

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

Forest Service Handbook 5309.11 – Law Enforcement Handbook

Chapter 50 – Actions and Procedures

Amendment: 5309.11-2022-2

Effective date: February 17, 2022

Duration: This amendment is effective until superseded or removed.

Superseded Directive: 5309.11_50, Amendment 5309.11-2015-1, 12/10/2015

Approved by: Angela Coleman, Associate Chief

Date approved: February 16, 2022

Responsible Staff:

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

Posting Instructions: Amendments are numbered consecutively by Handbook number 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 Handbook was 5309.11-2022-1 to Chapter 20.

5309.11_Ch. 50: Throughout the chapter, revises cross-references and makes minor editorial and technical changes.

51.02: Adds section titled, “Objectives” and outlines enforcement action objectives.

51.04 through 51.05h: Adds multiple sections outlining responsibility and procedures before/during/after enforcement actions involving pursuits, excessive use of force, issuance of violation notices/warnings, radar/LIDAR, vehicle, stops, and vehicle operations (emergency/non-emergency).

51.1: Establishes sections for Vehicle Operations. This add subsections related to LE vehicle stops and emergency vehicle operations

51.15a-d: Establishes sections for Vehicle checkpoint actions/procedures. Abolishes section 51.13a-d.

51.16: Establishes section for road and trail closures actions and procedures. Abolishes section 51.14.

51.17a-e: Establishes sections for on and off-road driving under the influence actions/procedures. Removes driving under the influence actions/procedures from section 51.15.

51.18a-k: Establishes sections for actions and procedures/responsibilities before, during, and after vehicle pursuits.

51.19: Establishes section for actions/procedures before, during, after foot pursuits. Paragraph 6 adds language, “change or the officer believes the situation is unsafe.” Abolishes section 51.18.

51.20a-f: Establishes sections for actions/procedures for vehicle mounted recording devices including installation, repair/maintenance, operating procedures, control/preservation of media, use of recordings for training purposes, and use for investigations.

51.21a-e: Establishes sections for actions/procedures for body worn cameras including operating procedures, exceptions to the wearing of a body worn camera, control/preservation of media, and use of recordings for training purposes.

51.22: Establishes section for actions/procedures on or at developed sites and concessionaires. Abolishes section 51.2.

52.02: Establishes section containing objectives for specialized equipment used in enforcement operations.

52.03: Section title and content amended from “Objectives” to “Policy.”

52.04 and 52.04a: Section title and content amended from “Policy” to “Responsibility [of] Supervisory Special Agents and Supervisory Law enforcement Officers.”

52.1: Section title and content amended from “Responsibility” to “Law Enforcement Personnel.”

52.21: Adds language, “For unmanned Aerial System Operations refer to FSM 5713.7 and FSH 5709.16.”

52.31c: Adds language, “have at least two officers.”

52.9: paragraph 3 adds language, “which, at a minimum, should include location and estimated end time over snow travel.”

53.14: Section 4 adds language, “unless state authority authorizes the use of local jails. Law enforcement and investigations personnel.” Section 5 adds language, “When transporting an arrestee, the following precautions must be taken:”

53.15: Section 4 adds language, “Whenever possible the prosecuting attorney should be consulted to determine if a warrant is needed prior to conducting a body cavity search.”

53.17: Establishes section referencing definition of juvenile in section 53.05.

53.18: Establishes section titled “Arrest of Juvenile Defendants.” Outlines actions/procedures for arrests of juveniles.

53.19: Establishes section titled “Taking Juveniles into Custody.” Outlines actions/procedures for taking juveniles into custody. Abolishes section 53.22.

53.20: Establishes section titled “Violation Notices for Juveniles.” Outlines actions/procedures for the issuance of violation notices to juveniles. Abolishes section 53.23.

53.20 through 53.23: Sections are abolished. Removes obsolete direction.

54: “Use of Force” Paragraph 1 adds language, “evolving.” Paragraph 2 adds language, “Graham Factors.” Paragraph 3 adds language, “Additional factors used by the courts when applying the standard of Graham that may also govern the reasonableness of using a particular level of force are, but not inclusive: Previous violent history of the suspect known to the officer, the use of alcohol or drugs, the suspect’s mental health or psychiatric history known to the officer, the presence of innocent bystanders who could be harmed.” And the definition of “Use of Force.”

54.11 and 54.11a-d: Adds multiple sections establishing actions/procedures for control, verbal commands, contact controls, control tactics, and defensive tactics.

54.06, 54.12, 54.12a-e: Sections are abolished. Removes obsolete direction.

54.21: Section abolished. Removes obsolete direction.

54.3: Section retitled from “Non-Lethal Defensive Equipment” to “Use of Non-Lethal Defensive Equipment.”

54.32: Establishes section 3 that identifies post ECD deployment actions/procedures for photography of scene, evidence collection, ECD download, and ECD data retention periods following activation/deployment.

54.32a-b: Sections abolished. Removes obsolete direction.

54.33: Paragraph 2 adds language, “subject or animal.”

54.34: Paragraph 2 adds language, “or threat of an attack by a subject or animal.”

54.35: Establishes section titled, “Use of Force Notification and Reporting Requirements” outlining actions/procedures for use of force notification and reporting requirements.

54.36: Establishes section titled, “Photographic Documentation” outlining actions/procedures for photography of a suspect and injuries following a use of force incident.

54.4: Section retitled from, “Firearms” to “Deadly Force.” Adds language, “For procedures and responsibilities after a Critical Incident or Use of Deadly Force refer to (FSM 5356).”

54.41: Section retitled from “Procedures for Use of Firearms” to “Firearms.”

54.42: Section retitled from “Surrendering Weapons” to “Procedures for Use of Firearms.”

54.42a: Section abolished.

54.43: Establishes section titled “Surrendering Weapons.”

54.44: Section retitled from “Prohibited Weapons and Prohibited Use” to “Hostages.”

54.5: Section retitled from “Canine (K-9) Teams” to “Prohibited Weapons and Prohibited Use.”

54.6: Section retitled from “Use of Force Medical Considerations” to “Canine (K-9) Teams.”

54.6 through 54.61: Establishes sections outlining actions/procedures for Canine (K-9) teams.

54.7: Section retitled from “Use of Force Report [Reserved]” to “Use of Force Medical Considerations.”

56.11: Section 2 adds language, “Impoundment may be effected at any time 72 hours after a notice of intention to impound the property if trespass is posted in at least one place in the vicinity of the property.” 56.11 Exhibit 01 includes approved language for impoundment notification.

58.1: Section adds language outlining actions/procedures for the release of information to the media.

58.2: Section retitled from “International Diplomacy” to “Foreign mission Personnel in the United States.” Outlines actions/procedures if contacting foreign mission personnel.

58.21: Section abolished. Removes obsolete direction.

58.21a: Section retitled from “Career Consular Officer Immunity” to “Consular Notification Procedures.” Outlines actions/procedures if foreign national arrested/detained and mandatory notification of home country is required.

58.21b-h: Sections have been abolished. Removes obsolete direction.

Table of Contents

50.2 - Objectives	11
50.4 - Responsibility.....	11
50.41 - Supervisory Special Agents and Supervisory Law Enforcement Officers	11
50.42 - Law Enforcement Personnel.....	11
50.43 - Forest Officer.....	11
51 - Enforcement Actions.....	12
51.01 - Authority	12
51.02 - Objectives.....	12
51.04 - Responsibility	12
51.04a - Director, Law Enforcement and Investigations.....	12
51.04b - Special Agents in Charge and Assistant Directors - Enforcement, Investigations, and Training	13
51.04c - Supervisory Law Enforcement Personnel	14
51.04d - Law Enforcement Personnel.....	14
51.04e - Violation/Warning Notice issuance procedure.....	14
51.05 - Definitions.....	15
51.1 - Vehicle Operations.....	15
51.11 - General Provisions	15
51.12 - Operation of Emergency Vehicles by Non-Sworn Personnel.....	16
51.13 - Vehicle Stops	16
51.13a - General.....	16
51.13b - Radar/Lidar.....	17
51.14 - Emergency Vehicle Operations.....	17
51.14a - Response to Calls and Emergency Driving	17
51.14b - Emergency Vehicle Code Response.....	18
51.14c - Factors and Conditions to Consider During Code Response	18
51.14d - Emergency Vehicle Operations Responsibilities	19
51.14e - Special Restrictions on Emergency Vehicle Operations	19
51.14f - Notification to Dispatch Center of Emergency Vehicle Operation.....	19
51.14g - Discontinuation of Emergency Vehicle Operations.....	20
51.14h - Undercover Operations and Covert Surveillance.....	20
51.15 - Vehicle Checkpoints.....	20
51.15a - General Requirements Applicable to Checkpoints.....	21
51.15b - Planned Checkpoints.....	22
51.15c - Planned Checkpoint Requirements and Procedures	22
51.15d - Emergency Checkpoints	25
51.16 - Road and Trail Closures.....	27
51.17 - Driving Under the Influence	27
51.17a - Enforcement Actions off Forest Roads	27
51.17b - Enforcement Actions on Forest Roads and Trails	27
51.17c - Stopping Drivers Who Appear To Be Under the Influence.....	27
51.17d - Detaining Drivers Who Appear To Be Under the Influence	28

51.17e - Administering DUI Tests	28
51.18 - Motor Vehicle Pursuits	28
51.18a - Purpose	28
51.18b - Motor Vehicle Pursuits Definitions	28
51.18c - Initiation of Pursuit	29
51.18d - Pursuit Operations	30
51.18e - Supervisor Responsibilities	31
51.18f - Pursuit Tactics	31
51.18g - Termination of The Pursuit	32
51.18h - Pursuits Extending Off of National Forest Lands	32
51.18i - Pursuits from Other Jurisdictions	33
51.18j - Post Pursuit Procedures	33
51.18k - Training	34
51.19 - Foot Pursuits	34
51.20 - Vehicle-Mounted Recording Devices	35
51.20a - Installation.....	35
51.20b - Proper Care and Maintenance.....	35
51.20c - Operating Procedures.....	35
51.20d - Control and Preservation of Storage Media	36
51.20e - Use of Recorded Images for Training	37
51.20f - Use of Vehicle-Mounted Recording Devices for Investigations.....	37
51.2 - Body Worn Cameras.....	37
51.21a – Body Worn Camera Definitions.....	37
51.21b - Operating Procedures	38
51.21c - Exceptions to wearing of BWCs.....	40
51.21d - Control and Preservation of Storage Media	40
51.21e - Use of Recorded Images for Training	41
51.22 - Developed Sites and Concessionaires	41
52 - Specialized Equipment Used in Enforcement Operations	41
52.02- Objectives	41
52.03 - Policy.....	42
52.04 - Responsibility	42
52.04a - Supervisory Special Agents and Supervisory Law Enforcement Officers.....	42
52.1 - Law Enforcement Personnel	42
52.11 - References.....	42
52.2 - Law Enforcement Aviation Operations.....	42
52.21 - Operational Procedures	43
52.21a - Approved Aircraft	43
52.21b - Flight Following.....	43
52.22 - Personal Protective Equipment (PPE)	44
52.23 - Aircraft and Pilot Qualifications	44
52.23a - Nonemergency Operations.....	44
52.23b - Emergency Operations	45

52.23c - Cooperative Agency Aviation Operations.....	45
52.3 - Transport Guidelines	45
52.31a - Transporting Injured Officer	45
52.31b - Transporting Canines	45
52.31c - Transporting Prisoners on Forest Service Owned, Leased, or Contract Aircraft	46
52.31d - Transporting Prisoners on Commercial Aircraft	46
52.31e - Transporting Cargo.....	47
52.4 - Security for Aviation Operations.....	48
52.41a - Helibase.....	48
52.41b - Helispots.....	48
52.41c - Overnight Security.....	48
52.41d - Fuel Truck	48
52.5 - Law Enforcement Watercraft Operations.....	48
52.6 - Law Enforcement Off-Highway Vehicle Operations	49
52.7 - Law Enforcement Mountain Bicycle Patrol Operations.....	50
52.8 - Law Enforcement Horse-Mounted Patrol Operations.....	50
52.9 - Motorized Snow-Traversing Equipment.....	51
53 - Arrest Procedures	51
53.01 - Authority	52
53.02 - Objectives.....	52
53.05 - Definitions.....	52
53.1 - Adults	52
53.11 - Arrest With a Warrant	52
53.12 - Arrest Without a Warrant	52
53.13 - False Arrest.....	53
53.14 - Custody and Delivery of Arrested Persons.....	53
53.15 - Searches	54
53.16 - Searches Incidental to Arrest	55
53.16a - Arrestees and Their Immediate Accessible Surroundings	55
53.16b - Vehicles Occupied by Arrestees.....	55
53.17 - Juveniles.....	55
53.18 - Arrest of Juvenile Defendants	55
53.19 - Taking Juveniles into Custody	55
53.20 - Violation Notices for Juveniles	56
54 - Use of Force.....	56
54.01 - Authority.....	57
54.02 - Objectives.....	57
54.1 - Resistance and Control	57
54.11 - Control	58
54.11a - Verbal Commands.....	58
54.11b - Contact Controls	58
54.11c - Control Tactics.....	58

54.11d - Defensive Tactics	58
54.2 - Escalation and De-Escalation of Force	59
54.3 - Use of Non-Lethal Defensive Equipment.....	59
54.31 - Handcuffs and Restraints	59
54.31a - Procedures for Use of Handcuffs and Restraints	59
54.32 - Electronic Control Devices.....	60
54.33 - Aerosol Subject Restraints	61
54.33a - Procedures on Use of Aerosol Subject Restraints	62
54.34 - Impact Weapons.....	62
54.34a - Procedures for Use of Impact Weapons	62
54.35 - Use of Force Notification and Reporting Requirements	63
54.36 - Photographic Documentation	63
54.4 - Deadly Force	63
54.41 - Firearms	64
54.42 - Procedures for Use of Firearms	65
54.43 - Surrendering Weapons	65
54.44 - Hostages.....	65
54.5 - Prohibited Weapons and Prohibited Use	66
54.6 - Canine (K-9) Teams.....	66
54.61 - Procedures for K-9 Teams	66
54.7 - Use of Force Medical Considerations	68
55 - Search and Seizure.....	69
55.02 - Objectives.....	69
55.03 - Policy.....	69
55.04 - Responsibility	70
55.05 - Definitions.....	70
55.1 - Conducting Search and Seizure	70
55.11 - Situations Where Search and Seizure May Be Conducted	70
55.12 - Property That May Be Seized	70
55.2 - Consent Search	71
55.3 - Exigent Circumstances.....	71
55.31 - Criteria for Conducting Searches	71
55.32 - Examples of Exigent Circumstances.....	71
55.4 - Searches With a Warrant.....	71
55.5 - Plain View	72
55.6 - Search of Federally-Owned Residential Areas	72
56 - Impoundment and Property Seizure.....	72
56.01 - Authority	72
56.02 - Objectives.....	72
56.03 - Policy.....	73
56.04 - Responsibility	73
56.1 - Impoundment and Property Seizure Procedures.....	73
56.11 - Notice of Intention to Impound.....	74

56.12 - Removal of Personal Property From An Area of Violation	76
56.13 - Redemption or Sale of Impounded Property	76
56.14 - Notice of Sale of Impounded Property	76
56.2 - Removal of Obstruction.....	76
57 - Criminal Violations and Courtroom Appearance	77
57.05 - Definitions.....	77
57.1 - Criminal Violations - Felony and Misdemeanor	77
57.11 - Filing Complaint.....	77
57.12 - Information	77
57.13 - Grand Jury	77
57.14 - Subpoena	78
57.15 - Summons	78
57.15a - Procedures for Serving Summons	78
57.2 - Courtroom Appearance	78
58 - Media Communications and Diplomatic Considerations	78
58.02 - Objectives.....	78
58.03 - Policy.....	79
58.1 - Inquiries from News Media	79
58.11 - Media Inquiries Received in Emergency or Fast-Moving Situations	80
58.12 - Access	81
58.13 - Questioning or Arrest of Member of News Media	82
58.14 - News Media Members Accompanying Law Enforcement Personnel on Field Operations.....	82
58.15 - Proactive Activities	82
58.16 - Incident Media Planning	83
58.2 - Foreign Mission Personnel in the United States	84
58.21a - Consular Notification Procedures	85
59 - Hazardous Material Spill Responses	85
59.03 - Policy.....	85
59.04 - Responsibility	85

50.2 - Objectives

1. To protect and manage all National Forest System lands, facilities, property and
2. To place a high value on safety by providing necessary guidance to law enforcement personnel, and
3. To prevent crime by providing the public and employees with information and education.

50.4 - Responsibility

50.41 - Supervisory Special Agents and Supervisory Law Enforcement Officers

It is the responsibility of Supervisory Special Agents and Supervisory Law Enforcement Officers to ensure a visible presence of trained and uniformed Law Enforcement Officers is maintained in areas under Forest Service jurisdiction, and that random patrols are routinely performed to help prevent and deter crime.

50.42 - Law Enforcement Personnel

It is the responsibility of all law enforcement personnel to:

1. Perform consistent enforcement actions in apprehending and prosecuting violators.
2. Ensure the constitutional rights of any person are not violated.
3. Ensure that any search or seizure is done in accordance with agency policy and procedures.
4. Ensure that any impoundment or property seizure follows existing guidelines.

50.43 - Forest Officer

It is the responsibility of each Forest Service employee, as a Forest Officer, to:

1. Be alert to situations that could lead to violations of laws and regulations and take the appropriate preventative action.
2. Provide, within the Forest Officers' area of expertise, written information for preventative actions such as:
 - a. Proper design of facilities,
 - b. Posting of regulatory and directional signs, and
 - c. Promoting public support to report violations and protect public lands and facilities.

See FSM 5303.5 for additional direction on prevention.

51 - Enforcement Actions

51.01 - Authority

See FSM 5301 for authorities related to law enforcement actions.

51.02 - Objectives

1. To enhance officer safety.
2. To document statements and events that have transpired.
3. To enhance an officer's ability to document and review statements and actions for internal reporting requirements and criminal prosecution.
4. To preserve visual and audio information for use in current and future investigations.
5. To serve as a tool for Officer and management training.
6. To enhance public trust.

51.04 - Responsibility

51.04a - Director, Law Enforcement and Investigations

It is the responsibility of the Director, Law Enforcement and Investigations (LEI):

1. Provide a mechanism to:
 - a. Review all pursuits and use of force incidents involving LEI personnel at least annually.
 - b. Recommend training and policy updates as a result of pursuit and use of force reviews.
2. Ensure any allegations of excessive use of force incidents are:
 - a. Internally investigated for any incidents where LEI personnel are suspected of the excessive use of force.
 - b. Refer reports of excessive use of force to the appropriate agency for incidents where individuals reported excessive use of force are not members of Law Enforcement and Investigations.

3. Investigate or direct the investigation of any egregious policy violations or criminal acts involving a Special Agent in Charge, Assistant Director, Deputy Director, or Law Enforcement and Investigations personnel.

51.04b - Special Agents in Charge and Assistant Directors - Enforcement, Investigations, and Training

It is the responsibility of the:

1. Special Agents in Charge: Report any allegations involving excessive use of force, violations of policy, or criminal violations to the Director, LEI, within 24 hours of receiving the allegations.
2. Assistant Directors – Enforcement, Investigations, Office of Professional Responsibility, and/or Training:
 - a. Report any allegations involving excessive force, egregious violations of policy, or criminal violations related to the use of force to the Director, LEI, within 24 hours of receiving the allegations.
 - b. Review any policy and/or training recommendations submitted by Special Agents in Charge and use of force panels and recommend policy and/or training updates to the Director, LEI, as needed.
3. Assistant Director – Investigations/Office of Professional Responsibility (OPR) additionally:
 - a. Coordinate, monitor, or direct any internal investigations arising out of allegations into any pursuits and use of force incidents in which egregious policy violations or criminal acts involving Law Enforcement and Investigations personnel are suspected or alleged.
 - a. Coordinate, monitor, or direct any internal investigations or inquiries arising out of reports of any incidents in which Law Enforcement and Investigations personnel are alleged to have used excessive force.
 - b. Coordinate with the appropriate agency's internal affairs unit for any incidents in which law enforcement personnel who are not employed by Law Enforcement and Investigations personnel are alleged to have used excessive force.
4. Assistant Director – Training: Provide the Director, LEI, a list of any required training remediation or updates needed as a result of the use of force panels' recommendations.

51.04c - Supervisory Law Enforcement Personnel

It is the responsibility of Supervisory Special Agents and Supervisory Law Enforcement Officers: Report any allegations involving excessive force, criminal acts, or policy violations to the appropriate Special Agent in Charge (for personnel assigned to a region) or the appropriate Assistant Director – Enforcement, Investigations or Training (for personnel assigned to the Washington office or Forest Service National Academy) within 24 hours of either receiving the report or being advised of the allegations.

51.04d - Law Enforcement Personnel

It is the responsibility of all Law Enforcement and Investigations personnel to whenever, in the officer/agent's opinion, the use of force by any peace officer, regardless of agency, is excessive, take immediate action appropriate for the circumstances to end or mitigate the excessive force situation.

1. The officer/agent's actions:
 - a. Must be reasonable and prudent, based on the totality of the circumstances known to the officer at the time.
 - b. Should include verbal and/or physical intervention necessary to mitigate the use of excessive force.
2. Any officer/agent who witnesses or receives allegation of excessive force shall immediately report the incident or allegation to their Supervisory Special Agent or Supervisory Law Enforcement Officer, as appropriate.
3. In the event the individual observed or alleged to have used excessive force is a supervisor the reporting officer/agent shall report the observations/allegations to the next level supervisor.

51.04e - Violation/Warning Notice issuance procedure

1. Violation Notices. LEI personnel shall not advise violators how to plea to the Violation Notice (VN), or as applicable, State Citation (SC). Violators shall be advised that they must respond to the VN, or SC (as applicable), and what their options are for satisfying the VN or SC. Violators shall not be coerced, encouraged, or discouraged to take a particular option. This includes suggesting that if the violator contests the VN/SC the VN/SC shall be amended to another violation.
2. Warning Notices. Verbal warnings play an important role in the overall management of the national forest lands. When its deemed appropriate, a verbal or written warning may be issued in lieu of a formal Violation Notice or, as applicable, State Citation.

51.05 - Definitions

Due Regard. The consideration of existing circumstances to determine the validity of one's actions as they relate to existing or potential hazards.

Reasonable Care. The degree of care, which a reasonable officer would exercise in the same or similar circumstances.

Emergency Vehicle Equipment. All emergency equipment available to include red and blue lights, wig-wag/strobe headlights, and siren/audible warning.

Emergency Vehicle. A marked or unmarked law enforcement vehicle that is equipped with red or blue lights, wig-wag/strobe headlights, and siren/audible warning equipment.

Marked Unit. A Forest Service law enforcement vehicle displaying all the law enforcement markings and equipped with emergency equipment.

Unmarked Unit. A Forest Service law enforcement vehicle normally assigned to a Special Agent that does not contain law enforcement markings, but may be equipped with red or blue lights, wig-wag lights/strobe headlights, and siren/audible equipment.

Emergency Response. A situation requiring the need for immediate and prompt response from a Forest Service Law Enforcement Officer.

51.1 - Vehicle Operations

51.11 - General Provisions

1. Forest Service vehicles are to be used only for official business. An employee may not use or permit the use of a government owned, leased, or rented vehicle, except in the conduct of official business. (FSM 5385.9)
2. Law enforcement personnel with an approved form AD-728, Request and Authorization for Home to Work Transportation, in the absence of misuse, are deemed to be within the scope of Federal employment at all times while driving the authorized vehicle under that authorization.
3. All sworn LEI personnel shall comply with their respective applicable state laws governing authorized emergency vehicles.
4. Seatbelts shall be utilized by all motor vehicle occupants during vehicle operations unless extenuating circumstances exist.
5. A quick visible inspection of the vehicle and all emergency equipment should be completed before the start of shift and when the vehicle has been parked in a public area for an extended period to include at minimum tires, fluid leaks, lights, siren, and radio.

51.12 - Operation of Emergency Vehicles by Non-Sworn Personnel

1. Non-sworn personnel may not operate marked law enforcement vehicles unless:
 - a. A state of dire emergency exists,
 - b. It is required during maintenance, or
 - c. It is authorized by a supervisor for logistical movements.
2. In the event non-sworn personnel operate a marked LE vehicle in accordance with this section one of the following shall be:
 - a. All “LAW ENFORCEMENT” designations shall be completely covered, or
 - b. An “Out of Service” placard shall be displayed on each side of the vehicle containing the “LAW ENFORCEMENT” designations.

51.13 - Vehicle Stops

On any vehicle stop, law enforcement personnel should make every attempt to notify the dispatcher of the following prior to exiting their vehicle:

1. The location of the stop,
2. The license plate number and state of registration of the vehicle,
3. The make and color of the vehicle,
4. The number of occupants, and
5. Other critical information about the vehicle, occupants, location, or direction of travel that would assist other officers in locating the vehicle, occupants, or the officers' location.

51.13a - General

General guidelines for vehicle stops:

1. Vehicle stops shall be made in as safe as manner as possible and shall attempt to minimize traffic disruptions and avoid creating dangers for other traffic.
2. Vehicle stops will be made in accordance with any applicable local state or county MOU's or agreements regarding traffic enforcement.
3. LEI personnel shall make appropriate driver and vehicle checks. As appropriate to the circumstances for the traffic contact, officers/agents are responsible for checking

drivers for warrants and license status; verifying the vehicle is properly registered (as applicable); and verifying whether or not the vehicle is stolen. Unless directed to do so by a judge, magistrate, or other court Officer with authority to make such direction, LEI personnel shall not accept collateral payments for Violation Notices/State Citations. This includes offers to mail or otherwise convey the collateral payment to the Central Violations Bureau or applicable state/county court.

51.13b - Radar/Lidar

Using radar/LIDAR as one means of gaining compliance of persons exceeding the posted speed limit when the following criteria are met:

1. Law enforcement personnel shall meet State radar/LIDAR operator certification requirements prior to operating radar devices within that State.
2. The radar/LIDAR unit must be calibrated according to calibration guidelines for the State in which the radar/LIDAR unit is used or manufacture guidelines. This requirement applies to radar/LIDAR owned by the Forest Service or loaned to the Forest Service by another law enforcement agency.

51.14 - Emergency Vehicle Operations

An Officer engaging in an emergency vehicle operation of any kind must balance the need for the emergency vehicle operation against the dangers associated with such operation. An Officer has a duty to operate the emergency vehicle with due regard for the safety of all other persons and property while engaged in vehicle operations.

51.14a - Response to Calls and Emergency Driving

During Emergency Response, the Officer:

1. May exceed the prima facie speed limits so long as life and property are not endangered. Vehicles shall be driven at speeds which are reasonable and prudent, so as to avoid collision with any other vehicle, object, or person legally on or adjacent to the roadway. At no time shall the vehicle be operated in a manner that the driver loses control.
2. May proceed through intersections at which they have the right of way, but shall slowdown in order to avoid a collision or avoid creating a traffic hazard. Applicable state laws governing the Operation of Emergency Vehicles must be followed.
3. May proceed with caution through traffic control devices such as red lights, stop signs, et cetera; but only after slowing down and/or stopping for the safe operation of the vehicle. Applicable state laws governing the Operation of Emergency vehicles must be followed.
4. It is the responsibility of the officer to make sure vehicles and pedestrians have yielded to the emergency vehicle prior to entering or transiting an intersection.

51.14b - Emergency Vehicle Code Response

Officers must continually assess all factors and conditions during emergency vehicle operations. Officers must choose the preferred emergency response level in direct relation to the event or circumstance while being constantly mindful of the risk to self and public.

1. Level One is a prompt, safe response to routine calls (for example: cold crimes, non-injury accidents, missing persons, administrative calls, et cetera) without the use of emergency lights or sirens while obeying all traffic laws.
2. Level Two is a response used for situations requiring immediate attention (for example: silent or audible alarms, crimes just occurred, sick or injured persons, prowlers, or incomplete calls, et cetera), and requires the use of emergency lights and may be augmented by the use of horn or siren to facilitate the safe passage of the emergency vehicle through traffic. This requires a complete stop at stop signs and red lighted intersections before proceeding.
3. Level Three is a response that requires the continuous use of emergency lights and sirens and is used for critical situations demanding emergency response (for example: person's life in danger, crime in progress, crime with suspects present, et cetera). Audible (siren) and visual (lights) are not required when it reasonably appears to the officer that such use would prevent or hamper the apprehension or detection of the violator by law enforcement.
4. For incidents pertaining to traffic control, road hazards, animals or livestock in the roadway, or hazards affecting the safety of motor vehicles, the officer has discretion on whether to use lights or sirens or both to facilitate the safe flow of traffic, or establish traffic control for the safety of citizens.

51.14c - Factors and Conditions to Consider During Code Response

1. Nature or seriousness of the call.
2. Probability of apprehension.
3. Degree of risk created by the response in relation to the risk created by the nature of the call.
4. Volume, type, speed, and direction of all vehicular traffic.
5. Geographical factors, such as residential, commercial, construction zone, school zone, open roads, et cetera.
6. Presence of pedestrians in and around roadway.
7. Environmental factors, such as time of day and weather.
8. Road conditions, such as road surface, curves, ice/wet conditions et cetera.

9. The suspect's identity, history of violence or dangerous behavior, and whether later apprehension is possible.

10. Any change in factors affecting the initial call, such as arrival of another officer on scene or new information learned after the initial call.

The ultimate goal in emergency vehicle response is to respond safely and arrive where the officer is needed without further endangering the responding officer or the public.

51.14d - Emergency Vehicle Operations Responsibilities

On Duty Driving Responsibilities:

1. When officers are not responding to calls, they are expected to drive in a safe manner and operate the vehicle in compliance with all applicable state laws.
2. Officers are further expected to operate their vehicle in a manner that is exemplary to other drivers.
3. Officers should operate equipment such as a laptop or mobile data terminal or cell phone when the patrol vehicle is stopped or when the use can be accomplished safely.

51.14e - Special Restrictions on Emergency Vehicle Operations

1. Vehicles transporting prisoners or members of the public may not engage in emergency vehicle operations unless a passenger is suffering a medical emergency.
2. Privately owned vehicles may not be used as emergency vehicles in any emergency vehicle operation.
3. Any vehicle that sustains damage to, or suffers a failure of, any essential vehicular equipment shall in most circumstances immediately cease emergency vehicle operations.

51.14f - Notification to Dispatch Center of Emergency Vehicle Operation

It is the responsibility of all law enforcement personnel engaging in an emergency response to advise dispatch of their participation and to receive acknowledgement from the dispatch center. Law enforcement personnel engaged in an emergency response should communicate the following information to dispatch:

1. Identity of the officer.
2. Reason for the emergency vehicle operation.
3. Current location.
4. Intended destination (if applicable).

5. Direction of travel (if applicable).
6. Details which shall enable supervisors, dispatchers, and other law enforcement personnel to assess the situation and, if authorized and necessary, provide assistance.

51.14g - Discontinuation of Emergency Vehicle Operations

Emergency vehicle code response shall be reduced or discontinued any time the officer involved considers it unwise to continue based upon risk to the persons involved or the public, or upon the order of a supervisor. Upon the determination to reduce or discontinue emergency vehicle code response, law enforcement personnel shall, if applicable:

1. Reduce to the appropriate level of response.
2. Turn off any emergency lights and siren.
3. Reduce speed to the posted speed limit and follow all traffic laws.
4. Advise the dispatch center the emergency vehicle operation has been discontinued and request for the supervisor to be notified.

Law enforcement personnel shall not be disciplined for terminating emergency vehicle operations which they consider unsafe or unwise to continue.

51.14h - Undercover Operations and Covert Surveillance

Unless actively operating emergency equipment as defined in Section 51.12c (1)(Lights) and/or (2)(Siren), unmarked government owned, leased, or rented vehicles being operated by plain clothed officers/agents while conducting undercover operations or covert surveillance shall operate their vehicle with due regard for the safety of all other persons.

The operation of unmarked vehicles for undercover and covert surveillance shall be in accordance with the operator's training/experience, the vehicle's capabilities, and guidelines established by the Special Agent in Charge (for personnel assigned to a region), the Director – Law Enforcement and Investigations (for personnel assigned to the Washington Office or the Federal Law Enforcement Training Center), or their designee; and in a manner prudent for the activity without causing an unnecessary risk to participants, members of the public, or the suspects. The ultimate goal in vehicle surveillance is to accomplish it safely and discreetly without endangering the public or compromising the surveillance. Moving surveillance, which requires operating a police vehicle over the posted speed limit, shall only be allowed when the officer exercises due regard for the safety of all persons. Vehicles shall be operated at all times with due regard for the safety of all persons and property. Personally owned vehicles shall not be used for undercover operations or surveillance.

51.15 - Vehicle Checkpoints

Law enforcement personnel may establish vehicle checkpoints to stop vehicles temporarily at a particular point on roads or trails that are located on National Forest System lands.

Stopping a vehicle (even briefly) and detaining its occupants at a checkpoint constitutes a seizure of those persons within the meaning of the Fourth Amendment of the United States Constitution. Therefore, law enforcement personnel should give careful consideration to the following criteria in deciding whether to establish a checkpoint:

1. The importance of the interests the checkpoint is intended to serve and the extent to which those interests relate to the Forest Service mission, particularly public safety.
2. The likelihood that the checkpoint would effectively serve those interests.
3. The extent to which the checkpoint would intrude upon law-abiding motorists, including the delay imposed.

51.15a - General Requirements Applicable to Checkpoints

The following requirements apply to establishing and conducting checkpoints:

1. The safety of the public and law enforcement personnel is a primary consideration when establishing a checkpoint.
2. Any planned checkpoint initiated by the Forest Service must be conducted on National Forest System lands or administrative sites under Forest Service jurisdiction.
3. If a cooperating agency is conducting a checkpoint on National Forest System lands and Forest Service participation would serve the agency's interests, Forest Service law enforcement personnel may participate with the approval of a Supervisory Law Enforcement Officer or Supervisory Special Agent, as appropriate.
4. If a planned checkpoint is located on other than National Forest System lands, the Forest Service cannot be the lead agency. However, if another agency is conducting a checkpoint on any other lands and Forest Service participation would serve the agency's interests, Forest Service law enforcement personnel may participate to the extent authorized by law, with the approval of a Supervisory Law Enforcement Officer or Supervisory Special Agent, as appropriate.
5. Once a planned checkpoint operation has begun, the Law Enforcement Officer(s) shall stop all vehicles arriving at the site from the targeted direction(s), unless the Checkpoint Supervisor (sec. 51.13c, para. 5b) has expressly approved another non-discriminatory method (such as stopping every second or fifth vehicle). The checkpoint may be suspended at any time based on an identified need, such as alleviating traffic congestion.
6. Vehicles stopped at a checkpoint must not be detained beyond the need to fulfill the purposes of the checkpoint, unless there is reasonable suspicion or probable cause that a violation of law or regulation has been, is about to be, or is being committed.

51.15b - Planned Checkpoints

There are two types of planned checkpoints:

1. Compliance Checkpoints. A compliance checkpoint is a planned action by law enforcement personnel to stop vehicles temporarily at a fixed location to conduct checks to ensure compliance with laws and regulations under the jurisdiction of the Forest Service that address public safety. Among these authorities are Title 7, United States Code, Section 1011 (f), Title 16 U.S.C. 551 and 559, and Title 36 Code of Federal Regulations, Part 212 -- Administration of the forest transportation system and Part 261 - Prohibitions. These authorities cover topics such as, hunting, fire prevention, vehicle safety requirements, vehicle licensing requirements, use of Forest Service roads and trails, and the operation of motor vehicles. Examples of compliance checkpoints include checking for log truck load tickets or vehicle license and registration.
2. Public Information Checkpoint. A public information checkpoint is a planned action by law enforcement personnel to stop vehicles temporarily at a fixed location for the purpose of providing information to the public regarding public health and safety issues and/or applicable forest laws and regulations. The information may be provided in written or oral form.

51.15c - Planned Checkpoint Requirements and Procedures

Law enforcement personnel shall adhere to the following requirements and procedures when establishing and conducting planned checkpoints:

1. Checkpoint Requests. Before a checkpoint may be conducted, a written request to establish the checkpoint along with a checkpoint plan must be submitted to and approved by a Supervisory Law Enforcement Officer or a Supervisory Special Agent, as appropriate. The checkpoint plan must address the following:
 - a. The reasons and primary purpose for establishing the checkpoint.
 - b. The personnel to be assigned to the checkpoint.
 - c. The location of the checkpoint.
 - d. The approximate time and duration of the checkpoint.
 - e. In the case of a compliance checkpoint, the specific inquiries or demands that will be made of the driver and/or occupants of the vehicle.
 - f. In the case of a public information checkpoint, the information that will be provided.

2. Site Selection. Base the selection of sites on standard enforcement factors that consider time of day, day of week, roadway or trail location, history of violations in the area, and any special activities in the area. Also, each site selected must have a safe area for stopping vehicles and afford oncoming traffic sufficient sight distance, depending on the road surface, for the driver to stop safely. The site must have adequate space to divert vehicles if further action is needed.
3. Timing. Checkpoints may be conducted at any time of day or night. However, checkpoints may not be conducted at night, without adequate lighting, warning, and safety equipment.
4. Publicizing Location and Purpose. The specific location and purpose of a checkpoint may be publicized to serve as a deterrent to potential violators.
5. Personnel. The checkpoint plan must ensure adequate staffing and supervision.
 - a. Staffing. The plan must provide for a sufficient number of law enforcement personnel to maintain a safe and effective operation and to avoid traffic congestion. At a minimum, two law enforcement personnel are required to be present at the same time at each checkpoint site. One of these can be an Officer from a cooperating Federal, State, or local agency.
 - b. Supervisory Controls. All checkpoints are to be conducted under the supervision of a Checkpoint Supervisor who is present at the checkpoint site. The Checkpoint Supervisor may be a Supervisory Law Enforcement Officer, Supervisory Special Agent, or other law enforcement personnel designated to act as the Checkpoint Supervisor by the appropriate authorizing official (FSM 5305, FSM 5307).
6. Checkpoint Approval. Written authorization from a Supervisory Law Enforcement Officer or Supervisory Special Agent is required to approve a planned checkpoint.
 - a. In the case of a compliance checkpoint request, the authorization must explicitly authorize the specific inquiries or demands that are to be made of the driver and/or occupants of the vehicle.
 - b. In the case of a public information checkpoint request, the authorization must specify the information that is to be provided.
7. Apparel. Law enforcement personnel must be in uniform while conducting checkpoints. While engaged in a nighttime checkpoint operation, law enforcement personnel must wear high-visibility apparel (FSM 5388.21).
8. Signing and Warning Devices. Use signing and warning devices at planned checkpoints as follows:
 - a. At the entrance to the checkpoint, place a standard red stop sign at a location which would safely affect an appropriate stop at the checkpoint.

- b. On all paved surfaced roads or highways, place a sign displaying the words "Stop Ahead" at a sufficient distance ahead to alert motorists of the upcoming checkpoint.
 - c. Depending on the visibility and road conditions of gravel or dirt surfaced roads, provide signing in advance of the stop, if necessary, to alert motorists to the upcoming checkpoint.
 - d. An adequate number of flares, lights, reflectors, or cones must be used to illuminate the site and to aid traffic direction.
 - e. Barricades must not be used to block oncoming traffic.
 - f. Emergency lights should be activated at compliance checkpoints if preferred, but must not be activated at public information checkpoints, unless they are needed for safety reasons.
9. Initial Stop. Upon initial contact, law enforcement personnel shall inform the occupants of the vehicle of the reason for the checkpoint. The initial inquiries or demands that are made of the driver and/or occupants of the vehicle at a checkpoint must be within the scope of the purposes for which the checkpoint is authorized and must be within the statutory or regulatory authorities enforceable by the Forest Service, or by cooperating law enforcement personnel if the checkpoint is a cooperative operation. After an initial stop and completion of the objectives of the checkpoint, a vehicle must not be involuntarily detained, unless law enforcement personnel have reasonable suspicion or probable cause to conduct further action.
10. Secondary Stop. Other activities, facts, or circumstances observed as the vehicle approaches or is stopped at the checkpoint site may present reasonable suspicion or probable cause to justify diverting vehicles to a secondary site. Further action at the secondary site may be taken to the extent justified by the reasonable suspicion or probable cause for the secondary stop. Data regarding actions taken at all secondary stops must be kept with all other checkpoint documents.
11. Removal of Persons from Vehicle. During a checkpoint stop, do not require the driver and/or occupants to exit the vehicle unless one or more of the following circumstances exist:
- a. There is reasonable belief by law enforcement personnel that the driver and/or occupants or the circumstances present some danger to law enforcement personnel or others.
 - b. Probable cause exists to suspect that a violation of law and/or regulation has been, is about to be, or is being committed.
 - c. A consensual search of the vehicle is being conducted.
 - d. Removal of the driver and/or occupants is needed to effect an arrest or prevent the escape of an occupant.

12. Planned Checkpoint Reports. The Checkpoint Supervisor shall submit a report to the Supervisory Law Enforcement Officer, Supervisory Special Agent, or other appropriate authorizing official within 5 calendar days from the termination of the checkpoint. At a minimum, the report must include the following information:

- a. A record of all personnel assigned to the checkpoint and their tours of duty.
- b. The specific location, dates, and hours of the checkpoint operation.
- c. The approximate number of vehicles stopped.
- d. The approximate average time delay to motorists.
- e. The number and type of secondary stops made based on reasonable suspicion or probable cause.
- f. The number and types of violations discovered, and actions taken, such as arrests, Federal or State citations, warnings, impoundments, or seizures.
- g. Any unusual events and any other information relevant to the checkpoint operation.

51.15d - Emergency Checkpoints

An emergency checkpoint is an emergency action taken by law enforcement personnel to stop vehicles temporarily at a fixed location when a risk to public safety exists and immediate law enforcement action must be taken.

1. Establishment. An emergency checkpoint may be established in the following circumstances:

- a. During incidents that may involve endangerment or protection of public health and safety, accidents, natural disasters, fire, or other situations in which law enforcement personnel must restrict traffic into a given area, detour traffic onto another roadway, or divert traffic around a particular area.
- b. During the apprehension of potentially dangerous suspects or fugitives.
- c. When a risk to public safety exists as a result of the unsafe actions of others and immediate law enforcement action must be taken.

2. Authorization. Law enforcement personnel shall make every attempt to seek written authorization from a Supervisory Law Enforcement Officer or Supervisory Special Agent, prior to establishing an emergency checkpoint. However, time is also a primary consideration. For this reason, law enforcement personnel may make a decision to establish an emergency checkpoint without prior authorization. In all cases, a

Supervisory Law Enforcement Officer or Supervisory Special Agent, as appropriate, shall be notified of the situation as soon as possible.

3. Emergency Checkpoint Procedures.

- a. Vehicles used to partially block any portion of the roadway must be unoccupied, marked law enforcement vehicles. Do not use privately-owned vehicles as barricades, except in circumstances of compelling need.
- b. Vehicles used as stationary barricades must be placed at an angle which reveals their enforcement emblems on the door to oncoming traffic.
- c. Law enforcement vehicles not being used to block the roadway should be off the roadway in a safe position to initiate pursuit should it become necessary.
- d. The roadway must not be completely blocked by vehicles or objects under any circumstances. Construct the emergency checkpoint in such a manner as to leave a route through the area but design the route so that it would be necessary to proceed slowly through the checkpoint.
- e. Law enforcement personnel should always place themselves in a position of safety. If the emergency checkpoint is established for the purpose of apprehending potentially dangerous suspects or fugitives, law enforcement personnel should position themselves to apprehend them at the checkpoint.
- f. A minimum of two law enforcement personnel should be present at the site of an emergency checkpoint when law enforcement action is anticipated. One of these may be an Officer from a cooperating Federal, State, or local agency.
- g. Law enforcement personnel conducting emergency checkpoints must be in uniform or clearly identified by appropriate distinctive clothing.
- h. Signing and warning devices may be used at emergency checkpoints if available and practical.
- i. Emergency lights may be activated.

4. Emergency Checkpoint Report. The Law Enforcement Officer or Checkpoint Supervisor shall submit a report on the emergency checkpoint to the appropriate official within 5 calendar days from the termination of the checkpoint. Include the following information in the report:

- a. The reasons for establishing any checkpoints without prior written authorization.
- b. A record of all personnel assigned to the checkpoint and their tour of duty.
- c. The specific location, date, and hours of the checkpoint operation.

d. The number and type of violations discovered, and responsive actions taken, such as arrests, Federal or State citations, warnings, impoundments, and/or seizures.

e. Any unusual events and any other information relevant to the checkpoint operation.

5. Cooperative Law Enforcement Emergency Checkpoint. In the event that Forest Service law enforcement personnel are requested to implement an emergency checkpoint at the request of another law enforcement agency under Title 16, United States Code, section 551a, Forest Service law enforcement personnel shall first ascertain from the requesting agency the reasons for establishing the emergency checkpoint, such as apprehension of potentially dangerous suspects or fugitives, an emergency or disaster, or the risk to public safety from the unsafe actions of others. Where cooperating agency emergency checkpoint procedures conflict with or vary from those of the Forest Service, enforcement personnel shall conduct the emergency checkpoint in accordance with established Forest Service policy and procedures.

51.16 - Road and Trail Closures

To close a road or trail, or a segment of such a road or trail, it is desirable to erect barricades, gates, or similar structures to accompany the required signing. See FSM 7731.15 for direction on using and marking these structures.

51.17 - Driving Under the Influence

51.17a - Enforcement Actions off Forest Roads

Within forest boundaries, enforcement of driving under the influence of intoxicants (DUI) violations may be enforced off forest roads on the National Forests in accordance with Title 36, Code of Federal Regulations, section 261.15 (36 CFR 261.15).

51.17b - Enforcement Actions on Forest Roads and Trails

State and local Law Enforcement Officers have primary responsibility for driving under the influence of intoxicants (DUI) enforcement on forest roads and trails. Law enforcement personnel may have authority to enforce DUI violations on Forest Service roads per 36 CFR 261.13 or a Subpart B special closure order under 36 CFR 261.54(d), (e), or (f) and 36 CFR 261.55(a) or (d) is written to prohibit operating a vehicle while under the influence of intoxicants on forest roads or trails, if authority to enforce State laws has been granted by the State, or if the Assimilated Crimes Act (18 U.S.C. 13) applies.

51.17c - Stopping Drivers Who Appear To Be Under the Influence

Law enforcement personnel may stop a vehicle when, based on the training and experience of the Law Enforcement Officer, the Officer believes the person operating the vehicle is either under the influence or experiencing medical problems and poses a threat to the safety of any person.

51.17d - Detaining Drivers Who Appear To Be Under the Influence

If law enforcement personnel stop a vehicle in accordance with sections 51.09a or 51.09b, and the driver appears to be intoxicated, the Officer shall:

1. Prohibit the driver from continuing to drive,
2. Detain the driver until a State or local Law Enforcement Officer can arrive or transport the driver to a local detention facility, or
3. Take appropriate enforcement action if state authority has been granted.

51.17e - Administering DUI Tests

An Officer may administer field sobriety tests in order to establish probable cause for a DUI arrest (FSM 5385.83). Law enforcement personnel administering field sobriety tests shall receive national level certification (for example, National Highway Traffic Safety Administration) or certification required by the State in which the Officer's duty station is located.

51.18 - Motor Vehicle Pursuits

51.18a - Purpose

The purpose of this policy is to establish guidelines for the initiation and continuation of vehicular pursuits.

51.18b - Motor Vehicle Pursuits Definitions

Vehicular Pursuit. A deliberate attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude apprehension.

Primary Unit. The police unit immediately following the suspect at a reasonable distance and assumes primary control of the pursuit.

Secondary Unit. Any police unit that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Additional Unit. Any police unit not actively involved as the primary or secondary unit and is available to join the pursuit when requested.

Caravanning. Direct participation in, or following of, a pursuit by emergency vehicles other than the primary and secondary unit.

Terminate. To abandon or abort the pursuit.

Termination Point. The location where the pursuit comes to a conclusion.

51.18c - Initiation of Pursuit

During a motor vehicle pursuit, the provisions of FSM 5351.18, FSM 5354, and this section apply.

1. A pursuit is authorized only if the officer has reasonable belief that the suspect, if allowed to flee:

- a. Would present a danger to human life or cause serious injury, or
- b. The suspect has committed, or is attempting to commit, a serious crime.

In general, pursuits for minor violations are not authorized. The decision to initiate a pursuit must be based on the pursuing officer's belief that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

2. Unless a greater hazard would result, a pursuit should not be undertaken if the subject can be identified with enough certainty that they can be apprehended at a later time.

3. In deciding whether to initiate or continue a pursuit, the officer shall take the following into consideration:

- a. The seriousness of the offense,
- b. Known information about the suspect,
- c. Quality/availability of radio communications with dispatch,
- d. Road configuration (for example: interstate, divided highway, work zone, et cetera),
- e. Physical location and population density (for example: residential zone, school zone, et cetera),
- f. Existence of vehicular and pedestrian traffic,
- g. The availability of a supervisor to monitor the pursuit,
- h. Lighting and visibility,
- i. Weather conditions,
- j. The relative performance of the pursuit vehicle and the vehicle being pursued,
- k. Officer training and experience,
- l. Available equipment and availability of other officers,

- m. Speed and evasive techniques employed by the suspect, and
 - n. Any other condition or situation that would create an unreasonable risk.
4. A pursuit should not be initiated or engaged in while providing transportation for any person, other than law enforcement officers.

51.18d - Pursuit Operations

1. All emergency vehicles shall be mandated to follow all applicable state laws with respect to emergency vehicle operation.
2. An officer attempting to stop a vehicle should attempt to be as close as safety allows to the vehicle prior to initiating the stop. Emergency lights and siren are both required when a vehicle is involved in a pursuit and they shall remain active for the duration of their involvement in the pursuit.
3. Upon initiating a pursuit, the officer shall notify dispatch of the following:
 - a. Initial reason for the stop;
 - b. Any information concerning the use of firearms, threat of force, or other unusual hazard;
 - c. Location, direction, and speed of the pursuit;
 - d. Description of the pursued vehicle, including license plate number, if known; and
 - e. Number, identity, and description of any known occupants.
4. The officer shall continually update dispatch on the pursuit conditions, location, weather, traffic conditions and other pertinent factors.
5. Request dispatch personnel to notify the officer's supervisor of the pursuit and relay necessary information to other officers and jurisdictions.
6. When available, the secondary unit shall immediately notify dispatch they are joining the pursuit and should assume responsibility for relaying information to dispatch.
7. No pursuit shall be conducted in a direction against the lawful flow of traffic on a one-way street or lane or a divided highway.
8. Unless circumstances dictate otherwise, a pursuit should consist of no more than two police vehicles: the primary and secondary unit.
9. The number of vehicles engaged in the pursuit may be adjusted to fit the situation with supervisory approval or request of the primary unit.

10. Caravanning is strictly prohibited. However, additional officers should monitor the progress of the pursuit and be prepared to assist if requested by the supervisor or primary unit.

11. Additional units should maintain radio discipline and minimize radio traffic.

12. A supervisor who has joined the pursuit and supervises the units shall be considered an additional unit.

13. The primary unit shall become secondary when another unit has been assigned as the primary unit.

14. A pursuit should be relinquished to the appropriate law enforcement agency of that jurisdiction, if said agency is available to assume control of the pursuit.

51.18e - Supervisor Responsibilities

1. When made aware of a vehicular pursuit, the appropriate supervisor shall obtain as much information from dispatch on the circumstances surrounding the pursuit and decide whether the pursuit should continue or be terminated.

2. If the supervisor is able to monitor the pursuit, the supervisor is responsible for:

a. Monitoring incoming information.

b. Coordinating and directing activities as needed to ensure that proper procedures are used, to include ensuring that:

(1) No more than the necessary number of units are involved,

(2) The appropriate radio channel is being utilized, and

(3) Surrounding jurisdictions have been notified, and

(4) Discontinuing the pursuit when necessary.

c. Notify the SAC, through the chain of command as soon as possible at the termination of the pursuit.

51.18f - Pursuit Tactics

1. All officers involved in a pursuit shall wear a seat belt.

2. Additional officers shall not follow the pursuit but shall utilize safe driving techniques and attempt to position themselves to be available if requested.

3. An unmarked unit involved in a pursuit shall be replaced by a marked unit as soon as a marked unit is available. Marked units should be used as the primary unit.

4. Intervention tactics such as spike strips, PIT maneuvers and low speed channeling shall only be used by Forest Service Law Enforcement personnel who have been trained in the offensive tactics selected to terminate the pursuit, and caution must be exercised to minimize the danger to the public, other law enforcement personnel, and the suspect.
5. Firearms shall not be discharged from a moving vehicle, unless responding to an immediate deadly force threat.
6. Once the pursued vehicle is stopped, officers shall utilize appropriate safety tactics. The suspect shall be taken into custody using the amount of force reasonably necessary to affect an arrest.

51.18g - Termination of The Pursuit

1. The primary unit and supervisor if available, shall continually reevaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever it is reasonable to believe the risks associated with the continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated at any time by the primary unit.
3. A supervisor may order the termination of the pursuit at any time.
4. A pursuit should be terminated if the suspects' identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.
5. The pursuit should be terminated if the pursued vehicle's location is no longer definitely known.
6. The pursuit shall be terminated if in another agency's jurisdiction at their request.

51.18h - Pursuits Extending Off of National Forest Lands

1. The pursuing officer shall notify dispatch when it is likely the pursuit shall continue out of National Forest Lands. Dispatch should notify the supervisor if available. Dispatch should immediately notify the agency with jurisdiction of the incoming pursuit.
2. When a pursuit is exiting off of National Forest Lands, the primary unit or supervisor if available, shall determine if the neighboring jurisdiction should be asked to assume the pursuit. The following should be considered:
 - a. The distance between the primary and secondary unit in relation to the pursued vehicle.
 - b. The pursuing officers' familiarity with the area.

- c. The willingness and capability of the other jurisdiction to assume control of the pursuit.
- d. Quality and availability of communication with dispatch.
- e. If it is determined the control of the pursuit should be relinquished to another jurisdiction, the request shall be clearly relayed to that agency. Confirmation of their acceptance should be obtained.
- f. Pursuit off of National Forest Lands shall conform to all applicable state laws and interjurisdictional MOU's. The actions of the officers shall be governed by the policy of the officers' own agency.
- g. Once a pursuit has been taken over by the respective law enforcement agency, the pursuing units shall cease emergency driving and proceed to the termination point.

51.18i - Pursuits from Other Jurisdictions

1. Participation in a neighboring jurisdiction's pursuit is appropriate only in response to a specific request for participation. Mere notification of the existence of a pursuit shall not be construed as a request for participation. Upon such a notification, the dispatch center shall clarify whether USFS law enforcement is being requested to assist in the pursuit.
2. Prior to acceptance of a pursuit from another agency, the responsible supervisor shall determine the degree of involvement from USFS law enforcement, if any, and provide the appropriate direction. If a supervisor is not available, the officer requested shall make this determination.
3. When the pursuit is accepted by USFS law enforcement and where appropriate, the supervisor if available or requested officer shall attempt to cancel units from the other agency.

51.18j - Post Pursuit Procedures

Whenever an officer engages in a pursuit, a detailed form FS-5300-1, Incident Report, shall be completed by the primary Officer/Agent and form FS-5300-22, Supplemental Incident Report shall be completed by each additional Officer/Agent involved in the pursuit within 48 hours of the incident and submitted to the appropriate supervisory law enforcement personnel. The report shall contain the details of the pursuit and reason for the pursuit.

1. Any pursuit that results in a fatality, personal injury, or serious property damage shall be investigated by the agency tasked with conducting the investigation. All elements of policy pertaining to Critical Incidents shall be adhered to.
2. All videos of vehicular pursuits shall be reviewed following the incident.

3. Law enforcement pursuit activity should be reviewed at least annually and identify any additions, deletions, or modifications warranted in Forest Service policy. This analysis shall:

a. Consider the following implications:

- (1) Policy,
- (2) Equipment,
- (3) Training,
- (4) Philosophical approach,
- (5) Interjurisdictional issues, and

b. Occur even if a pursuit did not occur during the designated time period.

4. It is recommended that any vehicle involved in a pursuit be inspected by a qualified mechanic before returning to service.

51.18k - Training

Officers and Special Agents shall be given initial and periodic updated training in the Forest Service's pursuit policy and safe driving tactics.

51.19 - Foot Pursuits

The pursuit of a fleeing subject by Officers on foot is inherently dangerous, requiring continuous situation reassessment, communication with supporting forces, and tactical planning. Officers shall recognize that the fleeing subject is actively resisting arrest, that the subject is fleeing because the subject does not want to be taken into custody, and that when apprehended, the subject in all probability would continue to resist arrest. Use the following guidelines for engaging in foot pursuits:

1. Back-up for the Officer is immediate and responding.
2. The pursuing Officer has either radio or verbal communications with other assisting Officers.
3. The pursuing Officer can maintain visual contact with the subject at all times. If visual contact cannot be maintained sufficient to prevent an ambush, the foot pursuit should be terminated.
4. The pursuing Officer is able to maintain separation from the fleeing subject. If the subject stops, the Officer should also stop and maintain a position of cover or concealment if possible.

5. The pursuing Officer should not make physical contact with the fleeing subject until:
 - a. Back-up is present,
 - b. The subject is physically unable to continue to resist, or
 - c. In the opinion of the Officer, the subject is fully submissive and offers no further resistance.
6. If during the course of the pursuit, any of the criteria described in the preceding paragraphs 1 through 5, change or the officer believes the situation is unsafe, the pursuit should be discontinued and a systematic search utilizing adequate resources should be initiated.
7. If during the course of the pursuit, the subject ceases to flee and attempts to engage the Officer, the Officer may escalate to the appropriate level of force necessary.

51.20 - Vehicle-Mounted Recording Devices

The use of vehicle-mounted recording devices (VMRDs) to record visual and/or audio images provides an excellent tool to prove or disprove what actions were taken by Forest Service law enforcement personnel and members of the public. Adhere to the guidelines and procedures described in sections 51.19a - 51.19f on the installation, use, and preservation of visual and/or audio information obtained through the use of VMRDs (FSM 5385.21b, para. 2).

51.20a - Installation

Law enforcement personnel are responsible for obtaining approval for and installation of vehicle-mounted recording devices in the assigned Government vehicle. Ensure the installation is performed by a commercial company capable of professional and safe installation.

51.20b - Proper Care and Maintenance

1. Proper care and maintenance must meet or exceed the standards recommended by the manufacturer.
2. The Officer, to which the device is assigned, shall ensure that the maintenance standards are met and take the appropriate action to have the equipment repaired when necessary.

51.20c - Operating Procedures

1. Installed VMRDs should be utilized to record all stops, whenever possible.
2. Vehicle-mounted recording devices may be installed in such a manner as to automatically begin recording when the vehicle's emergency lights are activated. The Officer should also have the capability to manually begin or end recording as circumstances may warrant; however, Officers are encouraged to record incidents in their

entirety. For example, recording may be stopped during extended traffic control situations when the vehicle's emergency lights may be in operation (for example, directing traffic and at emergency scenes when the recording equipment is not otherwise being used). Note in some manner on the recording or on the media storage device to explain why the recording was shut off.

3. Operating Officers are encouraged to manually operate the VMRD to record driving performance of a motorist that may provide probable cause for a traffic stop or arrest (for example, driving under the influence of intoxicants, driving recklessly, or observing a criminal offense).

4. When possible, operating Officers should activate their audio microphone when the VMRD is in operation.

5. Operating Officers are encouraged to provide narration with the visual recording prior to each stop. The intent of this narration is to assist the Officer in:

- a. Providing the necessary written documentation, and
- b. Supporting probable cause for the stop.

6. Officers may turn their VMRD on when they are out of their vehicle on an assignment, if there is a need to utilize the microphone capabilities of their equipment to substantiate or assist with documentation of their law enforcement duties (for example, domestic disturbance or violent subject).

7. Law enforcement personnel shall not erase or re-use VMRD storage media except in accordance with this policy.

8. Each operating Officer shall carry in the vehicle a supply of VMRD storage media sufficient for each tour of duty and should maintain an inventory of storage media sufficient to meet recording retention requirements.

51.20d - Control and Preservation of Storage Media

1. All Types of VMRD storage media must be secured and maintained by the recording Officer as evidence.

2. Video recordings not scheduled to be used by the Agency or for court proceedings (non-evidentiary) will be maintained for 90-calendar days. All evidentiary recordings will be maintained a minimum of 10 years.

3. Operating Officers, upon full use of a storage media (or at any time securing of a recorded media is desired), shall affix a label to the media and to an outer container, which include the Officer's name and badge number, duty station, inclusive dates, and the series of case numbers recorded on that media. Storage media considered evidentiary must be treated and secured as evidence.

4. Do not make or issue copies of recordings requested by other agencies or parties except through administrative request, evidentiary procedures, or consent of the responsible Supervisory Special Agent or Supervisory Law Enforcement Officer. The operating Officer shall receive a signed receipt from the requesting agency or party when they are provided with the duplicate. Per evidence procedures.
5. All recorded storage media generated by VMRDs are the property of the Forest Service and must remain under the control of the Forest Service, Law Enforcement and Investigations staff.

51.20e - Use of Recorded Images for Training

1. VMRD images that contain material deemed beneficial for training purposes by the responsible Supervisory Special Agent or Supervisory Law Enforcement Officer may be utilized for training with the concurrence of the Special Agent in Charge. Any Officer may recommend video recordings to be used and submit them for review and approval through the proper chain of command.
2. During the Field Training Program, Field Training Officers and Trainees are authorized to review VMRD videos in relation to the day's training events and completion of Daily Observation Reports.
3. Other audio and video recordings, at the discretion of the Director, LEI, maybe used for training purposes, after action reviews, policy reviews or at other times as directed.

51.20f - Use of Vehicle-Mounted Recording Devices for Investigations

Law enforcement personnel are authorized to remove and utilize vehicle-mounted recording devices (VMRDs) outside of the vehicle where needed for investigation needs, where practical.

51.2 - Body Worn Cameras

The use of Body Worn Cameras (BWCs) provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity. All sworn Law Enforcement employees will wear a BWC in plain view while performing uniformed law enforcement duties. BWCs shall be worn in an area on the uniform shirt, approved outer carrier or the outermost garment that has the greatest potential to capture optimal footage. All sworn LEI employees are highly encouraged to wear BWCs when conducting law enforcement work in plain clothes.

51.21a – Body Worn Camera Definitions

Evidentiary Documentation. When any type of law enforcement action is taken.

Non- Evidentiary Documentation. When no law enforcement action is taken.

51.21b - Operating Procedures

1. BWCs shall be provided by the Agency. Use of personally owned or non-standardized devices is prohibited upon issue of agency device.
2. This policy is not intended to describe every possible circumstance. The policy sets forth standards that imply a reasonableness and sound judgement in their application. In addition to the required conditions, Officers may activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Situations that Officers shall not record are listed below.
3. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, Officers shall make every attempt to activate their BWCs prior to making contact in the following incidents:
 - a. Enforcement encounters where there is a reasonable suspicion the person(s) is/are involved in criminal activity. This includes, but is not limited to, calls for service, as well as, self-initiated activities.
 - b. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require the activation of the BWC.
4. Officers shall not use the BWC for the following situations:
 - a. Recording events of a political or religious nature absent a clear connection to an investigation.
 - b. Recording incidents that would unnecessarily infringe upon a citizen's privacy or are not critical to investigations.
 - c. Unless part of an active incident or investigation, recording of other Agency/office employees is normally prohibited and shall only be conducted in accordance with departmental regulations.
 - d. Using BWCs for employees' personal use or using recordings or other data captured by government devices for personal use, including the sharing of audio or video recordings, screen captures, or other data, and posting the recordings or data on social media.
 - e. Manipulating evidence after it has been recorded. All electronic, audio, and photographic evidence must be maintained in accordance with Forest Service policy and all relevant Federal laws and procedures.
 - f. The use of BWCs in medical facilities should not include recording of sensitive or confidential patient information unless a part of an investigation.

- g. Privileged and confidential conversations; In order to protect attorney-client privilege, or confidential patient-doctor or pastor-citizen conversations. BWCs are prohibited in situations in which a privileged communication occurs or has been invoked and is known to the officer/agent.
 - h. To protect Officers from accusations of inappropriate recording, Officers shall ensure BWCs are off prior to entering shared restroom or locker facilities.
5. Prior to going into service, officers utilizing a BWC should ensure the device is charged and working properly. Non-functioning devices or media storage will be reported to the supervisor as soon as possible or within 48 hours. The primary storage media should have sufficient storage space available.
 6. Officers shall be aware of their particular State notification requirements (privacy laws) in advance of operating a BWC. Those state requirements may affect cases that are referred through those jurisdictions.
 7. Law enforcement personnel shall not erase BWC storage media, except in accordance with this policy and other relevant or related policies.
 8. Officers shall place the appropriate Incident Report, Warning Notice, Violation Number, State Cite number or other agency report numbers in the “ID” field for all evidentiary file and selection of category “evidentiary” or non-evidentiary” for all uploaded files.
 9. Lost or stolen BWCs shall be reported to the supervisor as soon as practical after discovery.
 10. Officers shall comply with direction in accordance with FSH 5309.11, chapter 20, sections 22.41 (Photographic and Video Evidence), 22.43 (Photographing Scene) and 22.44 (Video Photography).
 11. An employee may review BWC files as it relates to:
 - a. Their involvement in an incident for the purposes of investigations and preparing reports.
 - b. Prior to courtroom testimony or for courtroom presentation.
 - c. In the case of a use of force incident, Officers shall normally be afforded the opportunity to view applicable BWC recordings before giving a statement or writing a report.
 - d. Reviewing recordings for training purposes with the consent of the Officer, the Officer(s) involved or during a Field Training and Evaluation Program phase is acceptable. Law enforcement personnel are encouraged to review their own recordings. Recordings used or shown for the purpose of ridicule or embarrassing any employee are prohibited.

e. Supervisors will audit subordinate employees BWC files randomly only for the purposes related to ensuring BWC policy compliance, identifying training needs and monitoring overall utilization of equipment. Additional audits may occur incident to a formal complaint or during an authorized misconduct/performance investigation. Normal audits shall be conducted no more than 2 videos per work week per officer. Audit of on hand evidence, which does not include actual review of audio/video file, can occur at any time for compliance with uploading procedures.

51.21c - Exceptions to wearing of BWCs

1. Wearing Class A uniform.
2. In court or in any other judicial meeting (for example: grand jury, depositions, et cetera).
3. With supervisory authorization, on a case-by-case basis involving exceptional circumstances. Exceptional circumstances may include:
 - a. Situations where primary agencies policy prohibits the use,
 - b. Situations such as dignitary or high value asset protection, and
 - c. Situations that involve classified information.
4. Assigned to a position (for example: administrative duties) or a location (for example: Washington Office, Regional Office, Supervisor's Office) while they are not tasked with direct law enforcement duties.

51.21d - Control and Preservation of Storage Media

1. BWCs shall be downloaded and uploaded to the video management system within 72 hours of evidence collection, unless mitigated by supervisor. A significant incident shall be uploaded within 24 hours unless directed otherwise by a supervisor.
2. Video recordings not scheduled to be used by the Agency or for court proceedings (non-evidentiary) will be maintained for 90-calendar days. All evidentiary recordings will be maintained a minimum of 10 years.
3. Do not duplicate or issue copies of recordings except through evidentiary procedures, FOIA procedures or in response to a written request with the approval of the responsible Supervisory Special Agent or Supervisory Law Enforcement Officer.
4. All video recordings generated by BWCs are the property of the Forest Service and must remain under the control of the Forest Service, LEI.

51.21e - Use of Recorded Images for Training

4. Recorded BWC images that contain material deemed beneficial for training purposes by the responsible Supervisory Special Agent or Supervisory Law Enforcement Officer may be utilized for training with the concurrence of the Special Agent in Charge. Any Officer may recommend video recordings to be used and submit them for review and approval through the proper chain of command.
5. During the Field Training Program, Field Training Officers and Trainees are authorized to review BWC videos in relation to the day's training events and completion of Daily Observation Reports.
6. Other audio and video recordings, at the discretion of the Director, LEI, maybe used for training purposes, after action reviews, policy reviews or at other times as directed.

51.22 - Developed Sites and Concessionaires

Crimes involving persons and property are generally violations of State law. State and local law enforcement agencies have jurisdiction to enforce State laws at concession campgrounds. Forest Officers have the responsibility to enforce Federal laws and regulations related to the administration of National Forest System lands. Concessionaires may establish and enforce rules of use that are subordinate to Federal, State, and local laws and regulations. Rules of use are not enforceable by Federal, State, or local law enforcement authorities unless violations of rules of use constitute violations of Federal, State, or local laws.

Concessionaires should contact Federal, State, and local law enforcement authorities to address criminal violations under their respective jurisdictions. Also, concessionaires may consider hiring a private security firm or contracting with off-duty County Deputies to address day-to-day public safety concerns at concession campgrounds.

Campground concession prospectuses and permits should clearly describe the respective responsibilities of Forest Service law enforcement personnel, local law enforcement authorities, and concessionaires. In order to minimize visitor confusion between criminally enforceable Federal, State, and local laws and concessionaire-established rules of use, both should be posted separately within the campground. See FSM 2340 for further direction on privately provided recreation opportunities.

52 - Specialized Equipment Used in Enforcement Operations

52.02- Objectives

To ensure safe and effective specialized enforcement operations that occur on an occasional or scheduled basis and may utilize methods for performing assignments that are not routine.

52.03 - Policy

Safety of law enforcement personnel conducting specialized enforcement operations is the highest priority during specialized enforcement operations. To ensure a safe and effective enforcement operation, law enforcement personnel shall follow established Forest Service policy and procedures associated with the use of Forest Service and contract equipment, including stock animals, unless an exigent or emergency life-threatening situation occurs during the operation.

52.04 - Responsibility

52.04a - Supervisory Special Agents and Supervisory Law Enforcement Officers

It is the responsibility of Supervisory Special Agents and Supervisory Law Enforcement Officers to:

1. Ensure that law enforcement personnel are trained and qualified in the use and operation of any equipment, including stock animals, prior to use in any specialized enforcement action described in sections 52.1-52.6 of this Handbook.
2. Coordinate the planning of all law enforcement aviation operations (sec. 52.1) with the Regional Aviation Officer and/or Forest Aviation Officer to ensure:
 - a. Compliance with aviation policy, guidelines, and procedures.
 - b. Utilization of only approved pilots and aircraft.
 - c. An awareness of aviation operations occurring on or adjacent to National Forest System lands that may interfere with or have an impact on other Forest Service activities.

52.1 - Law Enforcement Personnel

It is the responsibility of all law enforcement personnel to follow established policy and procedures while involved in specialized enforcement operations.

52.11 - References

The Interagency Helicopter Operations Guide (NFES 1885) and the Military Use Guide (NFES 2175) published by the National Wildfire Coordinating Group are available from the National Interagency Fire Center, Boise, Idaho and from the unit Fire and Aviation Management staff.

52.2 - Law Enforcement Aviation Operations

Aviation operations for law enforcement activities can be extremely beneficial and cost effective if they are well planned and coordinated. Aviation operations involving Forest Service law enforcement personnel must be communicated to the responsible Forest Service dispatch service, where available.

52.21 - Operational Procedures

Conduct all law enforcement aviation operations in accordance with the personnel qualifications and procedures described in FSM 5700 and FSM 5720, and chapter 16 of the Interagency Helicopter Operations Guide (IHOG) (NFES 1885, sec. 52.06). For Unmanned Aerial System Operations, refer to FSM 5713.7 and FSH 5709.16

52.21a - Approved Aircraft

Law enforcement aviation missions may be accomplished utilizing agency owned, contracted, and rented aircraft along with those aircraft under the control of another Government agency or the military.

Helicopter missions must adhere to the following:

1. Ensure all missions are conducted by either a qualified project Helicopter Manager or project Flight Manager, depending on mission complexity. If the helicopter is provided by another Government agency or the military and they are also providing the helibase management services, such as flight following loading and unloading of personnel and cargo or external load operations, then other qualified personnel may be utilized based on a pre-approved operations plan authorized by the Regional Aviation Officer or regional or national approval letter, and the Special Agent in Charge.
2. Follow the guidelines for personnel transport and law enforcement described in chapters 10 and 16 of the Interagency Helicopter Operations Guide (IHOG) (NFES 1885, sec. 52.06).
3. Operational plans given to all personnel involved in flight operations, and operational period personnel briefs, must address the following where applicable:
 - (a) Personnel safety overview (ground and aircraft) and required personal protective equipment (PPE).
 - (b) Personnel responsibilities and authorities.

52.21b - Flight Following

Adhere to the flight following check-in procedures (FSH 5709.16, sec. 33) except when conducting covert operations where the need for secure communications is essential. In these situations, utilize the following procedures:

1. Grid map reference check-ins. The flight plan must be inserted into a sealed envelope and must be opened by the dispatcher only in the event of an aircraft emergency or failure to check-in with normal specified timeframes. Flight check-ins are performed utilizing coded grid references rather than geographical location descriptors.

2. Flight following through another agency. Flight following may be performed by another agency (for example, Department of Defense, National Guard facility or Sheriff's office).
3. Satellite flight following. Flight following via an automated reporting satellite system is highly recommended since no voice communication is necessary.

52.22 - Personal Protective Equipment (PPE)

Follow the direction on the use of personal protective equipment (PPE) described in the Interagency Helicopter Operations Guide (IHOG) (NFES 1885). Approved PPE must be prescribed by the Incident Commander, Operations Supervisor, or their designee. Law enforcement personnel are authorized to wear the following for special tactical operations, for emergency flights, or on flights that are short in duration:

1. Battlefield dress uniform (BDU),
2. Forest Service uniform, or
3. Approved utility uniform.

For additional PPE requirements, see the Interagency Helicopter Operations Guide, chapter 9, section III-F and FSM 5716.31.

52.23 - Aircraft and Pilot Qualifications

All aircraft used to fly Forest Service law enforcement personnel must be flown by pilots who meet agency standards and possess a current form FS-5700-20 (Airplane) or FS-5700-20a (Helicopter), Pilot Qualifications and Approval Record (FSM 5700), or the equivalent interagency card issued by the Department of the Interior, Office of Aircraft Services (OAS). Use of another law enforcement agency, Department of Defense, National Guard, or Coast Guard aircraft requires acceptance of that agency's pilot qualifications if operating under a current Memorandum of Understanding (MOU). For any pilot and/or aircraft not meeting these guidelines, the Supervisory Special Agent or Supervisory Law Enforcement Officer shall request, through the Regional Aviation Officer, to have the pilot and/or aircraft certified. Law enforcement personnel shall make every attempt to give adequate lead time to the Regional Aviation Officer when requesting certification for a pilot and/or aircraft.

52.23a - Nonemergency Operations

All Forest Service rental, charter, contracted, or owned aircraft must be flown by pilots who meet Agency standards and possess a current Form FS-5700-20 (Airplane) or FS-5700-20a (Helicopter), Pilot Qualifications and Approval Record (FSM 5700).

Use of other law enforcement agency, Department of Defense, National Guard, or Coast Guard aircraft flown by that agency's pilot requires acceptance of that agency's pilot qualifications requirements in a Memorandum of Understanding (MOU) or Local Operating Agreement (LOA)

(FSM 5712.41). In these instances, it is acceptable for agency law enforcement personnel to fly with un-carded pilots who have been approved under the MOU or LOA.

52.23b - Emergency Operations

In certain emergency and/or covert operations, it may be necessary for personnel to ride in unapproved aircraft and/or with unapproved pilots. These situations usually involve search and rescue, or medical evacuation operations being conducted by local authorities using public agency, military, commercial, or private aircraft.

Undercover, covert law enforcement situations exist where an agency employee may become engaged in an activity while operating within the normal scope of employment, which precludes utilizing carded and approved aircraft and pilots. For example, a Law Enforcement Officer is put in a situation, while operating undercover, where the Officer is required to fly in a suspect's aircraft. Law enforcement personnel are authorized to use unapproved aircraft and pilots during the covert phase of an operation providing such use when, in their judgment, it is necessary. The following policies must govern emergency situations:

1. Authorization must be given on a case-by-case basis by the Supervisory Special Agent, Supervisory Law Enforcement Officer, or Incident Commander.
2. A written justification statement must be prepared by the Supervisory Special Agent, Supervisory Law Enforcement Officer, or Incident Commander, attached to a form FS-5700-14, SAFECOM; Aviation Safety Communiqué, and submitted to the appropriate Aviation Manager within 24 hours of the completion of the mission (FSM 5713.5).

52.23c - Cooperative Agency Aviation Operations

Encourage cooperative agencies conducting law enforcement operations on or over National Forest System lands to notify the local Supervisory Special Agent or Supervisory Law Enforcement Officer prior to the mission(s) taking place.

52.3 - Transport Guidelines

52.31a - Transporting Injured Officer

Prior to transporting an Officer with serious injuries, all weapons being carried by the injured Officer must be secured by another Law Enforcement Officer

52.31b - Transporting Canines

All canines must be muzzled, secured to a hard point in the rear of the aircraft, and accompanied by a handler. They must remain under the strict control of the handler at all times. Canines being transported in short-haul operations will follow the guidelines outlined in the LEI National Short Haul Guide section 8.10.

52.31c - Transporting Prisoners on Forest Service Owned, Leased, or Contract Aircraft

Law enforcement personnel transporting prisoners, other than inmate fire crews, on Forest Service owned, leased, or contract aircraft shall have at least two officers and:

1. Brief the pilot on the prisoner, the nature of the prisoner's crime(s), and the extent of safety precautions used while transporting the prisoner. Brief the prisoner on aircraft safety using the standard briefing format for all passengers.
2. Search the prisoner for weapons even if the prisoner has been previously searched.
3. Handcuff the prisoner in accordance with agency policy. If the prisoner is to be handcuffed in front, ensure that a belly chain or other suitable device is also used.
4. Seat the restrained prisoner(s) in the rear of the aircraft opposite the pilot with a Law Enforcement Officer sitting next to the prisoner. It is not advisable to seat a prisoner where the prisoner has access to the pilot or controls.
5. Upon landing, brief Law Enforcement Officers at the receiving landing area regarding the prisoner.

52.31d - Transporting Prisoners on Commercial Aircraft

Law enforcement personnel transporting prisoners on commercial aircraft shall have at least two officers and:

1. Make airline or travel agency ticketing agents aware that the tickets are for prisoner transport.
2. Notify the airline prior to the arrival of the Law Enforcement Officer(s) and prisoner(s) at the airport.
3. Contact security officials at the departure and arrival airports prior to initiating travel to coordinate any special instructions and procedures for airport arrival, holding, boarding, and deplaning of prisoners.
4. Ensure the prisoner remains under the control of law enforcement personnel at all times.
5. Notify on-board flight attendants not to serve either the escorting Law Enforcement Officer(s) or prisoner(s) any food or beverages during the flight.
6. After arrival at the destination or a connecting location, remain seated with the prisoner, with the seatbelt of the prisoner(s) connected, until all deplaning passengers have left the aircraft.

7. Notify security at the arrival airport(s) prior to arrival of any changes to pre-arranged security or assistance considerations. Make this notification through the airplane captain.

52.31e - Transporting Cargo

1. Transporting Evidence. Transportation of evidence should follow agency guidelines and requirements but must not compromise aviation safety.

2. Hazardous Materials. All transportation of hazardous materials during law enforcement operations must follow the policies and guidelines set forth in FSM 2160, FSM 5710, FSM 6740, and FSH 5709.16. The following are recommended procedures during tactical or emergency operations:

- a. Transporting Weapons. When law enforcement personnel carry firearms in a helicopter, take the following safety precautions:

- (1) Brief the pilot(s) on the weapons and safety policy.

- (2) Ensure long guns do not have a round in the chamber and are under the control of law enforcement personnel. Handguns may be loaded but must be holstered. Fully automatic weapons must have an empty chamber and must be bolt-locked in the safe position.

See paragraph (4) for exceptions to this policy.

- (3) Point all weapons in a safe direction as determined by the pilot during preflight briefings.

- (4) Consult with the appropriate law enforcement personnel in charge and the pilot to determine which emergency situations may necessitate carrying weapons with a round chambered. Ensure that all agency guidelines and requirements are followed.

- b. Transporting Pyrotechnic Devices. When law enforcement personnel carry pyrotechnic devices in a helicopter, take the following safety precautions:

- (1) Brief the pilot(s) on device types and the safety policy.

- (2) Ensure all detonating materials are transported in the care of a certified user.

- c. Transporting Hazardous Chemicals. When law enforcement personnel carry hazardous chemicals in a helicopter, take the following safety precautions:

- (1) Brief the pilot(s) on material and safety policy.

- (2) Ensure that all clandestine laboratory paraphernalia is transported under the direction of a designated hazardous materials response team.

- (3) Ensure that the carriage of aerosol subject restraints or other gases conforms to the requirements set forth in section 85.2 of this Handbook.

52.4 - Security for Aviation Operations

Follow the security measures described in sections 52.18a-52.18d at helispots and helibases during law enforcement operations.

52.41a - Helibase

Ensure that law enforcement personnel are assigned to the helibase at all times. If a Helicopter Manager or Helibase Manager is a qualified Special Agent or Law Enforcement Officer, that Manager can act in this capacity.

52.41b - Helispots

Ensure that law enforcement personnel are with the helicopter at all times while it is on site. Do not shut down the helicopter unless a Special Agent or Law Enforcement Officer is present.

52.41c - Overnight Security

Unless set forth in the contract, the agency is not legally responsible for overnight security of contract aircraft at an airport or other secured area. At other sites, however, it may be prudent for the agency to provide security.

52.41d - Fuel Truck

Ensure that law enforcement personnel escort fuel trucks through high-risk areas. Follow the same guidelines for overnight security as those described for helicopters.

52.5 - Law Enforcement Watercraft Operations

The Forest Service utilizes various types of watercraft as an alternative means of patrol. Watercraft may be operated by law enforcement personnel in accordance with the following procedures:

1. Operation of Watercraft.
 - a. Law enforcement personnel operating watercraft shall meet agency training requirements (FSM 5372.63, FSH 6709.11, FSH 7109.19, and the Driver-Operator Guide, EM-7130-2 (FSM 7130.7)).
 - b. Vessels must be operated in compliance with the manufacturers operating manuals and the rules as mandated by U.S. Coast Guard (USCG) regulations and Federal, State, and local ordinances and laws.
 - c. Vessels must be operated in a safe manner with regard for the safety of persons, property, and all agency equipment.

- d. A float plan and a float following schedule should be filed with the appropriate dispatch center prior to departure.
 - e. Vessel operators shall be able to swim and be trained in basic life support and cardio-pulmonary resuscitation.
 - f. When operating a vessel during a marine emergency, the operator shall use all available emergency equipment at the operator's disposal such as emergency lights, sirens, emergency flares, and marine radios.
 - g. While operating any agency vessel that is making way, the operator shall utilize the lanyard kill switch.
2. Equipment.
- a. Vessels must be equipped with all required USCG equipment.
 - b. During normal operation of vessels, law enforcement personnel are encouraged to wear the issued USCG approved flotation device.
 - c. Personal flotation devices, equipped with a survival kit, must be worn when personnel are engaged in special marine related operations, other than point-to-point travel or transportation inside a closed cabin.
 - d. Law enforcement personnel shall ensure that all persons on board vessels or otherwise on the water being rescued or towed, are wearing a flotation device. All persons transported by law enforcement personnel on an agency vessel shall wear a personal flotation device.
3. Preparedness. Law enforcement personnel shall maintain agency vessels assigned to them in a ready status at all times.

52.6 - Law Enforcement Off-Highway Vehicle Operations

The Forest Service utilizes off-highway vehicle (OHV) operations as an alternative means of patrol. Use OHV patrol-to-patrol areas that are conducive to OHVs, such as trails, campgrounds, or other recreation sites, or dispersed areas of the National Forest System (FSM 5389.2).

Law enforcement personnel shall not utilize OHVs during hours of darkness unless the OHVs are equipped with operating headlights and taillights.

Law enforcement personnel conducting OHV patrol shall:

1. Complete established agency training requirements prior to conducting an OHV patrol (FSM 5372.62, and the Driver-Operator Guide, EM-7130-2).
2. Conduct an inspection of the OHV prior to operating it and bring any damage or maintenance problems to the attention of their immediate Supervisor.

3. Wear required and approved OHV safety equipment at all times while operating the OHV.
4. Utilize a locking device to adequately secure the OHV to an immovable object when the OHV is left unattended.

52.7 - Law Enforcement Mountain Bicycle Patrol Operations

As an alternative means of patrol, use mountain bicycles to patrol areas that are conducive to bikes, such as trails, campgrounds, or other recreation sites, or dispersed areas of the National Forest System (FSM 5389.2). Law enforcement personnel shall not utilize mountain bicycles during hours of darkness unless the mountain bicycles are equipped with illuminating devices.

Law enforcement personnel conducting mountain bicycle patrols shall:

1. Complete the established agency training requirements prior to conducting a mountain bicycle patrol (FSM 5372.64).
2. Conduct an inspection of the bicycle prior to operating it and bring any damage or maintenance problems to the attention of their immediate Supervisor.
3. Wear eye protection, gloves, and an approved cycling helmet at all times while operating the mountain bicycle.
4. Utilize a locking device to adequately secure the bicycle to an immovable object when the bicycle is left unattended.

52.8 - Law Enforcement Horse-Mounted Patrol Operations

Use of mounted patrol units can provide effective crowd management and traffic control, in addition to building a positive rapport with the public. Safe law enforcement horse-mounted patrol operations require specialized training. In order to perform the police role, both horse and rider must possess exceptional skills. Compatibility of horse and rider is crucial as they are expected to act as a precision team (FSM 5389.2).

Law enforcement personnel conducting horse patrol operations:

1. Shall follow the established safety guidelines set forth in FSH 6709.11 on handling stock, riding, packing, and animal hauling.
2. Shall complete established agency training requirements for use of horses, pack animals, and transport equipment prior to conducting a horse patrol operation (FSM 5372.65).
3. Should generally conduct horse patrol with two Officers unless planned activity for a solo trip is approved by their Supervisor in advance.

4. Should be familiar with arrest and transport procedures when conducting horse patrols.
5. Should be familiar with first aid procedures for horses.
6. May utilize patrol units from other Federal, State, or local agencies on National Forest System lands in accordance with established cooperative agreements.
7. Shall be trained in crowd control activities when the primary purpose of the horse-mounted patrol operation is for crowd control (FSM 5372.66).

52.9 - Motorized Snow-Traversing Equipment

Snow-traversing equipment may be used to patrol snow-covered areas such as roads, trails, and developed and dispersed areas on National Forest System land (FSM 5389.2).

A wide variety of conditions are encountered where over-snow vehicles are used. Operators shall become familiar with local hazards and demonstrate the ability to carry out the necessary safety precautions to avoid injury.

Law enforcement personnel conducting patrols utilizing snow-traversing equipment:

1. Shall complete agency training or familiarization program or a training program sponsored by a recognized training consultant in the use of such equipment prior to utilizing snow-traversing equipment (FSM 5372.64, FSH 6709.11, and Driver-Operator Guide, EM-7130-2).
2. Should know and comply with the operator manual instructions.
3. Shall file an itinerary and time schedule and arrange for regular radio reporting with the appropriate dispatcher, which, at a minimum, should include location and estimated end time over snow travel.
4. Shall wear and carry appropriate safety equipment and clothing for winter travel.
5. Should not utilize snow-traversing equipment during the hours of darkness unless equipped with operating headlights and taillights.
6. Should generally conduct patrols with two Officers unless planned activity for a solo trip is approved by a Supervisor in advance.

53 - Arrest Procedures

The arresting Officer shall:

1. Understand the United States Constitution protects all persons from unreasonable searches and seizures and from being arrested without probable cause (sec. 53.05 of this Handbook).

2. Ensure that enforcement action is taken when there is probable cause to believe a crime has been committed by the suspected person.
3. Act reasonably within the limits of law enforcement authority and jurisdiction.

53.01 - Authority

See FSM 5301 for authorities related to arrest procedures.

53.02 - Objectives

The objectives for law enforcement personnel during any arrest are to:

1. Take a person into custody safely, and
2. Protect them and others from any further criminal act(s) and/or injuries.

53.05 - Definitions

Arrest. To stop or detain a person and restrain liberty until the person complies with some legal order; to stop or stay a legal proceeding, particularly a judgment of a court, by some rule or order of the same court.

False arrest. Any unlawful physical restraint of a person.

Juveniles. As defined by Federal law, "persons who have not attained their 18th birthday."

Probable cause. Situations where the facts and circumstances would lead a reasonably prudent person to believe a crime has been committed, and that the person to be arrested has committed the crime.

53.1 - Adults

53.11 - Arrest With a Warrant

Only Special Agents and Law Enforcement Officers shall serve arrest warrants.

53.12 - Arrest Without a Warrant

Forest Officers have authority to arrest without a warrant any person taken in the act of violating the laws and regulations relating to National Forest System lands (16 U.S.C. 559). Only law enforcement personnel shall exercise arrest authority (FSM 5303.12, para. 5). In most cases, law enforcement personnel should initiate action leading to an arrest with a warrant.

53.13 - False Arrest

(See section 53.05 for the definition of the term, false arrest.) Employees engaged in law enforcement should be aware of the following:

1. False arrest includes, among other things:
 - a. Arresting a person where the arresting Officer does not have the legal authority to make the arrest, and
 - b. Serving a warrant, which is defective on its face, such as one which fails to show the offense charged.
2. A Forest Officer who commits an act of false arrest may be personally liable in a civil action and may be subject to criminal sanctions.

53.14 - Custody and Delivery of Arrested Persons

The following guidelines should be observed in the event of an arrest:

1. The arresting Officer is responsible for the safety and welfare of all arrestees until they are released from Forest Service custody. Ensure that Officers monitor the arrestees at all times.
 - a. Handcuff each arrestee. Restraining measures in addition to handcuffing, such as flex cuffs, leather or chain restraint belts, leg irons, nylon restraints, and an electronic restraint belt, may be used at the discretion of the arresting Officer (sec. 54.31).
 - b. Transport arrestees in an upright position and belt them into their seats.
 - c. Search each arrestee for weapons and/or evidence (sec. 53.15).
2. Transport arrestees without unnecessary delay, to appear before the nearest available U.S. Magistrate Judge within the judicial district where the violation occurred.
3. Follow the procedure established by the local U.S. Attorney and/or U.S. Magistrate Judge for arrests at night or on weekends.
4. Arrestees shall be lodged only in federally approved jails unless state authority authorizes the use of local jails. Law Enforcement and Investigations personnel engaged in law enforcement activities should determine, in advance, which jails are approved.

5. When transporting an arrestee, the following precautions must be taken:
 - a. Time of departure. Law enforcement personnel shall, at the time of departure, notify the Dispatcher of the following:
 - (1) Location of departure and
 - (2) Odometer reading.
 - b. Time of arrival. Upon arrival at the destination, notify the Dispatcher of the following:
 - (1) Location of arrival and
 - (2) Odometer reading.
 - c. Delay or detour. Notify the Radio Operator when any delay or detour is necessary during transportation.
6. Law enforcement personnel shall query the National Crime Information Center and ensure a check for local warrants is conducted before any arrestee is released from custody.

53.15 - Searches

1. Law enforcement personnel may conduct a stop and frisk search of subjects (*Terry v. Ohio*, 88 S.Ct 1868 (1968)) when in the Officer's judgment reasonable suspicion exists and a search for weapons is necessary for the safety of law enforcement personnel or others. Law enforcement personnel may apply handcuffs to subjects during these searches when the Officer determines for safety reasons it is necessary to do so.
2. Law enforcement personnel of the same gender as the subject should conduct searches incident to arrest and stop and frisk searches. If law enforcement personnel of the same gender are not readily available, law enforcement personnel shall conduct opposite gender searches to ensure Officer safety. Law enforcement personnel shall, if possible, have a witness present before conducting opposite gender searches.
3. Law enforcement personnel may conduct strip searches if, while performing a lawful search incident to arrest, the Officer feels something which cannot be identified or secured without removing the clothing of the subject. Two Officers of the same gender as the subject shall conduct a strip search in a secure area.
4. Whenever possible, the prosecuting attorney should be consulted to determine if a warrant is needed prior to conducting a body cavity search. Law enforcement personnel shall request a licensed physician to conduct a body cavity search, if while performing a lawful search incident to arrest, law enforcement personnel develop probable cause to believe that an item is hidden in a body cavity. The degree of intrusion must dictate

whether a warrant is required. A licensed physician shall conduct the search, with law enforcement personnel of the same gender as the subject observing the procedures.

5. Law enforcement personnel shall conduct all searches in accordance with current policy, legal authorities, and court decisions.

53.16 - Searches Incidental to Arrest

53.16a - Arrestees and Their Immediate Accessible Surroundings

At the time of arrest, law enforcement personnel shall conduct a thorough search of the subject(s), incident to the arrest, except, when due to the arrest environment, it would be tactically unsafe. In such a case, the search must be conducted as soon as possible after leaving the unsafe environment. A search incident to arrest includes the area which surrounds the subject, and which is under the individual's immediate control, such as clothing, wallets, purses, backpacks, and so forth. Search arrestees for contraband and objects with which the arrestees could use to:

1. Harm themselves, the person making the arrest, or others, or
2. Effect escape.

53.16b - Vehicles Occupied by Arrestees

If the arrestee is an occupant of a vehicle, the search may include the areas accessible to the occupant inside the vehicle including glove boxes, consoles, bags, luggage, or any object capable of containing another object. Searches of a wider scope require consent or probable cause to believe that evidence is located in another area of the vehicle. If a vehicle is impounded, follow the policy described in section 56.1 of this Handbook.

53.17 - Juveniles

(See section 53.05 for the definition of the term, juveniles.)

53.18 - Arrest of Juvenile Defendants

Law enforcement personnel should check with local juvenile authorities and U.S. Attorneys for procedures for arresting juveniles.

53.19 - Taking Juveniles into Custody

If a juvenile is taken into custody, the Officer shall:

1. Immediately advise the juvenile of the juvenile's legal rights, in language comprehensible to a juvenile.
2. Immediately notify the applicable U.S. Attorney or the Attorney's delegate.

3. Immediately notify the parents, guardian, or custodian of the arrest.
4. As soon as possible, take the juvenile to appear in front of a U.S. Magistrate Judge.

53.20 - Violation Notices for Juveniles

Juveniles may be issued violation notices for violations of Title 36, Code of Federal Regulations in accordance with direction of applicable U.S. Attorneys and U.S. Magistrate Judges.

54 - Use of Force

Law enforcement personnel may encounter situations where certain immediate and drastic measures must be undertaken to protect human life. In these situations, law enforcement personnel may use techniques or weapons not authorized by policy; however, in doing so, they must exercise only the force that is objectively reasonable in light of the facts and circumstances confronting him or her at the time force is applied.

The right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to affect it. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable Officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police Officers are often forced to make split-second judgments; in circumstances that are tense, uncertain, and rapidly evolving; about the amount of force that is necessary in a particular situation.

The "reasonableness" inquiry in an excessive force case is an objective one: the question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case, including the Graham Factors:

1. The severity of the crime at issue,
2. Whether the suspect poses an immediate threat to the safety of the Officers or others,
3. Whether the subject is actively resisting arrest, or
4. Whether the subject is attempting to evade arrest by flight.

Law Enforcement personnel should use force which is objectively reasonable. Additional factors used by the courts when applying the standard of Graham that may also govern the reasonableness of using a particular level of force are, but not inclusive:

1. Size and physical abilities of law enforcement personnel and the subject.
2. Previous violent history of the suspect, known to the officer.

3. The use of alcohol or drugs.
4. The suspect's mental health or psychiatric history, known to the officer.
5. The presence of innocent bystanders who could be harmed.
6. Exigent conditions, including the number of law enforcement personnel and subjects involved, and availability of back-up.

Use of force is defined as, but not limited to use of the following:

1. Impact weapon.
2. Focused strike or kick.
3. Oleoresin Capsicum/Chemical agent, when deployed at a person.
4. Electronic Control Device (TASER) use.
5. Takedown.
6. Pressure point/joint lock control hold techniques.
7. Apprehension by a canine.
8. Any employee action that results in, or alleged to have resulted in, injury or death of another person.

All use of force must meet the constitutional standards as referenced under the Fourth Amendment and current case law such as *Graham v. Conner* and *Tennessee v. Garner*.

All use of force incidents will be documented in the LEI Reporting System.

54.01 - Authority

See FSM 5301 for authorities related to use of force.

54.02 - Objectives

To ensure appropriate and acceptable use of defensive equipment and use of force by law enforcement personnel.

54.1 - Resistance and Control

Both resistance and control may be in the form of verbal responses, commands, or physical actions.

54.11 - Control

Law enforcement personnel may use the control necessary to stop the unlawful actions of a subject(s) or to protect a subject(s) from injuring themselves or others. The type of control law enforcement personnel use may be a range of responses that are reasonable and appropriate under a particular set of circumstances. See sections 54.12a-54.12e of this Handbook for a description of the various levels of control.

Law enforcement personnel shall assess all contacts to determine the appropriate level of control. When possible, law enforcement personnel shall attempt to gain control of subjects by using verbal commands or directives.

If verbal commands are ineffective or are not feasible, law enforcement personnel may escalate the control methods. If force is necessary, law enforcement personnel shall determine which control technique(s) or authorized defensive equipment would best bring the incident under control in the safest manner.

54.11a - Verbal Commands

This level includes fundamental verbal skills and strategies that are available to the Officer. In addition, the physical presence of the officer may be included in this category.

54.11b - Contact Controls

When confronted with a subject demonstrating resistant (passive) behavior, the officer may use low-level physical tactics to gain control and cooperation. These tactics can be psychologically manipulative as well as physical, and include additional verbal persuasion skills, pressure point applications, and escort positions. For example, if a person who is to be placed under arrest refuses to cooperate with the officer and is passive in refusal; the officer would most likely respond with contact controls. The officer could initiate controlled contact with the individual and direct compliance.

54.11c - Control Tactics

When a subject resists arrest, the officer may use physical control tactics of sufficient force to overcome the active resistance and remain vigilant for more aggressive behavior from the subject(s). For example, come-along holds, pressure point applications, joint locks, relative positioning strategies, takedowns, electronic control devices, chemical or inert projectile systems, and aerosol subject restraints.

54.11d - Defensive Tactics

At this stage, the subject attempts to threaten, or otherwise indicates by posture and gesture or deed that they are going to assault the officer or another person. The officer is justified in taking appropriate physical action to immediately stop the assaultive action and to maintain control of the subject(s). This does not require officers to meet force with equal or lesser force. For example, the use of blocking and striking techniques, impact weapons, electronic control

devices, aerosol subject restraints, or chemical or inert projectile systems may constitute a reasonable amount of force to stop an assault and gain control of the subject(s).

54.2 - Escalation and De-Escalation of Force

1. Law enforcement personnel may escalate to the level of force that is objectively reasonable to control the situation. Law enforcement personnel shall consider the potential for injury when escalating force. Officers do not have a duty to retreat to avoid the reasonable use of force, nor are they required to wait for an attack before using reasonable force to stop a threat.
2. Law enforcement personnel shall assess the contact and surroundings, considering factors that affect use of force, prior to de-escalating. Control must be objectively reasonable.

54.3 - Use of Non-Lethal Defensive Equipment

54.31 - Handcuffs and Restraints

Handcuffs, flex cuffs, electronic subject restraint belts, or other restraints may be used to restrain the movements of a subject in a manner that provides a safe means of transportation for law enforcement personnel and others. Restraints also may be used to control further physical resistance from a subject or to ensure officer safety during threatening conditions.

54.31a - Procedures for Use of Handcuffs and Restraints

1. Law enforcement personnel shall handcuff all subjects taken into custody behind the subject's back to ensure the safety of the subject, except when:
 - a. In the officer's judgment, the subject has an injury that does not permit the subject's arms to move behind the back.
 - b. In the officer's judgment, the subject's age, physical condition, or physical limitations warrant a change in this procedure.
 - c. The subject is being transported a long distance and, in the Officer's judgment, handcuffing the subject behind the back would be impractical.

In the circumstances described in paragraphs 1a through 1c, if law enforcement personnel -handcuff the subject in the front, use of a restraining belt or chain and leg restraints is recommended.

2. Law enforcement personnel shall double lock handcuffs when they are applied, except when due to the arrest environment, it would be tactically unsafe. Double lock handcuffs as soon as possible after leaving the unsafe environment.
3. Law enforcement personnel shall, when transporting a handcuffed subject, ensure that unnecessary tightness, which may cause injury, does not occur.

4. Law enforcement personnel shall not normally handcuff a subject to fixed objects such as posts, vehicles, buildings, and so forth.
5. Law enforcement personnel shall utilize appropriate and reasonable control techniques to prevent injuries when a handcuffed subject resists.
6. Law enforcement personnel shall apply handcuffs to subjects taken into custody before conducting a search incident to arrest.
7. Law enforcement personnel shall use only authorized handcuffs and restraints (FSM 5387.2, para.3).
8. Law enforcement personnel may use handcuffs to affect a take-down technique or techniques other than routine applications when necessary to control a subject.

54.32 - Electronic Control Devices

Electronic control devices (ECDs) provide law enforcement personnel with an effective control option (FSM 5372.51). They provide a temporary incapacitation of subjects while providing a degree of safety for both the Officer and the subject.

1. Situations. No policy or guideline can anticipate every situation that Law Enforcement Officers might encounter when considering using ECDs. The circumstances under which ECDs may be employed by trained law enforcement personnel include, but are not limited to, the following situations:
 - a. To affect custody during an arrest of a subject who actively resists or threatens to actively resist and does not comply with verbal commands. This level of resistance threatens the personal safety of the Officer or others.
 - b. To defend oneself or others from an attack or threat of an attack by a subject or animal.
2. Deployment and Aftercare.
 - a. A non-contact demonstration of the ability to discharge electricity (spark display) may be used to gain compliance with verbal commands. A spark display is conducted only when the cartridge has been removed from the device.
 - b. The ECD may also be used in a Touch Stun mode. Use of the Touch Stun mode is subject to the same deployment guidelines as that of the ECD in cartridge deployments.
 - c. Normally, ECD projectiles may be removed from the subject once they have been restrained. Take precautions to protect against the transfer of bodily fluids.

d. Take the subject to an emergency care facility in the following circumstances:

- (1) For removal of the projectile in cases where it has penetrated sensitive tissues areas such as the groin, eye, female breast, face, or neck or when the deploying Officer or Supervisor determines it is necessary.
- (2) High risk subjects (pregnancy, excited delirium, elderly or very young, under the influence of drugs, known relevant medical conditions, and so forth).
- (3) Individuals have received more than three exposures.
- (4) If the subject displays signs of distress including loss of consciousness, chest pain, difficulty breathing, and so forth.
- (5) If the subject requests medical treatment.

3. Post deployment evidence collection. After an ECD deployment against a suspect, the scene should be photographed prior to evidence collection. Evidence should be collected to include the spent cartridge(s) with wires still attached, and the probes if reasonably possible. The probes should be placed into a hard container or the spent cartridge, to prevent accidental puncture. Anti-Felon Identification System (AFIDS) shall only be collected and maintained as evidence if reasonably possible, such as when the fired cartridge is not available for collection. The AFIDS have the cartridge and serial number and allows for the tracking of the cartridge.

The ECD should be downloaded within five days of the deployment. The downloaded data shall be printed and attached to the IR. The data should also be saved as an electronic file for future access. If an ECD was deployed, the make, model, and serial number of the ECD should be included in the report as well as the serial number(s) for the spent cartridge(s). Electronic files from the data downloaded after ECD deployments may be deleted after two years if it is not part of a civil suit or evidence in an ongoing criminal prosecution or investigation. When lawful and safe to do so, photographs should be taken of the impact area and any other injuries that occurred.

4. Flying with an ECD on commercial aircraft. Law enforcement personnel may carry an ECD onboard a commercial aircraft or common carrier provided they are flying armed and are in compliance with Transportation Security Administration requirements.

5. Flying with an ECD on Forest Service-owned, leased, or contracted aircraft. Law enforcement personnel may carry an ECD onboard a Forest Service owned, leased, or contracted aircraft pursuant to Transportation Security Administration requirements.

54.33 - Aerosol Subject Restraints

Aerosol subject restraints (ASRs) provide law enforcement personnel with an effective control option. The ASRs provide a temporary incapacitation of subjects while providing a degree of safety for both the Officer and the subject.

The ASRs may be used by trained law enforcement personnel in the following situations:

1. To effect custody during a lawful arrest of a subject who physically resists or threatens to physically resist and does not comply with verbal requests. This level of subject action is considered resistant (active).
2. To defend oneself or others from an attack or threat of an attack by a subject or animal.

54.33a - Procedures on Use of Aerosol Subject Restraints

1. Law enforcement personnel shall carry an aerosol subject restraint (ASR) in a manner that provides for the adequate security and retention of the ASR when not in use.
2. Law enforcement personnel may carry an approved ASR (FSM 5387.2, para. 1) only after meeting the training requirements (FSM 5372.22).
3. In the event law enforcement personnel are personally threatened with an ASR, they may use that degree of force reasonable and necessary in the circumstances to defend against the assault.

54.34 - Impact Weapons

Impact weapons provide law enforcement personnel with an effective control option when confronted by potentially violent subjects. Impact weapons provide for the incapacitation of subjects by creating a temporary motor dysfunction. Trained law enforcement personnel may use impact weapons in the following situations:

1. To affect custody during a lawful arrest of a subject who reacts or threatens to react aggressively or violently and does not comply with verbal commands. This level of resistance threatens the personal safety of the Officer or others without reaching a deadly force level and is an assaultive (bodily harm) level of resistance.
2. To defend oneself or others from attack or threat of an attack by a subject or animal.

54.34a - Procedures for Use of Impact Weapons

1. Law enforcement personnel shall carry only authorized impact weapons (FSM 5387.2).
2. Law enforcement personnel may carry authorized impact weapons only after meeting training requirements (FSM 5372.22).
3. In situations where the use of an impact weapon is justified, law enforcement personnel may use a flashlight as an impact weapon when:
 - a. The authorized impact weapon is unavailable for use.

- b. The authorized impact weapon is not readily accessible during an unexpected or spontaneous confrontation.
- 4. The flashlight must be utilized in a manner that is consistent with the techniques as instructed in the impact weapons training program the employee is certified in. Its use must be in strict compliance with all applicable sections of this policy and agency use of force policy.

54.35 - Use of Force Notification and Reporting Requirements

Law Enforcement personnel who use force shall, as soon as practical, but no later than the end of the workday in which use of force occurred, report the incident to a Law Enforcement and Investigations supervisor and enter the incident into the LEI Reporting System, documenting the incident to the supervisor within 48 hours.

The Supervisor shall notify the Special Agent in Charge (for law enforcement personnel assigned to a region) or the Washington Office, Director of Law Enforcement and Investigations (for law enforcement assigned to the Washington Office or Forest Service National Academy), or their designee, through the chain of command, no later than the end of the following day in which the use of force was used. For reporting requirements for use of a firearm, refer to section FSM 5356.

54.36 - Photographic Documentation

Any time an officer uses force, photographs of the suspect and injuries shall be taken. These photographs shall be included in the report to be submitted. If the suspect is transported to the hospital, a copy of the discharge paperwork shall be submitted to the correctional facility prior to booking.

54.4 - Deadly Force

For procedures and responsibilities after a Critical Incident or Use of Deadly Force, refer to (FSM 5356). Deadly force shall be used only when necessary; that is:

1. When the Officer has a reasonable belief that the subject of such force poses an imminent threat of death or serious bodily injury to the Officer or another person.
2. To prevent the escape of a fleeing subject if the officer has reasonable belief:
 - a. The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - b. The escape of the subject would pose an imminent danger of death or serious bodily injury to the Officer or to another person.

54.41 - Firearms

Firearms provide law enforcement personnel with the means to protect themselves or others from the imminent threat of death or serious physical injury. Consider the discharge of a firearm as deadly force and use only when necessary; that is:

1. When the Officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the Officer or another person.
2. To prevent the escape of a fleeing subject if there is probable cause to believe:
 - a. The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - b. The escape of the subject would pose an imminent threat of death or serious bodily injury to the Officer or to another person.
3. Firearms must not be fired solely to disable a moving vehicle or watercraft. Firearms may be fired at the driver or other occupants of a moving vehicle only when:
 - a. The Officer has a reasonable belief that the subject poses an imminent threat of death or serious physical injury to the Officer or to another person; and
 - b. The public safety benefits of using such force outweigh the risks to the safety of the Officer or other persons.
4. Firearms may be fired from a moving vehicle or watercraft only when:
 - a. The Officer has reasonable belief that the subject poses an imminent danger of death or serious physical injury to the Officer or to another person, and
 - b. The public safety benefits of using such force outweigh the risks to the safety of the Officer or other persons.
5. Do not fire warning shots.
6. A verbal warning to submit to the authority of the Officer should be given prior to the use of deadly force, if feasible, and if to do so would not increase the danger to the Officer or others.
7. Firearms may be directed against dogs or vicious animals when necessary in self-defense or defense of others.
8. Firearms may be used to destroy an animal that represents a threat to public safety, or as a humanitarian measure when the animal is seriously injured.

9. Firearms may be used to destroy an animal when consistent with State wildlife laws for the destruction of animals found to be harassing wildlife.

54.42 - Procedures for Use of Firearms

1. Firearms and ammunition must be carried by uniformed law enforcement personnel in issued and authorized holsters and ammunition carriers. Non-uniformed law enforcement personnel shall carry their firearms in a holster that provides safety and security comparable to the issued and authorized uniform duty holster.
2. Law enforcement personnel may draw or display a firearm only when it is reasonably believed that a degree of imminent danger exists that may require the use of the firearm for their safety or the safety of others.
3. Law enforcement personnel shall carry identifying credentials and badge when carrying a concealed weapon unless working undercover assignments.
4. Law enforcement personnel shall carry only approved firearms (FSM 5381.1).
5. Law enforcement personnel may carry firearms off duty. Firearms carried while off duty must meet the specifications described in FSM 5381.11 and FSM 5381.12 and must be carried in a concealed manner. Law enforcement personnel shall submit the weapon for inspections and shall qualify prior to its use in an off-duty status.

54.43 - Surrendering Weapons

Law enforcement personnel may be at the mercy of an armed suspect, who has the advantage, but experience has shown that the danger to the officer is not reduced by giving away their only chance for survival; therefore, law enforcement personnel should use every tactical tool at their disposal to avoid surrendering their weapons.

54.44 - Hostages

Criminals who use hostages to affect their escape are usually desperate individuals who, if allowed to escape, will pose a continuing threat to their hostages and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The Forest Service does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of law enforcement personnel. The safety of hostages can be best ensured by keeping them in the presence of law enforcement personnel and by preventing their removal by the suspect. Law Enforcement personnel should use every verbal and tactical tool at their disposal to secure the arrest of a suspect without harming a hostage. However, exceptional situations could arise where the Officers' judgment might dictate allowing the escape of the suspect with the hostage, such as where there is imminent and probable danger to a large group of persons.

54.5 - Prohibited Weapons and Prohibited Use

1. Law enforcement personnel shall not brandish or use any weapon as an intimidation device.
2. Law enforcement personnel shall not carry any unauthorized non-lethal defensive equipment or firearms.
3. The last-resort use of other equipment not designed or designated as authorized non-lethal defensive equipment, but used as such, requires urgent circumstances, and must be reported to the employee's appropriate Supervisory Special Agent or Supervisory Law Enforcement Officer as soon as possible after their use.
4. Law enforcement personnel shall not modify, alter, or change in any manner authorized non-lethal defensive equipment or firearms in any significant way without specific written authorization from the Director, LEI.

54.6 - Canine (K-9) Teams

Selected Forest Service law enforcement personnel are authorized police K-9s commensurate with established law enforcement training, procedures, and standards.

54.61 - Procedures for K-9 Teams

1. All K-9 handlers shall conduct themselves in a manner consistent with agency rules, regulations, policies, and other applicable directives.
2. Operate K-9 teams in accordance with the standards set forth in FSM 5385.22d, FSM 5385.53, and FSM 5389.1.
3. K-9 handlers shall meet training requirements set forth in FSM 5372.61. 82-85
4. K-9 teams may be used in the following situations:
 - a. Officer protection.
 - b. Searches for suspects, missing persons, or bodies.
 - c. Searches for evidence.
 - d. Contraband detection or the detection of other specific odors.
 - e. Tracking.
 - f. Public displays and demonstrations.

- g. Crowd control, if both the dog and handler have been appropriately trained for that use. K-9 teams not specifically trained in crowd control should be used only as visible deterrent force.
 - h. Other actions as deemed appropriate.
5. Limit deployment of the K-9, for purposes of physically apprehending a suspect, to felony suspects or situations in which the K-9 is protecting the handler, another person, or itself.
 6. Limit deployment on identified juvenile offenders. In these situations, justification of K-9 deployment should be based on the severity of the crime, age, physical stature, known propensity for violence, history of evading, and other facts reasonably known or perceived by the handler at the time.
 7. Generally, the K-9 handler should dictate appropriate tactics to be utilized and proper deployment of personnel during a K-9 search.
 8. Prior to initiating a K-9 search, the handler shall make a clear public address announcement, advising citizens in the containment area to go inside their homes or vehicles. Additionally, the handler should make a surrender order for the suspect(s) and give warning that hiding persons found by the dog may be subject to a dog bite injury. If a helicopter is present during the operation, these announcements, if possible, should be broadcast by helicopter, also. Certain safety concerns may dictate that the announcement not be given. In such incidents, the K-9 handler shall advise the on-scene Supervisor of the reason to preclude the announcement.
 9. Law enforcement personnel should not approach the handler abruptly or without the handler's knowledge. These K-9s are trained to protect their handlers and would react to any perceived threat.
 10. Law enforcement personnel should not enter or reach into a K-9 vehicle when the dog is inside.
 11. When deployed in a K-9 search, personnel should follow the instructions of the handler and avoid any independent action, which could jeopardize the safety of persons engaged in the operations.
 12. In the event the K-9 and handler locate a suspect, law enforcement personnel should not move toward the suspect until the handler advises that it is safe to do so.
 13. Any time an officer uses force, photographs of the suspect and injuries shall be taken. These photographs shall be included in the report to be submitted. The associated bite report should also be forwarded for review to the Assistant Director –Enforcement & Liaison for review by the National K-9 Coordinator.
 14. Document all K-9 usages on form FS-5300-65, K-9 Team Usage Log and maintain copies in conjunction with the training folder. All K-9 usages also require the completion

of an incident report in LEI Reporting System including the items listed in sec. 54.81, Exhibit 01, of this chapter.

54.7 - Use of Force Medical Considerations

1. Law enforcement personnel using any physical control technique on a subject shall monitor the subject upon whom force was used. Law enforcement personnel shall make medical treatment available to such subjects when:
 - a. The subject requests medical treatment.
 - b. The subject complains of injury or continued pain.
 - c. The subject exhibits signs of unusual distress.
 - d. Law enforcement personnel observe or suspect injury to the subject.
 - e. The subject does not substantially recover from the effects of an aerosol subject restraint or an electronic control device within a reasonable and expected time period.
 - f. The subject has been struck with an impact weapon.
 - g. The subject has been bitten by a K-9 dog.
 - h. Law enforcement personnel are directed to do so by a Supervisor.
2. When determined by law enforcement personnel that medical treatment is necessary, and another Officer is available, a specific Officer shall be designated to monitor the subject.
3. Law enforcement personnel who make medical treatment available to a subject shall document such treatment along with the nature of the injury or complaint of injury on form FS-5300-1, Incident Report and/or form FS-5300-22, Supplemental Incident Report, and entry into LEI Reporting System.
4. Provide medical treatment at an appropriate medical facility in accordance with the facility's established procedures.
5. Law enforcement personnel who make medical treatment available to a subject shall not remove the subject from the medical facility until the subject is released in accordance with the facility's procedures.
6. Prior to being remanded to the custody of the U.S. Marshals Service and incident to a lawful arrest, a subject's medical care is the responsibility of the subject and/or the agency as follows:
 - a. If a subject is injured by law enforcement personnel, acting within the scope of their employment, medical treatment may be paid for by the agency.

- b. The subject is responsible for the cost of emergency medical treatment when the medical condition or cause was not a direct result of the arrest; for example, heart attack or asthma attack. Law enforcement personnel accompanying the subject to a medical facility should not obligate the Government for these types of medical costs.
 - c. In some cases, the agency may be billed simply because law enforcement personnel serve as the admitting authority to enable the arrested subject to obtain necessary treatment. When the agency is not responsible for payment, but is billed, the medical facility must be advised that there is no authority under which the Government can make payment and the facility's only recourse is to collect from the patient.
7. At the time a subject is remanded to the custody of the U.S. Marshals Service, all new care and medical expenses, including the continuing care for injury or illness sustained before the subject was remanded to the custody of the U.S. Marshals Service, may be paid by the U.S. Marshals Service from the Support the U.S. Prisoners appropriation.
8. Law enforcement personnel who make medical treatment available to a subject shall notify their supervisor as soon as practical but no later than the end of that workday. Supervisory law enforcement personnel shall notify the Special Agent in Charge (for law enforcement personnel assigned to a Region) or the Washington Office, Director of Law Enforcement and Investigations (for law enforcement personnel assigned to the Washington Office or the Forest Service National Academy), or their designee, no later than the next regular workday after they receive notification.

55 - Search and Seizure

A Fourth Amendment search has been described as infringing upon the reasonable expectation of privacy of a person. Where these types of searches involve the use of drug-sniffing dogs, Special Agents and Law Enforcement Officers should, when practicable, consult the applicable U.S. Attorney's office prior to conducting the search.

55.02 - Objectives

The objectives of conducting searches and seizures are to:

- 1. Secure evidence, weapons, and tools of escape for the safety of law enforcement personnel, suspects, and others, and
- 2. Prevent destruction or loss of evidence.

55.03 - Policy

Searches and seizures, with or without a warrant, are conducted only by Law Enforcement Officers or Special Agents.

55.04 - Responsibility

It is the responsibility of Supervisory Special Agents and Supervisory Law Enforcement Officers to ensure all searches within their respective areas of jurisdiction are conducted in accordance with proper legal procedures.

55.05 - Definitions

Exigent Circumstances. Exigent circumstances exist when an immediate search is necessary in order to prevent the loss or destruction of evidence but where there is insufficient time to obtain a search warrant.

Federally Owned Residential Areas. These areas are used exclusively for residential purposes by Forest Service employees and families and include bedrooms, living rooms, kitchens, basements, bathrooms, and other areas used solely for habitation.

Residential Areas. Those areas that are used almost exclusively for residential purposes and may be a combination of single-family houses to multi-family complexes.

55.1 - Conducting Search and Seizure

Conduct searches that adhere to the principles of the United States Constitution, as interpreted by the U.S. Supreme Court or the Federal Circuit Court of Appeals, where law enforcement personnel may be assigned. Except for those situations that are recognized exceptions, base all other searches and seizures on probable cause. Conduct a search of persons and places, including, but not limited to, vehicles and motor homes only when specific conditions exist.

55.11 - Situations Where Search and Seizure May Be Conducted

Situations where search and seizure may be conducted:

1. Subsequent to an arrest (sec. 53.16),
2. With the consent of the person or people involved (sec. 55.2),
3. When exigent circumstances exist (sec. 55.3), or
4. With a search warrant (sec. 55.4).

55.12 - Property That May Be Seized

Examples of things that may be seized include, but are not limited, to the following:

1. Property that constitutes evidence of the commission of a criminal offense,
2. Contraband, the fruits of a crime, or things otherwise criminally possessed, or

3. Property designed or intended for use or which is or has been used as the means of committing a criminal offense.

55.2 - Consent Search

A search may be made without a warrant if the person who exercises dominion or control of a specific area, either individually (for example, private bedroom) or in common with others (for example, commonly used living room) consents freely and voluntarily.

Law enforcement personnel conducting these searches should complete form FS-5300-21, Consent to Search, to document that consent has been given to conduct the search without a search warrant.

55.3 - Exigent Circumstances

55.31 - Criteria for Conducting Searches

Searches based on exigent circumstances may be conducted without a warrant. Law enforcement personnel conducting these searches shall:

1. Establish that the circumstances were so urgent that immediate action was required to justify why a warrant was not obtained, and
2. Have probable cause to conduct the search.

55.32 - Examples of Exigent Circumstances

Examples of exigent circumstances include:

1. Hot pursuit,
2. Imminent destruction of evidence,
3. Prevention of the suspect's escape,
4. Risk of bodily danger to law enforcement personnel or others, or
5. Vehicles that are mobile and probable cause exists to believe the vehicle contains or is itself evidence of a crime.

55.4 - Searches With a Warrant

Law enforcement personnel are authorized to apply for and serve search warrants. Except in emergency circumstances, a Special Agent or Supervisory Law Enforcement Officer shall coordinate the issuance of a search warrant through the appropriate U.S. Attorney's office prior to contact with a U.S. Magistrate Judge.

55.5 - Plain View

Special Agents or Law Enforcement Officers may seize an object without the requirements of obtaining a warrant if all of the following criteria are met:

1. They are lawfully present,
2. They have a lawful right of access to the object,
3. The object is in plain view, and
4. The object is immediately recognized by them as evidence of a crime.

55.6 - Search of Federally-Owned Residential Areas

Searches of residential areas of federally owned facilities without a warrant are subject to the same rules of procedures as searches of non-Federal facilities without a warrant (sec. 55.05 and 55.1 through 55.4 of this Handbook). Federally owned residential areas include single-family residences or multiple occupancy facilities such as dormitories or barracks.

56 - Impoundment and Property Seizure

Circumstances are frequently encountered by law enforcement personnel that require privately owned property to be moved or taken into custody. Motor vehicles, vessels, aircraft, and other property that present a hazard to visitor safety, threaten resources, or interfere with operations may be impounded. Property must be impounded to preserve and protect evidence of a crime.

56.01 - Authority

Title 36, Code of Federal Regulations, part 262 authorizes Forest Officers to impound unauthorized livestock, livestock in excess, dogs, personal property, and obstructions that are an impediment or hazard.

56.02 - Objectives

The objectives of impounding private property are to:

1. Protect the public from potential safety hazards or inconvenience.
2. Preserve and protect potential evidence of a crime.
3. Protect the resources.
4. Secure and safeguard the property until the rightful owner can be identified and contacted.

56.03 - Policy

Only law enforcement personnel may conduct impoundments and property seizures. Forest Protection Officers may perform impoundment actions only under the direction and supervision of law enforcement personnel.

56.04 - Responsibility

It is the responsibility of all law enforcement personnel to follow the procedures outlined in section 56; Title 36, Code of Federal Regulations, part 262 (for impoundments that are not related to a felony or serious misdemeanors); and Title 18, United States Code, sections 3101-3118 (for criminal impoundments and property seizures).

56.1 - Impoundment and Property Seizure Procedures

1. Law enforcement personnel shall inventory all impounded/seized vehicles or personal property and document the inventory on form FS-5300-23, Impounded/Seized Property Record. Conduct the inventory as soon as possible after impoundment or seizure. Record the condition of the property and, when feasible, photograph the property.
2. Inventory all property, including that in open view and in closed or locked containers or compartments.
3. Record all items found during the inventory on form FS-5300-23, Impounded/Seized Property Record.
4. Safeguard all impounded property at secure facilities.
5. If a vehicle is involved, the arrested person's vehicle may be impounded, towed, and stored as evidence if essential to the case, or in the event the suspect is alone and there is no one authorized by the suspect to take responsibility for the vehicle. Forest Service funds may be used to pay for such towing and storage charges. If the salvage value is less than the value of the vehicle, the benefiting function should pay for the remaining removal costs.

Inventory the contents of an impounded vehicle before placing it in storage and as soon after the arrest as possible.
6. Secure animals impounded as the result of an arrest or evidence at an animal shelter. Advise shelter personnel that the impounded animals shall not be destroyed.
7. Law enforcement personnel shall check impounded property against form FS-5300-23, Impounded/Seized Property Record before releasing and obtain the owner's signature on the receipt acknowledging that all items are accounted for. Provide a copy of form FS-5300-23 to the owner. Do not relinquish impounded property if the owner refuses to sign a receipt.

56.11 - Notice of Intention to Impound

1. When the Owner Is Known.

- a. Give the owner of the equipment written notice that the equipment is in violation and will be impounded if not removed within a specified time. (See exhibit 01 for a sample format.)
- b. Serve notice to the owner or the owner's agent by hand-carrying the notice or mailing it certified mail, return receipt requested.
- c. Give an owner at least 5 days in which to comply with the request. A longer time may be allowed if justified in the judgment of the impounding Officer. If written notice is properly served on a known owner, further advertising and posting are not required.

2. When the Owner Is Not Known Or Cannot Be Located.

Impoundment may be effected at any time 72 hours after a notice of intention to impound the property in trespass is posted in at least one place in the vicinity of the property.

56.11 - Exhibit 01

Impounding of Personal Property

1. Notice is hereby given as provided by 36 CFR 262.12 that the personal property described in paragraph 2 below is now in violation of law or regulation on the: (National Forest, National Grassland, or other area) at (Describe the site as by the campground name, legal subdivision, or proximity to a physical feature) and must be impounded by direction of the U.S. Department of Agriculture, Forest Service on or after (Give a minimum of 72 hours after notice to impound) if the same is not previously removed permanently from the area.

2. The property consists of: _____

3. After the impoundment, the owner may regain possession by contacting the _____ at _____ and paying the costs of removing and storing the property. If the property is not redeemed prior to (Give a minimum of 90 days after date of impoundment), it may be offered for sale at public auction after that date or retained by the Forest Service for official use. Property may also be disposed of as provided by Secretary of Agriculture Regulation 36 CFR 262.12.

Signed at _____ this _____ day of _____ 20____

(TITLE)

(UNIT)

56.12 - Removal of Personal Property From An Area of Violation

Remove property continuing in violation upon the expiration of the period specified for its removal to a suitable place where the property can be protected from damage or loss during impoundment. Property must be safeguarded at secure storage facilities. Exercise reasonable care during removal to prevent avoidable damage to the property.

56.13 - Redemption or Sale of Impounded Property

If proof of ownership of the property is presented before expiration of the notice, the owner may redeem the property by paying all expenses incurred in advertising, removing, and storing it, and all other reasonable expenses incident thereto, including a fee for the use of the site if such a fee is deemed proper by the forest Supervisor. Release the property to the owner upon payment of these costs. Property not redeemed by the owner within the period specified in the notice may be offered for sale at public auction. In the event no bid is received at the public sale, Forest Officers are authorized to sell it or parts of it at private sale, or, in the case no private sale can be made, to dispose of the property in some other manner (FSM 6410 and sec. 56.01 of this Handbook).

56.14 - Notice of Sale of Impounded Property

In cases where a determination has been made to sell the impounded property, serve a notice of intention to sell impounded property upon the owner of the property in person or by certified mail, return receipt requested, if applicable, to the last known address. Give public notice of impending sale by posting a notice in at least the Forest Supervisor's office, District Ranger's office, the County Courthouse, and the post office nearest the place of violation. The Forest Officer responsible for the impounded property shall set the date of sale at not less than 90 days from the date of impoundment. The notice must follow the information given in the notice of intention to impound. Notify prospective purchasers that the property will be sold subject to any liens that may exist and that the Government makes no warranty as to the title of such property. Use form FS-6500-89, Bill for Collection, to document the sale of impounded property, other than livestock, and include a statement that the Government makes no warranty as to the title of such property.

56.2 - Removal of Obstruction

A Forest Officer may remove or cause to be removed, to a more suitable place, a vehicle or other object that is an impediment or hazard to the safety, convenience, or comfort of other users, or is left in such a manner that it impairs access or use of any area of the National Forest System or other lands under Forest Service control (sec. 56.01 of this Handbook).

57 - Criminal Violations and Courtroom Appearance

57.05 - Definitions

Complaint. A formal, written accusation charging that an individual has violated a Federal law or regulation.

Information. A formal written document filed by the U.S. Attorney, charging an individual with violating a Federal law or regulation.

No bill. Term used when the grand jury fails to return an indictment.

Subpoena. A process ordering a witness to appear and give testimony, commanding the witness to lay aside all pretenses and excuses and appear before the court or magistrate at a specified time and location to testify.

Summons. A writ directed to a Law Enforcement Officer, requiring the Officer to notify the persons named that an action has been commenced against them in the court that issued the writ and that they are required to appear, on a day named, and answer the complaint in such action.

True bill. An indictment.

57.1 - Criminal Violations - Felony and Misdemeanor

57.11 - Filing Complaint

(See sec. 57.05 for the definition of the term, complaint.) Normally, a complaint is filed against all defendants appearing before a United States Magistrate Judge. However, Rule 58 (b) (1) of the Federal Rules of Criminal Procedure allows a violation notice or citation, such as form FS-5300-4, Violation Notice, to be used in place of form AO-91, Complaint Form.

The complaint is signed before the Magistrate Judge under oath by the complainant, usually the investigating officer.

57.12 - Information

(See section 57.05 for the definition of the term, information.) The basis for information is a written report submitted by an agency to the office of the U.S. Attorney.

57.13 - Grand Jury

The Constitution requires that any person charged with an infamous crime, generally a felony, be indicted by a grand jury. A grand jury determines only if there is probable cause to believe a crime has been committed and that a certain person committed it, not if there is guilt or innocence. An indictment is referred to as a true bill. If the grand jury fails to return an indictment, it is referred to as a no bill.

The grand jury is also an investigative body that can require testimony and the production of documents in an investigative process.

57.14 - Subpoena

A subpoena is issued by the Clerk of the U.S. District Court or a U.S. Magistrate Judge. A subpoena states the name of the Court and the title, if any, of the proceeding, and commands each person to whom it is directed to attend and give testimony at the time and place specified. A subpoena also may command the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The subpoena is served and processed pursuant to the Federal Rules of Criminal Procedure (FSM 5308, para. 1).

Forest Service law enforcement personnel shall serve a subpoena only where there is an interest on the part of the agency.

57.15 - Summons

If it appears from a complaint or an affidavit that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a U.S. Magistrate Judge or U.S. District Court Judge can issue a summons to any Officer authorized to execute it. The Court has discretion to issue a summons in lieu of a warrant. In some areas, a U.S. Magistrate Judge uses an information complaint or form FS-5300-4, Violation Notice, to issue a summons (sec. 57.01 of this Handbook).

57.15a - Procedures for Serving Summons

A summons may be left with either the defendant or at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion who resides therein. If a copy of the summons is left with a person other than the defendant, a copy also must be mailed to the defendant's last known address.

57.2 - Courtroom Appearance

Attire worn by law enforcement personnel when making a court appearance should be neat, pressed, well-fitting, and conservative. Law enforcement personnel should wear business attire or the Forest Service uniform. When testifying in uniform, law enforcement personnel shall wear the complete authorized law enforcement field uniform including a long sleeve uniform shirt with the solid green clip-on tie (FSM 5377.11) or may wear the Law Enforcement Class A Uniform (FSM 5377.12). Uniform shirt pockets must be empty with the exception of a pen or pencil and notebook. Wearing any unauthorized pins, buttons, or patches is prohibited.

58 - Media Communications and Diplomatic Considerations

58.02 - Objectives

1. To provide information and access to the news media relating to law enforcement activities (sec. 58.1 of this Handbook).

2. To ensure that diplomatic and consular Officers are afforded the respective privileges, rights, and immunities provided by international law and federal statute (sec. 58.2 of this Handbook).

58.03 - Policy

It is the policy of this agency that all media inquiries regarding investigations that are or may result in a criminal/civil proceeding in United States Federal Court or State Court shall be coordinated with the United States Attorney's Office, Office of General Counsel, or the local prosecutor.

1. At no time shall any law enforcement personnel furnish any statement or information that they know shall have a substantial likelihood of materially prejudicing an adjudicative proceeding:
2. Law Enforcement personnel shall coordinate the release of the following information with the United States Attorney's Office, Office of General Counsel, or the local prosecutor:
 - a. Disclosing information in criminal matters.
 - b. Disclosing information in civil matters.
 - c. Disclosing information on suspects, witnesses, or defendants.
 - d. Disclosing information on investigative procedures.
 - e. Disclosing juvenile information
 - f. Disclosing information concerning prior criminal records.
 - g. Disclosing information concerning ongoing investigations.
 - h. Release of information prior to execution of search and arrest warrants.

58.1 - Inquiries from News Media

Except for matters covered by section 58.1 and for news media inquiries received in emergency or fast-moving situations covered by section 58.14, law enforcement personnel should respond to news media requests for interviews or background information in accordance with this section. For purposes of this section, requests for interviews are requests for information or statements that will be attributed to the agency. Requests for background information are requests for information not attributable to the agency.

1. Requests from the National News Media.
 - a. Responses to requests for interviews from the national news media must be approved by The Office of Communication

b. The Special Agent, Law Enforcement Officer, or Public Affairs Officer receiving the interview request shall:

(1) Document the request by recording the date, time, news organization, reporter's name and phone number, and record the subject matter and information requested by the reporter, and

(2) Forward the interview request to the Special Agent in Charge. The Special Agent in Charge shall coordinate such requests for interviews with LEI Washington Office.

c. Responses to requests for background information from the national news media should be provided by the national, Regional, or Forest level, and do not require Office of Communication approval. Regardless of the agency level at which response is made, the unit shall provide a written or oral briefing to the Director LEI.

2. Requests from the Local News Media.

a. Responses to requests from the local news media for interviews about national policy or a controversy of national scope must be coordinated in the same manner as requests for interviews from the national news media.

b. Responses to all other requests for interviews and to requests for background information by local news media should be made by the local Special Agent, Law Enforcement Officer, or Public Affairs Officer, after coordination with one another. Written notice of the request for interview or background information should be provided to the next higher law enforcement level.

58.11 - Media Inquiries Received in Emergency or Fast-Moving Situations

Law enforcement personnel who are approached by members of the news media at the scene of an emergency, including an accident or crime scene, may make the following responses, unless undercover assignments or similar overriding circumstances dictate otherwise:

1. Identify themselves as a "Law Enforcement Officer (or Special Agent) of the Forest Service;"

2. Furnish the name and phone number of the office to which they are assigned; and

3. If the news media want additional information and the matter involves an ongoing investigation, criminal prosecution, or civil action, refer the news media to the appropriate Department of Justice or U.S. Attorney's office.

4. If the members of the news media want additional information and the matter does not involve an ongoing investigation, criminal prosecution, or civil action, either:

a. Refer the news media to the Law Enforcement Officer or local Public Affairs Officer knowledgeable of the situation and authorized to respond to media requests, or

- b. If the matter does not involve a national policy or issue and the Public Affairs Officer is not available for consultation, law enforcement personnel may provide factual statements to the media.
- 5. Law enforcement responsibilities of Special Agents or Law Enforcement Officers attendant to fast-moving situations must take precedence over questions or inquiries by the news media.

58.12 - Access

1. Law enforcement personnel can restrict or prohibit public access to areas in a variety of situations where necessary to further substantial government interests, such as protecting public health and safety, maintaining order, and conducting civil and criminal investigations. Areas where access may be restricted or prohibited include, but are not limited to:
 - a. The scene of a crime;
 - b. The scene of a disaster, an accident, a hazardous material incident, or other emergency;
 - c. A pollution control site that poses a significant risk to human health or safety due to the presence of hazardous or toxic substances or dangerous structures or conditions; and
 - d. An area closed by an order issued under Title 36, Code of Federal Regulations, Subpart B.
2. Any communication by law enforcement personnel with the news media relating to a pollution control site should comply with any applicable communication plan developed by the Forest Service and the Office of General Counsel.
3. In accordance with the United States Attorney Manual guidelines on media relations, section 1-7.600, other than by reason of a court order, law enforcement personnel should not prevent the lawful efforts of the news media to photograph, tape, record, or televise from outside the perimeter of the closed or restricted area.
4. Where the Forest Service has primary law enforcement jurisdiction, law enforcement personnel should extend every reasonable courtesy and should seek to accommodate the news media at scenes of crimes or other incidents where access is restricted or prohibited. When the activities conducted in the closed or restricted area would not be jeopardized, potential accommodations that could be made include:
 - a. Setting up a multiple perimeter system that allows news media closer access than the public but does not interfere with the operation;
 - b. Providing a media access photo site to provide a line-of-sight view of the incident from a reasonable distance;

- c. Designating a media briefing area;
- d. Providing escorts for appropriate news media access to the area; and
- e. Arranging a news media pool where the news media representatives select among themselves who would have access to an area on the condition that news media representatives who are selected agree to provide information, photos, and video gathered at the site to other news media covering the crime or incident.

58.13 - Questioning or Arrest of Member of News Media

Law enforcement personnel shall comply with the Department of Justice policy relating to the questioning or arrest of a member of the news media (Title 28, Code of Federal Regulations, part 50.10(h), (i), (k), and (l)). In complying with the Department of Justice policy, law enforcement personnel shall inform and receive approval from the Special Agent in Charge and the appropriate Department of Justice or U.S. Attorney's office whenever possible before arresting a member of the news media, where the arrest does not require a warrant, or before questioning a member of the news media, for any offense which the member is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of official duties as a member of the news media.

58.14 - News Media Members Accompanying Law Enforcement Personnel on Field Operations

News media representatives may not accompany law enforcement personnel on law enforcement activities without prior Supervisory approval. Before allowing members of the news media to accompany them on law enforcement activities, law enforcement personnel should receive the permission of the appropriate Supervisory Special Agent or Supervisory Law Enforcement Officer in charge of an activity and, when circumstances dictate, the appropriate Department of Justice or U.S. Attorney's office, and should advise the Forest Public Affairs Officer, except that the execution of a search warrant or an arrest warrant shall be conducted in accordance with section 58.12.

58.15 - Proactive Activities

In accordance with the guidelines in this section, law enforcement personnel should seek out and utilize opportunities to inform the public about the many services performed by law enforcement. Provide information in a timely manner useful to the news media; consider items of human interest but avoid sensationalism and entertainment. All law enforcement personnel have news media responsibilities that must be exercised according to training and Supervisory direction.

In partnership with Public Affairs staff, promote positive news media interaction through the following:

1. Develop a good relationship with news media representatives before law enforcement incidents occur. Meet with reporters and editors, photographers, and broadcasters to review these guidelines and standard operating procedures. Use these meetings to offer story opportunities.

2. At the Washington Office level, coordinate national news releases with national priorities.
3. At all levels, review law enforcement activity records for news release opportunities and potentially volatile issues.
4. Provide information equally to all news media.
5. Provide recognition for all cooperators on joint operations. Develop unified interagency news releases when feasible. Assume a supportive role when a cooperator is the lead agency. Do not compete with cooperators for credit or news exposure.
6. Encourage news media to circulate information requesting public assistance in support of law enforcement and resource protection efforts, investigation, apprehension of criminal suspects, or warnings of hazardous situations.
7. Review all completed criminal and civil cases for news value. Make news media contacts with story ideas; refer to procedures in section 58.1 of this Handbook before initiating contact. The Special Agent in Charge shall secure U.S. Department of Agriculture, Office of Communications approval before contacting national and international news media, if national policy or national issues are involved. Coordinate with the Forest Service Washington Office Press Office (Media Desk). Statements to the news media about recently concluded criminal or civil litigation should be coordinated with the U.S. Department of Agriculture, Office of General Counsel or the appropriate Department of Justice or U.S. Attorney's office. Place a copy of any news release and all news reports in the case file; this includes printed stories and, if possible, taped television and radio broadcasts.
8. Consider conducting an annual review of procedures with the regional and Forest Public Affairs Officers, and law enforcement personnel. Invite the news media representatives for that area and explain processes.

58.16 - Incident Media Planning

Coordinate with appropriate Public Affairs Officers in the operational planning of an incident where law enforcement objectives or the rights of the parties will not be compromised.

Law enforcement and public affairs personnel shall discuss the need for an incident media plan for situations where the Forest Service is the lead agency.

This plan could include the following:

1. Objectives, key messages, and talking points.
2. Organizational chart.
3. Primary contact points and interview procedures.

4. Procedures for how news media will be allowed access or alternative ways to obtain information in a timely manner (for example, media pooling).
5. Designated media access photo sites near incident scenes to provide line-of-sight access.
6. Access points unobstructed by the public, if possible.
7. Barrier tape lines or equivalent so as to provide news media closer access than the public, if possible.
8. Clearly identified areas where news media are prohibited, if necessary, and how closures will be identified to the news media and enforced.
9. A statement that news media representatives could be entering dangerous areas and they do so at their own risk.
10. Procedures to set up media tours.
11. Information on hazards in the area.
12. Procedures to handle interview requests, including point of contact, and so forth.

58.2 - Foreign Mission Personnel in the United States

The types of immunity enjoyed by the staff of an embassy, consular post, international organization, or mission to an international organization (collectively foreign mission personnel), and their family members, vary significantly and depend on many considerations, including where the individual works and how the individual is notified to the U.S. Department of State. For example, certain accredited members of the Embassy staff and their family members, enjoy full criminal immunity and may not be arrested or detained, and they and their property may not be searched. On the other hand, consular staff typically enjoy a lower level of immunity. Regardless of status, if an officer determines an individual too impaired to drive safely, a Law Enforcement Officer should not permit the individual to continue to drive.

Foreign mission personnel generally should have an identification card issued by the U.S. Department of State, the only U.S. authoritative identification document for foreign mission personnel in the United States. If any incident occurs involving an individual who claims to have immunity, including foreign mission personnel, Law Enforcement Officers should contact the U.S. Department of State at the following numbers to verify the individual's status. The U.S. Department of State shall be able to provide specific guidance about the immunities enjoyed by the individual.

1. Contact the U.S. Department of State, Office of Foreign Missions at: 202-895-3521 (regular business hours) or 571-345-3146 (after business hours, through Diplomatic Security Command Center).

2. If an incident involves personnel or a mission to the United Nations, contact the U.S. Mission to the United Nations at: 202-415-4300 (regular business hours) or 212-415-4444 (after business hours, through the USUN Communication Section).

58.21a - Consular Notification Procedures

When foreign nationals are arrested or detained, they must be advised of the option to have their Consular Officials notified. In the case of an arrest or detention of a National from a so-called mandatory notification country, notification must be made regardless of the detainee's wishes. A list of mandatory notification countries is available at <https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/count-ries-and-jurisdictions-with-mandatory-notifications.html>.

For further information on this subject, refer to the Department of State's Consular Notification and Access Manual at https://travel.state.gov/content/dam/travel/CNAtrainingresources/CNA_Manual_4th_Edition_September_2017.pdf or contact the U.S. State Department at consnot@state.gov.

Brief detentions, such as needed for the issuance of citations, do not generally require notification by Forest Service personnel.

59 - Hazardous Material Spill Responses

See FSM 2160, FSM 6740, and FSH 6709.11 for additional direction on hazardous material responses.

59.03 - Policy

1. All hazardous material incidents must be managed under the Incident Command System utilizing the unified command principles because, in virtually all cases, fire, law enforcement, public health, and other agencies would have some statutory functional responsibility for incident mitigation.
2. Law enforcement personnel shall perform a support role in any hazardous spill response, as activities relate to the management of the spill and confinement/closure of the area. Controlling the tactical operations and movement of personnel and equipment at a hazardous material incident provides a degree of safety and reduces the probability of spreading of contaminants.

59.04 - Responsibility

It is the responsibility of law enforcement personnel, in conjunction with other regulatory agencies, to:

1. Isolate the incident area.
2. Manage crowd control.

3. Manage traffic control.
4. Manage public protection action.
5. Provide scene management for on-highway incidents.
6. Preserve, collect, and provide proper storage of evidence where the hazardous material spill may result in criminal and/or civil proceedings.