 (36 CFR 261 and 36 CFR 242). Discretion may be appropriate if, in the officer's opinion and in the absence of contrary policy, educating or warning the violator is likely to result in future compliance. They may not use discretion and must, at a minimum, issue a form FS-5300-4, Violation Notice if:

- a. Violations are of the types that are not referred to the Department of Justice for prosecution and:
- b. Acts are clearly malicious, willful, or deliberate or
- c. The safety or rights of other users are in jeopardy.

2. Law enforcement personnel may enforce State laws pertaining to livestock, forest fires, and protection of fish and game, when properly authorized by the State or local law enforcement agency (FSM 5301) and when such violations occur on or affect the NFS (FSM 5305). These violations may also be enforced under 36 CFR 261.8 or other applicable statutes.

3. Forest Service employees may take immediate action when necessary to protect life and to prevent serious damage to or destruction of property, escape of a suspect, or loss of material evidence when such action can be done with reasonable safety. Only law enforcement personnel shall exercise arrest authority.

4. Law enforcement personnel who believe that they have been given direction to carry out an action outside the jurisdiction and scope of their authority shall advise the employee giving the direction of this fact and shall seek advice from superior law enforcement personnel, an Assistant United States Attorney, or from the U.S. Department of Agriculture Office of the General Counsel.

5. Law enforcement personnel shall assist line officers with the monitoring and review of NFS field occupancy sites for compliance with Federal laws and regulations relating to undocumented workers. Report violations immediately to the agency with primary jurisdiction and provide assistance with those actions necessary to redeem law enforcement and public safety responsibilities. Without the existence of a cross-designation of authority from the appropriate Department of Homeland Security agency, law enforcement personnel may not arrest persons for violations of most undocumented worker statutes, but may assist the Department of Homeland Security by detaining persons suspected of immigration violations until the arrival of an agency with jurisdiction. Law enforcement personnel also have authority to enforce 36 CFR Part 261, Subparts A and B, as they relate to occupancy and use and for violations of the terms of permits and/or contracts (FSM 5304.41, para. 7a (12)).

6. All NFS Line Officers should attend the National Law Enforcement for Managers program or other course approved by the Director, LEI. (FSM 5371.5).
7. Appropriate law enforcement personnel may be deputized by State and county authorities to enforce State law pursuant to 16 U.S.C. 553, 559d(5), and 559g(c) (FSM 5360.3) when there is an agency basis or interest to be served or gained (FSM 5304.41, para. 7a(13)).
8. Law enforcement personnel who witness a State violation constituting a felony or violent misdemeanor are expected to take reasonable action as a law enforcement officer to prevent the crime and/or apprehend the violator. This policy does not apply to traffic violations or other minor offenses.

5303.2 - Cooperation With Other Agencies

The Forest Service shares responsibility and cooperates with local, State, and other Federal agencies in carrying out its law enforcement mission. Encourage local and State authorities to enforce laws and regulations that are normally handled by these agencies, such as crimes against persons and private property. Appropriate personnel shall:

1. Cooperate with State and local law enforcement agencies in the enforcement of all State and local laws that are related to public safety and the administration of National Forest System (NFS) lands. Such cooperation is contingent upon the existence of a Forest Service interest, an emergency, or a cooperative agreement that is authorized by the State and/or local jurisdiction.
2. Make maximum use of cooperative law enforcement agreements (16 U.S.C. 551a) to aid State and local authorities in fulfilling their responsibilities in the enforcement of State and local laws relating to the protection of the public and their property on the NFS.
3. Operate under agreements with regional attorneys of the U.S. Department of Agriculture Office of the General Counsel that address referral and coordination procedures for the presentation of criminal cases to the U.S. Department of Justice. Ensure that each agreement contains a provision that recognizes the authority of Special Agents to make prosecution referrals directly to United States attorneys where appropriate and necessary to ensure prompt prosecutorial action (FSM 5304.41, para. 8(b)).
4. Cooperate with Federal, State, and local law enforcement agencies in the sharing of intelligence, eradication of cannabis, investigation of controlled substance violations and ensure conformity with the U.S. Department of Justice, Civil Rights Division's policy on racial profiling.

5303.3 - Voluntary Reserve Peace Officers

Law enforcement personnel shall submit written requests for authorization to serve as voluntary reserve peace officers (or similar classification) to the Washington Office, Director of Law Enforcement and Investigations (Director, LEI) through the applicable Special Agent in Charge (for law enforcement personnel assigned to a region), or directly to the Director, LEI (for law enforcement personnel assigned to the Washington Office). At a minimum, each request shall include the following information:

1. Jurisdiction of commissioning agency.
2. Relationship between the Forest Service unit(s) and the intended commissioning agency.
3. Benefits to the employee and community.
4. Proposed duties and work schedule.
5. Employee's assessment of the potential for a conflict of interest.

The Director of LEI shall consider each request on a case-by-case basis. The requesting employee shall be notified, in writing, of the decision within 30 days from the date of submission.

5303.4 - Plans and Records

1. Law Enforcement Plans. The Special Agent in Charge or their designee shall develop unit law enforcement plans for their appropriate National Forest System region and local units (FSM 5310.3).
2. Case Documentation. Law enforcement personnel shall track all felony and serious misdemeanor cases (FSM 5340.3). Maintain the Law Enforcement Reporting system to identify law enforcement problems, measure results, and provide a basis for staffing and funding. Report all known violations whether or not the subject's identity is known.
3. Daily Activity Reporting. The Daily Activity Reporting system is designed to provide work activity statistical information to all levels of the organization. Those employees identified in FSM 5304.42 - 5304.52 shall complete and submit all necessary forms through LEI Reporting System.

5303.5 - Prevention

The Forest Service places a high value on preventing crime through public and employee information and education efforts. Use every opportunity to prevent or discourage violations through:

1. Proactive and high visibility law enforcement patrols.

2. Evaluating the planning and design of facilities.
3. Using appropriate communications media as a deterrent.
4. Encouraging public support to report violations.
5. Apprehending and prosecuting violators.
6. Coordinating and cooperating with other Federal, State, and local law enforcement agencies, the National Guard Bureaus, and the Department of Defense to deter violators from using National Forest System lands to manufacture, distribute, or dispense illicit controlled substances on or affecting National Forest System lands.
7. Working with appropriate Line Officers and Office of Communications staff to publicize arrests, seizures, and convictions.
8. Applying asset seizure and forfeiture procedures pursuant to established guidelines set forth in memorandums of understanding or other agreements.

5303.6 - Equipment

Only law enforcement personnel are authorized to carry firearms and non-lethal defensive equipment for law enforcement purposes.

5303.7 - Program Integrity

1. Law enforcement personnel are subject to random drug testing, pursuant to the U.S. Department of Agriculture (USDA) drug testing program.
2. The Washington Office, Director of LEI to include sworn personnel assigned to the Washington Office, Special Agents in Charge, Assistant Special Agents in Charge, Special Agents and Patrol Commanders shall be certified by the USDA Security Officer to occupy a Critical Sensitive Position with Top Secret access (Code 3). Patrol Captains shall be certified by the USDA Security Officer to occupy a Non-Critical Sensitive Position with Secret Access (Code 2). All other law enforcement officers including reserve law enforcement officers shall be certified to occupy a Moderate Risk Public Trust Position (Code 5). Administrative personnel assigned to the LEI organization shall be certified by the USDA Security Officer to occupy a Non-Critical Sensitive Position with Secret Access (Code 2). See definitions in FSM 5305. The above are minimum requirements.
3. Rescission of the law enforcement authority of an employee, shall be based on specified reasons related to the interests of the agency and/or employee.
4. Law enforcement personnel will abide by the Law Enforcement Code of Ethics promulgated by the International Association of Chiefs of Police (ex. 01).

5. Prior to receiving authority to issue Form FS-5300-4, Violation Notice, forest protection officers (FPOs) who have successfully completed FPO training after April 15, 1996, shall complete an FPO Background Check (FSM 5304.41, para. 7a(8) and FSM 5304.6, para. 4a). FPO candidates should be disqualified if they meet one or more of the following criteria:
- a. Criminal records consisting of a felony or serious misdemeanor conviction(s).
 - b. A showing of a current drug or alcohol dependency.
 - c. A showing of current mental or emotional instability.
 - d. Any known criminal or non-criminal activity that would have the potential to prejudice courtroom testimony. This includes ethical violations to include candor, dishonesty and acts of misconduct that would warrant impeachment during testimony in court. FPO's shall maintain a high level of moral conduct both on and off duty and ensure that their actions do not reflect negatively on the Forest Service.
 - e. Associations or dealings with persons whom they know, or should know, are under criminal investigation, or who have a reputation in the community for involvement in criminal behavior should be avoided. If unavoidable and detracts from Officer or the Agency's reputation, such interactions should be discussed with Supervisor.
 - f. Any associations with organizations or groups that advocate, incites, or supports criminal acts or criminal conspiracies against the United States or violates the Constitution of the United States.
6. When a Line Officer or law enforcement personnel determine that a current FPO meets one or more of the of the criteria that would disqualify the FPO from continuing to serve as an FPO (preceding paragraph 5), the authority of the FPO should be rescinded by the Special Agent in Charge (FSM 5304.41, para. 7a (16)).

5303.7 – Exhibit 01

International Association of Chiefs of Police

LAW ENFORCEMENT CODE OF ETHICS

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. The International Association of Chiefs of Police believes it is important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards and has adopted the following ethical mandates as guidelines to meet these ends.

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property;

protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest - which may be correct in appropriate circumstances - can be a more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public's confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Personal/Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

5303.71 - Law Enforcement Standards of Conduct

The Forest Service LEI strives to maintain the highest caliber of employees. It is incumbent that all LEI employees adhere to the Standards of Conduct set forth in this policy. It is the policy of this Agency that LEI personnel conduct themselves both on and off duty in a manner that reflects high ethical standards consistent with the values and mission established by this Agency and expectations of the public. Ethical standards include the following:

1. LEI Personnel shall abide by all laws, regulations, agency policies, rules and procedures and uphold the Constitution of the United States.
2. Officers shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any agency business.
3. LEI personnel shall obey all lawful orders.
4. LEI personnel who are arrested, cited or come under investigation for any offense in any jurisdiction shall immediately report this fact to their Supervisor.
5. LEI personnel shall not engage in misconduct, on or off duty that cast doubt on their integrity, honesty, judgment, or character; brings discredit to this Agency; or impairs the Agency's efficient and effective operation.
6. LEI personnel shall perform their duties faithfully and diligently and shall take responsibility for – and exhibit attentiveness, care and thoroughness in – the conduct of assignments and responsibilities.
7. LEI personnel shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.
8. LEI personnel are directly accountable for their actions, through the chain of command, to the Director.
9. LEI personnel shall report properly equipped and prepared for duty, including court at the time and place required.
10. LEI personnel have a duty to intervene to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so. A Supervisor shall be notified as soon as possible when another member of this Agency or cooperating agency is violating law or policy.
11. LEI personnel shall fully cooperate in any internal administrative investigation conducted by this or any authorized agency and shall not attempt to conceal, divert, or mitigate any culpability by falsehoods or omissions.

12. LEI personnel shall conduct themselves in a manner that fosters cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
13. LEI personnel shall not use language or engage in acts that demean, harass, or intimidate other officers.
14. LEI personnel shall treat all individuals fairly with respect and dignity.
15. LEI personnel shall enforce laws fairly and equally and uphold the Constitution of the United States.
16. LEI personnel may not ask for or accept goods, service, or discounts of value that are not in compliance with the US Office of Government Ethics and USDA, Office Of Ethics Guidelines.
17. LEI personnel shall diligently serve with the courage necessary to meet the demands of our profession and the mission for which we are entrusted.
18. LEI personnel shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment or arrest or incarceration by any law enforcement agency, or any person who has an open or notorious criminal reputation in the community except as necessary to the performance of official duties or where unavoidable or impractical because of familial, marital or other personal relationships. In such case where regular household, physical, telephone or other social contact is unavoidable, the officer shall inform his or her Supervisor of the relationship.
19. LEI personnel shall not knowingly engage in social or romantic relationships with confidential informants, victims or witnesses involved with active investigations.

5303.72 - Grooming and Appearance Guidelines for LEI Personnel

1. Policy.
 - a. This policy provides grooming and appearance standards for Forest Service LEI personnel. Professional appearance of officers further the goals of this department by projecting a positive and professional image to the public and enhancement of Officer esprit de corps. A positive image also reflects an Officer's sense of pride, self-confidence and command presence, which enhances overall effectiveness.
 - b. All Supervisors are expected to ensure that on-duty employees present a neat appearance and are in compliance with grooming standards.

2. Definitions.

- a. Gender Expression. An individual's external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions.
- b. Gender Identity. An individual's internal sense of being male or female.
- c. Transgender. An individual whose gender identity is different from the sex assigned to him or her at birth.
- d. Professional Business Attire. Males: A suit with a dress shirt, dress shoes, belt, tie or sport coat and slacks. Females: suits, pantsuits, or dresses with a jacket.
- e. Business Casual Attire. What is acceptable as business casual attire will depend to some extent on the geographic area. Examples of acceptable clothing pieces include: Males- well-tailored jeans, slacks, khaki pants, button-down shirts, polo shirts, and sweaters. Females: dresses, skirts, well-tailored jeans, slacks, khaki pants, button down shirts, polo shirt, sweaters, and casual blouses.

3. Procedures.

- a. Exceptions to this policy may be made for officers working undercover assignments or for specialized assignments as authorized by a Supervisor.
- b. Law enforcement personnel wishing an exemption or modification from these grooming standards may request a waiver based on disability, medical, religious, cultural, or other reasons. Requests must be made using the LEI chain-of-command. Authority to grant grooming standard waivers resides with the Director, LEI.
- c. Transgender employees will be held to the grooming standards of their gender expression.

4. Appearance Standards.

- a. All LEI employees must maintain a neat, clean, professional, and appropriate appearance while on duty, while on official travel, or, if sworn, when traveling while armed in a non-duty status on a commercial air carrier. (Appropriate exceptions will be considered for employees acting in a counter surveillance or other authorized undercover capacity). In effectively meeting the standards set forth below, the good judgment of all employees is required.
- b. Supervisors are required to ensure that their subordinates are following this policy.

5. Appropriate Attire.

- a. Appropriate attire will depend on the employee's particular assignment, but, in most instances, attire that is professional, clean, and conservative business or casual business attire will be considered appropriate for administrative staff and Special Agents. Law enforcement personnel shall wear clean and neat uniforms or civilian clothing for non-uniformed personnel. When the uniform is worn on duty it must be worn completely. The mixing of uniform and civilian clothing is prohibited. Clothing shall not have visible rips, tears, stains or holes. Duty boots shall be clean at the beginning of every shift. Should incidents result in soiled clothing, unsanitary conditions or a disheveled appearance, corrective measures shall be taken as soon as reasonably possible.
- b. All employees must wear appropriate attire while on duty and while on official travel and, if sworn, when traveling while armed in a non-duty status aboard a commercial air carrier.
- c. All law enforcement personnel will follow the uniform standards found in FSM 5377.

6. Prohibited Attire.

The following attire is generally not considered appropriate attire and is not permitted to be worn by employees while on duty, while on official travel, or, if sworn, when traveling while armed in a non-duty status aboard a commercial air carrier: shorts, pants with visible holes, sweatpants, tank tops, or "flip flops." Additionally, men's and women's clothing should not be more than 3" above the knee and strapless dresses are not permitted. Clothing that could itself be, or that bears writings or symbols that could be, construed as vulgar, sexist, racist, offensive to a particular group, setting forth a political view, or that is otherwise inappropriate is prohibited.

7. Training attire for all LEI employees.

In the case of specialized courses involving dynamic training, firearms training, control tactics training, etc. employees may wear prohibited attire, as necessary or authorized, according to the requirements of the course or as directed by the instructor(s).

8. Athletic Attire.

In certain instances, athletic attire may be worn while on duty. Specifically, athletic attire, including t-shirts, athletic pants or shorts, may be worn when an employee is participating in physical fitness activities and certain training sessions like control tactics training, if authorized by the training instructor. An employee may also wear appropriate athletic attire when engaged in on- and off -duty workouts at government owned or sponsored fitness facilities. Individual fitness plans should address driving marked units to and from workout locations or facilities.

9. Travel Attire.

Employees must wear appropriate business or business casual attire when on official travel. LEOs and Special Agents must also wear appropriate business or business casual attire when traveling while armed in a non-duty status aboard a commercial air carrier. Prohibited attire, as defined above, is not permitted unless otherwise authorized by a Supervisor.

10. Courtroom Attire.

LEI personnel may wear either professional business attire or the approved law enforcement Class A or Class B uniform with long-sleeve uniform shirt, solid green clip-on tie, and black boots/dress shoes when attending any court appearance.

11. Weapon Concealment.

All weapons and associated law enforcement equipment (for example, handcuffs, baton) must remain concealed while a LEO or Special Agent is in plain clothes, except when concealment is not advisable due to mission requirements. Weapons or associated law enforcement equipment should only be placed in checked baggage when there are no other reasonable options, when traveling via commercial air carrier.

12. Grooming Guidelines.

a. All employees must present a neat, professional, and clean appearance while on duty and while on official travel. LEOs and Special Agents must also present a neat, professional, and clean appearance when traveling while armed in a non-duty status aboard a commercial air carrier. Deviations from this standard may be authorized on a case-by-case basis by the Special Agent in Charge for those involved in undercover or surveillance activities, when necessary for the performance of these duties.

b. Head and facial hair, including sideburns and mustaches: shall be neatly trimmed and clean, to not present an unkempt appearance and shall neither interfere with the wearing of the required uniform nor constitute a safety hazard or an impediment to the employee's ability to properly perform his or her assigned duties. Hair must be a naturally occurring hair color. Eccentric, trendy, or unconventional hairstyles such as mohawks, designs shaved into hair, or spiked hair, are not permitted. At no time shall hair interfere with the proper wearing of authorized gear.

c. The facial hair standards may be modified by the SAC if facial hair interferes with the use of a face mask/respirator and their use is required by job duties.

d. Male Officers/Agents. When in uniform and on duty, hair shall not be worn below the bottom of the class "B" uniform shirt collar, nor cover more than half of the ears, nor lower than the bottom of the eyebrows. Beards, and goatees, shall be trimmed to no more than 2 inches in length. Mustaches shall be neatly trimmed. Sideburns shall

be tapered to the contour of the head, trimmed with no flair and may not extend beyond the bottom the earlobe.

e. Female Officers/Agents. When in uniform and on duty, hair may be worn in braids, a ponytail, or may be worn no longer than the bottom of the shoulder patch on the class “B” uniform. Hair may not cover any portion of the eyes. Ponytails or braids may be pulled into a bun. Hair clasps shall be a color similar to the natural hair color, or green, black, or tan. Pigtales are prohibited. No ribbons or ornaments shall be worn in the hair except for neat and inconspicuous bobby pins, bands, and barrettes necessary to secure hair.

f. Special Agents. Hair and facial hair is to be worn in a style suitable for the work environment. The hair style should easily be adaptable to comply with uniform grooming standards. Deviations from this standard may be authorized on a case-by-case basis by the Special Agent in Charge for those agents involved in undercover or surveillance activities, when necessary for the performance of these duties.

13. Jewelry and Piercing Guidelines.

There are different requirements for sworn and unsworn personnel.

a. Sworn Personnel:

(1) On duty law enforcement personnel may wear small matching earrings that cannot be easily grabbed by an assailant and that does not interfere with the proper use of equipment. Any pierced or non-pierced earrings should be unadorned and fit snugly. Employees may wear no more than two earrings per earlobe. Personal jewelry worn by officers shall be of a design not likely to increase the risk of personal injury.

(2) Other than as indicated above, sworn personnel, may wear only the following pieces of jewelry: no more than one ring on each hand (a wedding band and engagement ring will be considered one ring); medical alert bracelets; one necklace that is unobtrusive and not visible unless an open neck shirt is worn; a wristwatch that is unobtrusive.

(3) Jewelry or Piercings shall not detract from the professional appearance of the uniform and that could be, or that bears writings or symbols construed as vulgar, sexist, racist, offensive to a particular group, setting forth a political view, or that is otherwise inappropriate is prohibited.

b. Non-sworn Personnel:

(1) Non-sworn employees may wear other jewelry that is not otherwise prohibited so long as the employee's appearance is neat and business-like. All items must not

interfere with the performance of their duties.

(2) Jewelry or Piercings that could itself be, or that bears writings or symbols that could be, construed as vulgar, sexist, racist, offensive to a particular group, setting forth a political view, or that is otherwise inappropriate is prohibited.

14. Tattoos/Body Art/Branding.

a. There are certain areas of the body where tattoos, body art, or branding (body markings) are generally prohibited. The prohibited areas include the head, face, neck, hand and fingers (any area below the wrist bone). Wedding band tattoos on the ring finger are authorized. Any additional piercings, beside earlobes, that cannot be concealed by clothing such as: those in the tongue, nose, lip, and so forth must be removed while on duty or in uniform. LEI personnel who have body markings on these areas will be required to fully cover all such markings while on duty, while on official travel, or while traveling when armed in a non-duty status aboard a commercial air carrier. All visible tattoos in locations not previously described shall be covered when attending all court functions, high-level meetings, meetings with prosecutors, and meetings with heads of agencies such as Sheriff's, and other entities and organizations. The method used to cover these body markings must be unobtrusive and present a neat and commonly accepted business appearance. Exceptions may be made on a case-by-case basis by the Special Agent in Charge when agents are involved in undercover or surveillance activities.

b. Any employee who obtains body markings or adds to or alters in any way other than removal of an existing body marking in these prohibited areas after the effective date of this policy will be subject to disciplinary action up to and including removal from employment with the Agency. Employees who have body markings on arms, legs, or any other area that may be visible even when wearing certain acceptable attire will be required to cover up their body markings while on duty, on official travel, and while traveling when armed in a non -duty status aboard a commercial air carrier.

c. All visible tattoos in locations not previously described shall be covered when attending all court functions, high-level meetings, meetings with prosecutors, and meetings with heads of agencies such as Sheriff's, and other entities and organizations.

d. Non-sworn employees who have body markings on arms, legs, or any other area that may be visible even when wearing certain acceptable attire will be required to cover up their body markings when performing job duties that require interaction with non-agency entities and organizations and when on official travel.

e. LEI personnel may display visible body markings when engaging in physical fitness activities authorized under the Agency's physical fitness program and when participating in certain activities such as control tactics training and physical fitness

testing.

f. Body markings that can be construed as vulgar, sexist, or racist, gang related, that convey sexual, racial, religious, ethnic, or related intolerances; or that portray derogatory or offensive characterizations contrary to the values of this agency, or that are otherwise inappropriate are prohibited. Such markings may also be a basis for security-based or other administrative action. The Special Agent in Charge for regional employees or the appropriate Assistant Director (in consultation with Command Staff) shall be the final authority in determining if a marking is considered offensive or inappropriate.

15. Cosmetics.

Makeup may be worn by employees, but must be natural looking. Fingernails, (including fingernail polish and artificial nails) whether natural or artificial, must be neat and cleanly cut and must not interfere with the proper use and handling of necessary equipment. Fingernails shall not detract from the professional appearance of the uniform. Ornamentation of the nails is not authorized. Nothing in this policy prohibits cosmetic tattooing, including to correct medical conditions or disfigurement. Cosmetic tattooing refers to medical or surgical procedures conducted by licensed, qualified medical or cosmetic personnel. Any such cosmetic tattooing such as eyeliner, lip liner, or eyebrow enhancement must be conservatively done, and strictly intended to give a standard, common, and conservative appearance (such as, cosmetic eyebrow enhancement must be in a common eyebrow color).

16. Body Modification (Mutilation).

a. Intentional modification of any visible part of the body is prohibited. Body modification includes, but is not limited to, a split or forked tongue, foreign objects inserted under the skin to create a design or pattern, gauges in ears (enlarged or stretched out holes in ears), and intentional scarring. LEI employees may not have intentional modifications that are visible even when wearing otherwise acceptable attire. LEI employees who have visible intentional body modifications will be required to fully cover all such body modifications while on duty, while on official travel, or while in a non-duty status when traveling armed aboard a commercial air carrier. All visible body modifications in locations not previously described shall be covered when attending all court functions, high-level meetings, meetings with prosecutors, and meetings with heads of agencies such as Sheriff's, and other entities and organizations. The method used to cover the modifications must be unobtrusive and present a neat and commonly accepted business appearance.

b. Any employee who obtains intentional modification that are visible or adds to or alters in any way other than removal an existing intentional visible modification after the effective date of this policy will be subject to disciplinary action up to and including removal from employment with the Agency.

17. Dental Ornamentation.

The use of gold, platinum, grills, or other veneers or caps for purposes of dental ornamentation is prohibited. Dental ornamentation is defined as decorative veneers or caps. Teeth may not be ornamented with designs, jewels, initials, or other items of a similar nature. Dental ornamentation does not include standard white-shaded, tooth-colored veneers or caps.

18. Exceptions to this Policy.

Supervisors are authorized to allow for the approval of instances when this policy or portions of this policy need not be followed. Such instances may include when an employee is engaged in undercover operations, or medical situations (for example, wearing shorts or torn pants when the employee's leg is in a cast).

5303.73 - Use of Social Media

Professionalism, ethics, and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, we must place reasonable restrictions on our conduct and appearance, whether on or off-duty. An employee's action(s) must never compromise or damage the mission, function, reputation, or professionalism of the Agency. The developments in electronic technology (computers, software, programs, and information available through the internet and websites) are an invaluable resource to assist us in the performance of our duties. However, this technology has the capability to act as a double-edged sword, in that it presents opportunities to access and use technology in both legitimate and illegitimate ways. Whether on duty or off duty, in uniform or in plain clothes, all employees represent the U.S. Department of Agriculture (USDA) Forest Service.

1. Purpose.

To establish policy for law enforcement personnel concerning the use of internet and mobile based social media such as Facebook, Google, Myspace, Twitter, YouTube, internet forums, blogs, and so forth. Furthermore, to ensure that employees use appropriate discretion in the use of references to the USDA Forest Service, so as to not discredit or disrespect the Agency, to ensure that the release (directly or indirectly) of information concerning crimes, accidents, or violations of regulations or statutes to persons outside the Agency is not disseminated, and to ensure that all employees treat as law enforcement sensitive the official business of the Agency.

2. Policy.

The prohibitions and limitations set forth in this policy shall be to the extent limited in accordance with the rights and limitations set forth in 5 U.S.C. and all other statutes governing Federal employment, Federal employee conduct and Federal law enforcement practices. LEI personnel are free to express themselves as private citizens on social media sites to the degree that their expression does not impair working relationships of

Agency employees for which loyalty, cohesion, and confidentiality are essential, impede the performance of duties, impair the harmony and working environment among coworkers, or negatively affect the public perception of the Agency. Forest Service Law Enforcement personnel shall abide by the following when using social media.

- a. Photographs or other depictions of Agency uniforms, badges, patches, marked units, other Agency property or on-duty personnel, including incident scenes, must not be posted on internet sites by law enforcement personnel without the approval of the Special Agent in Charge.
- b. LEI personnel are prohibited from posting, transmitting, and/or disseminating any pictures or videos of official Agency training, activities, or work-related assignments on internet sites, or discussing the official business of the Agency without approval of the Director of LEI.
- c. LEI personnel shall not post, transmit in social media any information received through the course of their employment without the expressed written approval of the Director of LEI.
- d. LEI personnel shall not release, either directly or indirectly, information concerning crimes or accidents to persons outside the Agency, except as authorized by agency policy under the Freedom of Information Act (FOIA).
- e. LEI personnel shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the USDA Forest Service.
- f. LEI personnel shall not use the internet in any way, shape, or form in order to disparage or harass anyone.
- g. LEI personnel should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal/civil cases, and public or private embarrassment.
- h. LEI personnel are reminded to exercise good judgment and demonstrate personal accountability when choosing to participate on social networking sites such as Facebook, Twitter, and so forth. Use of these types of sites while on duty must be conducted only for official business or within the guidelines established by USDA's limited personal use policy.
- i. LEI personnel becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy should notify their Supervisor immediately.

5303.8 - Classification of Law Enforcement Personnel

Within the LEI program, Deputy Directors, Assistant Directors, Special Agents in Charge, assistant Special Agents in Charge, Supervisory Special Agents, Senior Special Agents, and Special Agents shall be classified in the Criminal Investigator Series, GS-1811. Patrol commanders and patrol captains shall be classified in the GS-1801 series. Law Enforcement Officers shall be classified in the GL-1801 series. Reserve Law Enforcement Officers and forest protection officers shall not be classified in the GS-1811, GS-1801, GL-1801 or GL-1802 series.

5303.9 - Racial Profiling

The use of race, ethnicity, or national origin as a criterion in conducting traffic stops, checkpoint, or roadblock stops and other law enforcement investigative procedures is prohibited.

The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by an officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as a part of a description of a suspect or witness for whom an officer is searching.

All LEI supervisory personnel shall ensure that all of their officers and agents are fully aware of the commitment of the agency to carry out all law enforcement activities in a nondiscriminatory manner in compliance with U.S. Department of Justice guidance (ex. 01).

5303.9 – Exhibit 01

U.S. Department of Justice Guidance on use of Race or Ethnicity in Law Enforcement Activities

1. Traditional Law Enforcement Activities

Two standards in combination that should guide use by Federal law enforcement officers of race or ethnicity in law enforcement activities:

- a. In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race and ethnicity in a specific suspect description. This prohibition applies even where the use of race or ethnicity might otherwise be lawful.
- b. In conducting activities in connection with a specific investigation, Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.

2. National Security and Border Integrity

The above standards do not affect current Federal policy with respect to law enforcement activities and other efforts to defend and safeguard against threats to national security or the integrity of the Nation's borders, to which the following applies:

- a. In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security).
- b. In enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States.

Given the incalculably high stakes involved in such investigations, however, Federal law enforcement officers who are protecting national security or preventing catastrophic events (as well as airport security screeners) may consider race, ethnicity, and other relevant factors to the extent permitted by our laws and the Constitution.

Similarly, because enforcement of the laws protecting the Nation's borders may necessarily involve a consideration of a person's alienage in certain circumstances, the use of race or ethnicity in such circumstances is properly governed by existing statutory and constitutional standards (for example, *United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975)). This policy will honor the rule of law and promote vigorous protection of our national security.

As the Supreme Court has Stated, all racial classifications by a governmental actor are subject to the "strictest judicial scrutiny." See *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 224-25 (1995). The application of strict scrutiny is of necessity a fact-intensive process. *Id.* at 236. Thus, the legality of particular, race-sensitive actions taken by Federal law enforcement officials in the context of national security and border integrity will depend to a large extent on the circumstances at hand. In absolutely no event, however, may Federal officials assert a national security or border integrity rationale as a mere pretext for invidious discrimination.

Indeed, the very purpose of the strict scrutiny test is to "smoke out" illegitimate use of race, *Adarand*, 515 U.S. at 226 (quoting *Richmond v. J.A. Croson Co.*, 488 U.S. 469, 493 (1989)), and law enforcement strategies not actually premised on bona fide national security or border integrity interests therefore will not stand.

5304 - Responsibility

5304.1 - Chief

The Chief reserves the authority to:

1. Issue and rescind the authority of the Washington Office, Director of LEI to make arrests and carry firearms, and to exercise full-range authority.
2. Approve LEI staffing at all levels.

3. Review and approve investigations of alleged criminal misconduct by employees to be conducted by law enforcement personnel.
4. Approve the selection of law enforcement personnel at the SES, GS-14 and GS-15 levels.

5304.2 - Washington Office, Staff Directors

5304.21 - Washington Office, Director of Law Enforcement and Investigations

In addition to the authority granted, and responsibility assigned, at FSM 1204.24 and 1235.5, the Director of LEI is assigned the following specific responsibilities:

1. Program Management.

- a. To work closely with appropriate Line Officers to ensure that the Agency law enforcement program is properly and fully integrated into the overall mission of the Forest Service.
- b. To conduct management reviews, in accordance with FSM 1410, of regional LEI programs to ensure uniformity and compliance with National standards.
- c. To coordinate yearly support agreements, which address necessary space and office support for law enforcement personnel, with Regional Foresters (FSM 5304.31b).
- d. To establish consistent service wide performance elements, standards, and position descriptions for all law enforcement personnel.
- e. To approve the selection of all employees within the LEI organization.
- f. To develop and submit for the Chief's approval any needed Forest Service Manual and Forest Service Handbook issuances (FSM 5301.5).
- g. To approve any Forest Service Manual and Forest Service Handbook issuances needed as supplements for field office use (FSM 5301.5), upon submission by a Special Agent in Charge.

2. Designation of Arrest and Firearm Authority.

- a. To issue or rescind arrest and firearms (full-range) authority of Deputy Directors, Assistant Directors, and Special Agents in Charge.
- b. To issue or rescind the arrest and firearms (full range) authority of law enforcement personnel and reserve law enforcement officers upon recommendation of a Special Agent in Charge or Assistant Director.

3. Investigations.

- a. To serve as the Agency's point-of-contact for the coordination of all hotline/whistleblower or internally generated complaints received from or referred to the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG), USDA, Office of Personnel, and the USDA, Office of the General Counsel. Refer allegations of acts committed by employees directly to the Washington Office, OIG pursuant to the agreement between the Forest Service and the OIG regarding the conduct of investigations (FSM 1549.1). Immediately refer to the LEI Assistant Director, Office of Professional Responsibility, all incidents of threats or assaults involving Forest Service employees.
- b. After review and approval by the Chief (FSM 5304.1), to coordinate with Assistant Director, Office of Professional Responsibility (LEI AD, OPR) the assignment for investigation by Special Agents any hotline/whistleblower complaint or internally generated investigation involving allegations of illegal acts committed by any employee that are normally accepted by the U.S. Department of Justice for prosecution.
- c. To coordinate and assign to Special Agents in Charge for inquiry by program specialists, supervisory personnel, or personnel management specialists, any hotline/whistleblower complaint involving allegations of any nature, other than those listed in paragraph 3b of this section.
- d. To track, review and approve investigations conducted by or assigned to Special Agents in Charge or other Forest Service personnel pursuant to paragraphs 3b and 3c.
- e. To conduct timber theft and other resource investigations on a service wide basis.
- f. To coordinate Freedom of Information Act requests and responses involving investigative matters.
- g. To conduct all investigations relating to discharge of weapons either at or by law enforcement personnel.
- h. To approve investigation plans for cases assigned to Special Agents in Charge.
- i. To approve inter-regional details of five or more law enforcement personnel for investigations or other law enforcement assignments.
- j. To designate appropriate law enforcement personnel to investigate violations of the Controlled Substances Act and maintain a list of those personnel so authorized.

4. Enforcement.

- a. To develop and implement service wide standards, policy, and guidelines.

- b. To provide guidance and support on all uniformed law enforcement operational matters.
 - c. To work with deputy areas to ensure the integration of field law enforcement operations.
 - d. To coordinate and provide support for drug control activities, investigations, and cannabis eradication efforts occurring on the National Forest System. Maintain liaison with the Drug Enforcement Administration and the Office of National Drug Control Policy and implement drug control policy in areas of Forest Service jurisdiction.
 - e. To approve, pursuant to FSM 5303.3, requests of law enforcement personnel to receive voluntary peace officer commissions. This authority may not be re-delegated.
5. Equipment.
- a. To ensure that all law enforcement personnel are provided with the appropriate equipment.
 - b. To manage the testing, development, deployment, storage, and repair of technical investigative equipment.
 - c. To ensure that law enforcement equipment assigned to entry and operating level employees is issued, inspected, repaired, and fits properly. Ensure personal needs related to differing physical characteristics are accommodated.
 - d. To control and issue all law enforcement badges and credentials.
 - e. To coordinate the Service-wide acquisition and disposition of all firearms, non-lethal defensive equipment, and accessories.
6. Training and Certification.
- a. To implement training standards that are responsive to resource management goals.
 - b. To develop, conduct and provide agency oversight for specialized law enforcement training at the entry and advanced levels at the Federal Law Enforcement Training Center (FLETC) and at the regional and field levels.
 - c. To ensure on-site agency representation at the FLETC.
 - d. To provide facilities, training, and certification for law enforcement skills, including firearms qualifications, physical standards, defensive tactics, non-lethal weapons, and law enforcement operational specialties.

- e. To develop, implement, and oversee evaluation standards and certification processes relating to all law enforcement skills, weapons, and equipment.
- f. To approve all firearms qualification courses used to meet minimum standard qualifications (FSM 5372.21, para. 1, and FSM 5370.41, para. 9).
- g. To ensure that presentations for advanced, in-service, and refresher training in specialized areas of law enforcement are developed and presented to law enforcement personnel at field locations.
- h. To establish and ensure continuing compliance with any agency-wide training or certification requirements.
- i. To personally sign the credential card for all law enforcement personnel (FSM 5384.02a, para.1). This authority may not be re-delegated.

5304.22 - Washington Office, Staff Directors Other Than Director of Law Enforcement and Investigations

It is the responsibility of Washington Office Staff Directors or their acting, other than the Director of LEI, to ensure that any allegations of illegal acts when committed by any employee are immediately reported in writing to the Director of LEI.

5304.3 - Line Officers

By virtue of its organization (FSM 1220), employees of the Forest Service perform their work through Line and Staff Officer relationships. A line organization refers to a direct line of command from one designated official to another.

1. In the Forest Service, the direct line of command runs from the Chief to:
 - a. The Associate Chief and Deputy Chiefs.
 - (1) The Director of Civil Rights does not have Line Officer authority and reports directly to the Chief.
 - (2) The Washington Office, Director of LEI, has Line Officer authority and reports directly to the Chief (para. e).
 - b. Regional Forester, to Forest Supervisor, to District Ranger or comparable unit leaders.
 - c. Station Director, to Assistant Station Director, to project leader or Program Manager.
 - d. Institute Director to Deputy Director.

- e. Washington Office, Director of LEI, to Special Agent in Charge, to the appropriate supervisory law enforcement personnel.
2. It is the responsibility of all non-LEI Line Officers to:
- a. Ensure that employees, other than law enforcement personnel, receive appropriate training.
 - b. Work closely with appropriate law enforcement personnel assigned to the same unit to ensure that the Agency's law enforcement program is properly integrated into the overall mission of the Forest Service.
 - c. Provide law enforcement personnel with the appropriate space and office support comparable to that provided other employees subject to space availability and budget limitations and provide space and support at the same locations as other administrative units unless exceptional circumstances exist.
 - d. Provide input into the performance ratings of law enforcement personnel.
 - e. Ensure that any allegations of illegal acts when committed by any employee, are immediately reported in writing to the Director of LEI.
 - f. Work closely with appropriate law enforcement personnel when determining the need for reserve law enforcement officers and coordinate their attendance at the course, Land Management Police Training with the Special Agent in Charge (FSM 5304.41, para. 7a(11) and FSM 5372.11, para. 1).
 - g. Recruit and nominate candidates for reserve law enforcement officer designation and ensure this process is in compliance with existing policy, procedures, and any bargaining unit agreement.
 - h. Negotiate appropriate funding for reserve law enforcement officers with the Special Agent in Charge prior to their designation (FSM 5311.18, FSM 5313).

5304.31 - Regional Foresters

It is the responsibility of Regional Foresters to fulfill administrative support requirements in accordance with yearly support agreements (FSM 5304.21, para. 1c), and

Issue orders and regulations, after review and concurrence by the Special Agent in Charge, and the U.S. Department of Agriculture, Office of the General Counsel as appropriate, pursuant to Title 36, Code of Federal Regulations, Part 261, Subparts B and C.

5304.32 - Station Directors and Institute Director

It is the responsibility of the Station Directors and Institute Director, or their acting to ensure that any allegations of illegal acts when committed by any employee, are immediately reported in writing to the Washington Office, Director of LEI (FSM 5320.43).

5304.33 - Forest Supervisors

Authority. Issue orders, after review and concurrence by the LEI Patrol Captain and the U.S. Department of Agriculture Office of the General Counsel, pursuant to Title 36, Code of Federal Regulations, Part 261, Subpart B.

It is the responsibility of Forest Supervisors to:

1. Review cooperative law enforcement agreements and joint operating and financial plans for regular patrol agreements.
2. Identify appropriate employees for certification as Forest Protection Officer (FPO), obtain concurrence from the supervisory law enforcement personnel assigned to the unit, and forward a nomination and completed form FS-5300-9, Forest Protection Officer Background Check (FSM 5304.6, para.4(a)) for each candidate, to the applicable Special Agent in Charge for approval.
3. Ensure all authorized FPOs are issued a PIV Card and maintain accountability for recovery from unauthorized users including employees whose FPO authorization has expired or been terminated by the Special Agent in Charge.
4. Ensure that a law enforcement critical element is established for all reserve law enforcement officers assigned to a national forest. Coordinate with and provide input to appropriate law enforcement personnel during the performance rating process for this element.
5. Notify the Special Agent in Charge when a current FPO meets one or more of the criteria that would disqualify the FPO from continuing to serve as an FPO (FSM 5303.7, para. 6).
6. Ensure that FPOs attend an annual re-certification course and that participation and subsequent annual certifications by the Special Agent in Charge is documented and retained in the employees' Official Personnel Folder (FSM 5371.4).

5304.34 - District Rangers

It is the responsibility of District Rangers to:

1. Work closely with appropriate law enforcement personnel to identify law enforcement needs and requirements for their units.

2. Serve as the primary point of resource coordination with law enforcement personnel.
3. Coordinate with appropriate law enforcement personnel to ensure that the approved law enforcement plan is implemented.
4. Ensure that a law enforcement critical element is established for all reserve law enforcement officers assigned to a ranger district. Coordinate with appropriate law enforcement personnel during the performance rating process for this element.

5304.4 - Special Agents

5304.41 - Special Agents in Charge

It is the responsibility of Special Agents in Charge:

1. Program Management.
 - a. To ensure the implementation of yearly support agreements, which addresses necessary space and office support for law enforcement personnel (FSM 5304.31b).
 - b. To implement performance elements, standards, and position descriptions for all law enforcement personnel.
 - c. To ensure the availability of funds to maintain annual re-certification training for all law enforcement personnel, including reserve law enforcement officers (FSM 5313).
 - d. To recommend to the Director of LEI , the selection of employees within the LEI organization (FSM 5304.21, para. 1(e)).
 - e. To develop and submit to the Director of LEI for approval any Forest Service Manual and Forest Service Handbook issuances needed as supplements for field office use (FSM 5301.5).
2. Supervision.
 - a. To supervise through Assistant Special Agents in Charge or through supervisory Special Agents any Special Agent assigned in a region and to provide regional law enforcement program direction under the guidelines of approved law enforcement plans (FSM 5311).
 - b. To supervise through Patrol Commanders any Patrol Captains assigned in a region and to provide regional law enforcement program direction under the guidelines of approved law enforcement plan (FSM 5311).
 - c. To provide annual written input to the applicable Line Officer for inclusion in the performance ratings of reserve law enforcement officers (FSM 5304.33b, para. 4 and FSM 5304.34, para. 4).

- d. To recommend the issuance or rescission of the arrest and firearms (full range) authority of law enforcement personnel assigned to the region (including reserve law enforcement officers) to the Director of LEI.
3. Violations.
- a. To ensure that necessary steps are taken to prevent violations of law affecting the National Forest System, and Forest Service facilities, property or employees.
 - b. To ensure that appropriate legal action is initiated when violations are detected.
4. Law Enforcement Plans.
- a. To coordinate with Line Officers to ensure that law enforcement plans are prepared, approved, and implemented (FSM 5310).
 - b. To plan, organize, and staff, within the available resources and guidelines as outlined in the approved regional law enforcement plan, a fully operational regional, forest, and district law enforcement organization that accomplishes the responsibilities and objectives set forth by the plan.
5. Program Integration.
- a. To work closely with appropriate Line Officers to ensure that the agency law enforcement program is properly and fully integrated into the overall mission of the Forest Service.
 - b. To ensure that collaborative relationships and shared decision making occur with all line officers in the region. Ensure that process also occurs with subordinate law enforcement personnel at all levels.
 - c. To advise Line Officers and serve as liaison with other law enforcement agencies.
6. Training and Equipment.
- a. To ensure that law enforcement personnel are properly trained and equipped to fulfill their law enforcement responsibilities.
 - b. To designate eligible employees to receive appropriate law enforcement training at the Federal Law Enforcement Training Center and determine the suitability of individual employees to exercise full-range authority.

7. Law Enforcement and Investigations.

a. Law Enforcement. To provide law enforcement services to applicable units that includes the following activities:

(1) To approve, after Forest Supervisor's review, cooperative law enforcement agreements and joint operating and financial plans for regular patrol agreements.

(2) To approve cooperative law enforcement agreements and joint operating and financial plans for drug enforcement agreements.

(3) To approve memorandums of understanding or other agreements for cross-designation of law enforcement personnel (FSM 5364.04b, FSM 5360.33 and 5303.2). This authority may not be re-delegated.

(4) To ensure that law enforcement duties involving significant enforcement or public safety duties and limited investigative workload be performed by law enforcement officers.

(5) To approve dispatch of law enforcement personnel as appropriate to effectively staff law enforcement incidents within the region and nationally.

(6) To analyze, on a continuing basis, the region's overall law enforcement impacts and workload, and to provide the necessary staffing, training, and resources to meet the objectives stated in FSM 5302.

(7) To ensure that law enforcement personnel carry out their responsibilities pursuant to the Victim and Witness Protection Act of 1982 (Title 18, United States Code, section 3525) and the Child Abuse Act of 1992. Ensure that the "Guidelines for Victim and Witness Assistance" issued July 9, 1983, by the U.S. Department of Justice are implemented on each national forest within the region.

(8) To ensure that a Forest Protection Officer Background Check (FPO) is conducted on any FPO provided basic training after April 15, 1996 (FSM 5303.7, para. 6).

(9) To work in cooperation with applicable Line Officers in initiating and conducting periodic reviews relating to the continuance of authorizations for FPOs to issue FS-5300-4 Violation Notices. This review shall include an analysis of the issues associated with safety, agency liability, program effectiveness, and compliance with The Council of Inspectors General on Integrity and Efficiency "Quality Standards for Investigations" (FSM 5311, FSM 5303.11).

(10) To authorize, in writing, which FPOs can issue Violation Notices.

(11) To coordinate with applicable Line Officers in authorizing and designating reserve law enforcement officers, and to plan for and supervise their deployment throughout the region.

(12) To authorize appropriate law enforcement personnel to be deputized by State and local authorities to enforce State law pursuant to Title 16, United States Code, sections 553, 559d(5), and 559g(c) (FSM 5303.2).

(13) To ensure that any law enforcement personnel who are currently serving, or wish to serve, as voluntary reserve peace officers follow the procedures in FSM 5303.3.

(14) To coordinate with applicable National Forest System Line Officers in the procurement and installation of metal containers in fleet vehicles for securing firearms and non-lethal defensive equipment for reserve law enforcement officers (FSM 5304.3, para. 9).

(15) To rescind the authority of FPOs who meet one or more of the criteria described in FSM 5303.7, paragraph 6.

(16) To retain a secured file containing the completed FPO background checks.

(17) To maintain a current listing of FPOs certified to issue form FS-5300-4, Violation Notice.

(18) To ensure that all officers are fully aware of the commitment of the agency to carry out all law enforcement activities in a nondiscriminatory manner and conform with U.S. Department of Justice, Civil Rights Division guidance regarding the use of race, ethnicity or national origin as a factor by their officers in conducting stops, searches, and other investigative procedures.

b. Investigations. To provide investigative services to applicable units that includes the following activities:

(1) To ensure that any allegation(s) of illegal acts committed by Forest Service employees are immediately reported in writing to the Assistant Director, Office of Professional Responsibility and Director of LEI.

(2) To investigate cases assigned by the Director of LEI.

(3) To coordinate either the investigation or fact-finding determinations of cases assigned by the Director of LEI. Ensure appropriate coordination and oversight of agency employees outside of the LEI reporting structure who conduct these investigations or determinations.

(4) To directly refer to the appropriate OIG Regional Inspector General for Investigations and notify the Assistant Director, Office of Professional Responsibility allegations of acts committed by employees that meet the referral requirements pursuant to the agreement between the OIG and the Forest Service but which are not required to be reported pursuant to FSM 5304.21, paragraph 3a.

(5) To receive case assignments and direct supervision from the Director of LEI on matters referred to the Special Agent in charge for investigation.

(6) To determine how all felony and serious misdemeanor cases shall be investigated.

(7) To approve investigative plans for all felony and serious misdemeanor cases conducted in the region. This authority may be re-delegated to a supervisory Special Agent.

(8) To establish standard procedures for conducting a FPO Background Check (form FS 5300-9; FSM 5303.7).

8. Referrals.

a. To determine independently when to open, close, and refer all felony and serious misdemeanor cases for prosecution. This authority may be re-delegated to a Supervisory Special Agent.

b. To develop agreements with regional attorneys of the OGC to address procedures for referral and coordination for presentation of criminal cases to the DOJ (FSM 5303.2, para. 3).

9. Interference.

To notify the Director of LEI and Assistant Director, Office of Professional Responsibility of any interference in an investigation by any employee of the Forest Service.

5304.42 - Supervisory Special Agents

It is the responsibility of Supervisory Special Agents to:

1. Conduct and/or supervise subordinate Special Agents in hotline/whistleblower, internal, and external investigations that result in impartial and objective judgments, in both fact and appearance. Review and approve all investigative reports and ensure entry of investigative information into the LEI Reporting System.
2. Notify the Special Agent in Charge immediately of any interference in an investigation by any employee of the Forest Service.
3. Report all stolen Forest Service non-expendable property to the National Crime Information Center and ensure entry into the LEI Reporting System.
4. Comply with, and ensure compliance of all supervised employees with, reporting procedures of the Daily Activity Reporting System to record work activity (FSM 5303.4, para. 3).

5304.43 - All Special Agents

It is the responsibility of all Special Agents to:

1. Perform investigations or other assignments received from an Assistant Special Agent in charge, Supervisory Special Agent or other employee so designated by the Special Agent in Charge.
2. Conduct hotline/whistleblower, internal, and external investigations that result in impartial and objective judgments, in both fact and appearance, are conducted in a nondiscriminatory manner and that conform to DOJ, Civil Rights Division guidance regarding the use of race, ethnicity or national origin.
3. Notify the Assistant Special Agent in Charge immediately of any interference in an investigation by any employee of the Forest Service.
4. Report all stolen Forest Service non-expendable property to the National Crime Information Center and enter into LEI Reporting System.
5. Complete and forward required Daily Activity Reporting System forms (FSM 5303.4, para. 3) to the Assistant Special Agent in charge or Supervisory Special Agent.
6. Serve in support of incident management assignments as qualified and in compliance with FSM 5354 as applicable.

5304.5 - Law Enforcement Officers and Reserve Law Enforcement Officers

5304.51 - Supervisory Law Enforcement Officers

It is the responsibility of Supervisory Law Enforcement Officers to:

1. Supervise the program management, enforcement, public safety, and investigative activities of any law enforcement officer, reserve law enforcement officer (when performing law enforcement duties), or FPO (when performing regulatory compliance duties) within the area of their assignment.
2. Work closely with Line Officers and Managers in other Forest Service programs to ensure that law enforcement programs and plans are well integrated into all activities.
3. Ensure that the concerns of Line Officers and Managers in other Forest Service programs are considered and accommodated in day-to-day law enforcement operations. Provide prosecutorial updates to appropriate Line Officers and Managers, on a need to know basis that comply with the lawful parameters of an ongoing investigation. Apply the concept of customer satisfaction when dealing both internally and externally.
4. Report all stolen Forest Service non-expendable property to the National Crime Information Center and enter into LEI Reporting System.

5. Coordinate, negotiate, and administer cooperative law enforcement agreements with the respective State and local agencies and affected Line Officers.
6. Comply with, and ensure compliance of all supervised employees with, reporting procedures of the Daily Activity Reporting System to record work activity (FSM 5303.4, para. 3). Ensure all law enforcement personnel and forest protection officers within their area of responsibility use LEI Reporting System to fulfill offense reporting requirements.
7. Notify the Special Agent in Charge immediately of any interference in an investigation by any Forest Service employee.

5304.52 - Law Enforcement Officers

It is the responsibility of Law Enforcement Officers to:

1. Perform assignments received from a LEI Supervisory Personnel.
2. Perform enforcement, public safety, and investigative duties and serve as the local liaison with law enforcement agencies.
3. Ensure that the management concerns of Forest Supervisors and District Rangers are considered and accommodated in day-to-day National forest law enforcement operations. Apply the concept of customer satisfaction when dealing both internally and externally.
4. Provide technical direction to forest protection officers when they perform regulatory compliance duties.
5. Serve in support of incident management assignments as qualified, in conformance with FSM 5354 as applicable.
6. Complete and forward required Daily Activity Reporting System forms (FSM 5303.4, para. 3).
7. Notify the Patrol Captain or Patrol Commander immediately of any interference in an investigation by any Forest Service employee.

5304.53 - Reserve Law Enforcement Officers

It is the responsibility of reserve law enforcement officers, who have been authorized by the Special Agent in Charge, to:

1. Perform full-range law enforcement duties when approved to do so by their immediate Supervisor and the supervisory law enforcement officer.
2. Maintain required re-qualification and re-certification standards pursuant to FSM 5370.

3. If otherwise qualified, serve as a Security Specialist Level 1 (SEC1) in incident camps in a manner that conforms with FSM 5354 as applicable.
4. Complete and forward required Daily Activity Reporting System forms (FSM 5303.4, para. 3) when performing full-range law enforcement duties.
5. Ensure that authorized firearms and non-lethal defensive equipment are readily available.
6. Wear authorized firearms and non-lethal defensive equipment only when engaged in approved law enforcement duties.
7. Ensure firearms and non-lethal defensive equipment that are stored at an office or residence are secured in an appropriate manner.
8. Ensure firearms are not accessible by non-law enforcement personnel.
9. Take immediate law enforcement action, when necessary, without prior approval from a patrol captain or law enforcement officer in accordance with the criteria described in FSM 5303.12, paragraph 5 or 10, after initiating such action to immediately:
 - a. Notify a patrol captain or law enforcement officer that they are taking or have taken action, and;
 - b. Request the assistance of full-time law enforcement personnel.

5304.6 - Forest Protection Officers

Forest protection officers have the authority and responsibility to:

1. Observe and report in a timely manner violation of Federal laws and regulations to Special Agents or law enforcement officers.
2. Attempt to gain voluntary compliance by informing and educating persons who appear to be in violation of rules and regulations.
3. Serve as a Security Specialist Level 2 (SEC2) in incident camps if otherwise qualified, in accordance with FSM 5354 as applicable.
4. Issue form FS-5300-4, Violation Notice only after completion and submission of form FS-5300-9, Forest Protection Officer Background Check, to the Forest Supervisor when requested (FSM 5303.7, para. 6 and FSM 5304.33b, para. 2) and receipt of initial certification and annual recertification as a forest protection officer from the special agent in charge (FSM 5304.41, para. 7a (8)).
5. Issue violation notices for any violation of Title 36, Code of Federal Regulations, Parts 242 and 261, subject to the requirements and limitations described in FSM 5304.6 and FSM 5304.61.

5304.61 - Limitations on Forest Protection Officers

Forest protection officer authorities and responsibilities are limited by the following:

1. Issue violation notices only during daylight hours, unless there are two or more forest protection officers, law enforcement personnel, or law enforcement personnel from another agency present at the time the notices are issued.
2. Make vehicle stops only when conducting compliance activities involving off highway vehicles (OHV) during actual OHV operation on National Forest System lands.
3. Unless conducting a hunting compliance check, terminate contact with a violator when firearms or other lethal devices that were not observed during the initial contact are determined to be present.
4. Take no direct enforcement action, but attempt to record vehicle license numbers, vehicle descriptions, and physical descriptions of individuals involved if they are able to do so safely, and request immediate assistance from law enforcement personnel in the following situations:
 - a. Crimes such as homicide, rape, robbery, assault, burglary, and drug related offenses, domestic disputes, or other offenses that have a high probability for violence.
 - b. Contacts involving the excessive use/abuse of alcohol or use of drugs.
 - c. Suspicious individuals or individuals exhibiting strange behavior.
 - d. Violations involving large groups, street gangs, outlaw motorcycle groups, satanic cults, or extremist organizations.
 - e. Violations of 36 CFR 261.3 (interfering with a forest officer, volunteer, or human resource program enrollee or giving a false report to a forest officer) and 36 CFR 261.4 (disorderly conduct).
 - f. Violations involving verbally abusive or threatening subject(s).

5304.7 - All Employees

It is the responsibility of all employees, after completion of appropriate training, to:

1. Comply with and/or initiate appropriate action pursuant to applicable policy contained throughout FSM 5300.
2. Observe and report, in a timely manner, violations of Federal laws and regulations to law enforcement personnel or Line Officers.

5305 - Definitions

Affecting the National Forest System. Those violations of law and regulation, when committed on Federal or non-Federal lands, that create an actual or potential hazard to National Forest System (NFS) lands and resources, Forest Service employees, or forest users.

Assistant Director (AD). The incumbent of this position serves as a branch chief within the LEI staff area and may supervise a staff of law enforcement personnel and administrative staff. Provides program and technical staff assistance for law enforcement activities on a national level, throughout the Forest Service. In the absence of the Director or deputy directors, the incumbent is responsible for performing the duties of the Director.

Assistant Special Agent In Charge (ASAC). Supervises the regional investigations program and Special Agents assigned within the region. Directly supervised by the Special Agent in Charge.

Deputy Director (DD). A supervisory staff director, incumbent serves as an alter-ego to the Director, LEI and fully shares with the Director the direction of all phases of LEI programs and work.

Director (DIR). The incumbent serves as Director, LEI staff, and is fully responsible for directing and managing the LEI program. Is responsible for the formulation and implementation of broad policies, programs, plans, standards, and procedures for the law enforcement program throughout the Forest Service.

Forest Officer. An employee of the Forest Service.

Forest Protection Officer (FPO). An employee of the Forest Service who has successfully completed 36 hours of regulatory compliance (formerly Level II) training and associated annual refresher requirements and who is assigned limited regulatory compliance duties (FSM 5304.6).

Full-Range Authority. The authorization granted by the Chief or the Director, LEI (for all other law enforcement personnel) to carry firearms and non-lethal defensive equipment and make physical arrests.

Incident Command System (ICS). A standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.

Law Enforcement. As defined in the Forest Service authority, the prevention, detection, investigation, and reporting of violations of laws and regulations including those actions leading to the initiation of and assistance in criminal and civil proceedings; and the cooperation with other law enforcement agencies in fulfilling their respective responsibilities on the NFS.

Enforcement Officer (LEO). A Forest Service employee, employed within the LEI program, who meets all of the following criteria:

1. Has successfully completed a land management police training program and the required field training.
2. Has been issued identifying credentials.
3. Is classified in the GL-1801 series.
4. Serves primarily as a uniformed patrol officer.
5. Makes arrests with or without a warrant or process; issues violation notices or notices to appear; executes and serves search and arrest warrants; carries firearms for law enforcement purposes; and performs other duties as directed in connection with the enforcement or administration of all laws, rules, and regulations, in which the Forest Service is, or may be, a party of interest.
6. Performs law enforcement duties 100 percent of the time.

Law Enforcement Personnel. Employees of the Forest Service who serve as the Washington Office, Director of LEI, Special Agents, law enforcement officers, or reserve law enforcement officers.

May. The action to be taken is discretionary.

Office of Professional Responsibility (OPR). Unit responsible for investigating allegations of criminal activity and/or misconduct by LEI personnel and others with Washington Office approval.

Patrol Captain (PC). A supervisory law enforcement officer who supervises law enforcement officers and who performs the program management and enforcement oversight for units of the NFS. Patrol captains are typically located at Forest Supervisor's headquarters and are supervised by a patrol commander.

Patrol Commander (CMDR). A supervisory law enforcement officer which performs the program management and enforcement program oversight for a region. Supervises patrol captains assigned within a zone or region.

Reserve Law Enforcement Officer (RLEO). An employee of the Forest Service who meets all of the following criteria:

1. Has successfully completed a Land Management Police Training program and the required field training program.
2. Has been issued identifying credentials.

3. Is classified in a series other than GS-1811 or 1801, or GL-1801 or 1802.
4. Serves as a uniformed patrol officer while conducting law enforcement activities.
5. Makes arrests with or without a warrant or process; issues violation notices or notices to appear; executes and serves search and arrest warrants; carries firearms for law enforcement purposes; and performs other duties as directed in connection with the enforcement or administration of all laws, rules, and regulations, in which the Forest Service is, or may be, a party of interest.
6. Performs law enforcement duties on a seasonal, planned, or emergency basis 100 percent of the time during assignment.

Senior Law Enforcement Officer (SLEO). This position is located within the Washington Office, LEI staff. This position provides full performance enforcement and oversight assistance to an assistant director within LEI. The primary purpose of this position is the enforcement and development of laws, regulations, and policy affecting NFS lands.

Senior Special Agent (SSA). This position is located within the Washington Office, LEI staff. This position provides full performance investigative and oversight assistance to an assistant director within LEI. The primary purpose of this position is the investigation and development of laws, regulations, and policy affecting NFS lands.

Serious Misdemeanor. Any misdemeanor, the violation of which has an important or significant effect on programs administered by the Forest Service.

Shall/Will/Must. The action to be taken is mandatory.

Should. Advisory, recommended action to be taken.

Special Agent (SA). A Forest Service employee who meets all of the following criteria:

1. Has successfully completed a basic criminal investigator training academy,
2. Has been issued identifying credentials,
3. Is classified in the GS-1811 series,
4. Serves primarily as a criminal investigator, and
5. Makes arrests with or without a warrant or process; issues violation notices or notices to appear; executes and serves search and arrest warrants; carries firearms for law enforcement purposes; and performs other duties as directed in connection with the enforcement or administration of all laws, rules, and regulations, in which the Forest Service, U.S. Department of Agriculture is or may be a party of interest.

Special Agent in Charge (SAC). Incumbent is responsible for the regional LEI program (FSM 5304.41). Typically supervises an Assistant Special Agent in charge and a Patrol Commander.

Supervisory Law Enforcement Officer (SLEO). Incumbent is either a Patrol Commander (GS-1801-13) or a Patrol Captain (GS-1801-12) and is responsible for the supervision of law enforcement officers, including reserve law enforcement officers performing law enforcement duties.

Supervisory Special Agent (SSA). A Special Agent who supervises Special Agents (FSM 5304.42).

Unit. Any administrative level within the Forest Service.

Within the Exterior Boundaries of the National Forest System. All lands, whether Federal or non-Federal, which are located within the "proclamation" boundary established when a national forest was created.

5306 - Law Enforcement Staffing

Determine staffing needs by considering the following:

1. Reporting. Follow the straight-line reporting structure as outlined in FSM 5307. Additional direction is set forth in FSM 5311.18.
2. Program. Consider such factors as the volume and types of violations, complexity of investigations, size of the unit, land base, driving distances and accessibility, and the extent of cooperation with other Federal, State, and local agencies.
3. Supervision. To ensure that there are no impairments, either in fact or appearance, to their ability to conduct confidential, impartial, and objective investigations, and to ensure employee accountability within the Agency's investigation and enforcement programs, ensure that the supervision of any law enforcement personnel shall be performed by law enforcement personnel at the next higher organizational level (FSM 5307), except when law enforcement personnel are assigned to duties under the incident command system (FSM 5305).
4. Justification and Documentation. Identify law enforcement staffing in regional and forest law enforcement plans (FSM 5311).

5307 - Law Enforcement and Investigations Chain of Command

1. The Director of LEI, reports to the Chief of the Forest Service.
2. Deputy Director(s) of LEI report to the Director of LEI.
3. Assistant Director(s) and Special Agents in Charge report to Deputy Director(s) of LEI.

4. Senior Special Agents report to Assistant Directors.
5. Senior Law Enforcement Officers report to Assistant Directors.
6. Assistant Special Agents in Charge, and Patrol Commanders report to Special Agents in Charge.
7. Special Agents report to Supervisory Special Agents or Assistant Special Agents In Charge.
8. Patrol Captains report to Patrol Commanders.
9. Law Enforcement Officers report to Patrol Captains.
10. Reserve Law Enforcement Officers' report to Patrol Captains when performing full-range law enforcement duties.
11. Forest Protection Officers receive technical direction from law enforcement personnel when performing regulatory compliance duties.

5308 - References

1. Federal Rules of Criminal Procedure for the United States District Courts and Federal Rules of Evidence for United States Courts and Magistrates. These two rules are promulgated as Orders of the Supreme Court of the United States and are revised as necessary. Contact the Special Agent in Charge for a copy of these rules.
2. Council of Inspectors General on Integrity and Efficiency “Quality Standards for Investigations.” The President’s Council on Integrity and Efficiency promulgates this document. The Council's membership is composed of representatives from the various Offices of the Inspector General throughout the Federal Government.
3. Wildfire Cause Determination Handbook (FSH 5109.31; National Wildfire Coordinating Group (NWCG) Handbook 1). This handbook guides initial attack firefighters and others in determining the cause of a wildland fire.