

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

**Forest Service Manual 5300 – Law Enforcement  
Chapter 5370 – Suitability Requirements, Training, and Standards**

**Amendment:** 5300-2023-1

**Effective date:** September 28, 2023

**Duration:** This amendment is effective until superseded or removed.

**Approved by:** Randy Moore, Chief

**Date approved:** September 28, 2023

**Responsible Staff:** Law Enforcement and Investigations (LEI)

**Last Change:** Amendment 5300-2022-6 to FSM 5390

**Superseded Document(s):** 5300-2022-4, chapter 5370, February 17, 2022

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

**Chapter 5370:** Revises cross-reference and makes minor editorial and technical changes throughout the chapter. These changes address the GAO audit concerns for the National K-9 Program.

**Section 5372.76:** Renames section title from “National K9 Coordinator and K9 Evaluators” to “Non-Lethal Training Ammunition Instructors” and sets forth direction, previously set out in section 5372.77.

**Section 5372.77:** Renames section title from “Non-lethal Training Ammunition Instructors” to “National K9 Program Roles and Responsibilities” and sets forth direction on the roles of the National K-9 Coordinator, Regional Coordinators, Evaluators, Special Agents in Charge (SAC), K-9 Team supervisors, and K-9 Team Handlers.

**Section 5372.8:** Renames section title from “Police Service Dog Teams (K-9 Teams)” to “K9 Teams” and sets forth direction. Revises language on “Police Service Dogs (PSD)” to “K-9 Team” and references the primary purpose of a K-9.

**Section 5372.81:** Revises language on “PSD” to “K-9 Team” and outlines the selection of K-9 Handlers and the utilization of an interview panel for selection and assessment of new K-9 Team Handlers.

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**Section 5372.82:** Adds language to, “LEI Reporting System.”

**Section 5372.83:** Outlines Annual Certification and Training Requirements and adds language, “K-9 or Handlers who are injured, and out of service for more than 30 calendar days, an evaluation by a Forest Service K-9 Evaluator shall be completed before the K-9 Team is placed back into service.”

**Section 5372.86:** Renames section title from “K-9 Team Responsibilities” to “Documentation of K-9 Team Training and Certification.” Removes form numbers for K9 Team Evaluation (FS-5300-46) and Training Log (FS-5300-47) forms. Outlines K-9 Team Supervisors’ requirement to review K-9 training records monthly.

**Section 5372.87:** Renames section title from “Documentation of K-9 Team Training and Certification” to “K-9 Handlers Uniform Standards” and sets forth direction. References the approved K9 Team Handler uniform to be worn on duty.

**Section 5377.16:** Renames section title from “K-9 Officers” to “Special Agent Wear (Reserved)” and reserves chapter for future use, formerly 5377.17.

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### **5370.1 - Authority**

(See FSM 5301).

### **5370.2 – Objective**

To train all employees commensurate with their assigned law enforcement responsibilities.

### **5370.3 – Policy**

It is Forest Service policy to assign only qualified employees with appropriate training to perform law enforcement duties. Law enforcement personnel shall only instruct commissioned law enforcement personnel in the use of firearms, control tactics, or defensive equipment.

### **5370.4 - Responsibility**

#### **5370.41 - Washington Office, Director of Law Enforcement and Investigations**

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

1. Analyze the law enforcement duties inherent in law enforcement positions assigned to the Washington Office and identify the applicable training in accordance with established standards.
2. Maintain a list that includes employees who are currently authorized to carry a weapon for law enforcement purposes and identifies which weapons each employee is authorized to carry.
3. Ensure that law enforcement personnel meet all suitability requirements, training, and standards.
4. Ensure that an individualized training folder is established and maintained for law enforcement personnel assigned to the Washington Office which documents all recertification, qualifications, and training.
5. Approve nominations for attendance to the Federal Bureau of Investigation National Academy.
6. Coordinate law enforcement training with Special Agents in Charge.
7. Certify law enforcement personnel who have met all training requirements (FSM 5372.7), as Firearms Instructors, Control Tactics Instructors, Electronic Control Device Instructors, Field Training Officers, K-9 Team Evaluators, and Health and Fitness Coordinators.

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8. Approve requests to attend State, local, and private advanced law enforcement training and in-service training courses for employees assigned to the Washington Office.
9. Approve and maintain a copy of each Forest Service approved firearms qualification course, and if required, approve the use of other courses on a case-by-case basis if an approved course is unavailable for a particular type of weapon (FSM 5372.2).
10. Approve Forest Service law enforcement-related training programs.
11. Grant waivers for Field Training and Evaluation Program attendance.

**5370.42 - Forest Line Officers**

Forest Line Officers have the responsibility to:

1. Analyze the law enforcement responsibilities inherent in non-law enforcement positions and identify the applicable training in accordance with established standards.
2. Ensure that non-law enforcement personnel assigned to the unit successfully complete the appropriate law enforcement training prior to carrying out law enforcement responsibilities.
3. Recommend to the Special Agent in Charge employees that are qualified to become Reserve Law Enforcement Officers (FSM 5372.11).

**5370.43 - Special Agents in Charge**

It is the responsibility of each Special Agent in Charge to:

1. Analyze the law enforcement duties inherent in law enforcement positions assigned to the Region and identify the applicable training in accordance with established standards.
2. Ensure that law enforcement personnel assigned to a Region meet all suitability requirements, training, and standards.
3. Coordinate law enforcement training through the Director, Law Enforcement and Investigations (Director, LEI).
4. Ensure that regional candidates for the Land Management Police Training and the Criminal Investigator Training Program at the Federal Law Enforcement Training Center meet the requirements set forth in FSM 5372.11 and FSM 5372.12.
5. Recommend to the Director, LEI for certification in their Region, law enforcement personnel who have met all training requirements (FSM 5372.7), to be designated as Firearms Instructors, Control Tactics Instructors, Electronic Control Device Instructors, Field Training Officers, K-9 Team Evaluators, Special Agent Mentors, and Health and Fitness Coordinators.



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6. Approve requests to attend State, local, and private advanced law enforcement training and in-service training for law enforcement personnel assigned to a Region.
7. Ensure that an individualized training folder is established and maintained for law enforcement personnel assigned to the Region, which documents all initial, recertification, qualifications, and training.
8. Provide Forest Protection Officer (FPO) training.
9. Approve the transition of Forest Protection Officers (FPOs) or other qualified employees to Reserve Law Enforcement Officers.
10. Recommend and forward for approval to the Director, LEI the nominations to attend the Federal Bureau of Investigation National Academy.

#### **5370.6 - Training Documentation**

All law enforcement training must be documented in an individual official training folder.

1. All law enforcement training must be documented within an official training file. It is the responsibility of students to provide certificates or other documentation of graduation or completion to first-line supervisors or other designated personnel.
2. Training folders must be kept in a secured location, normally in the office of the Special Agent in Charge for law enforcement personnel assigned to a Region or through approved electronic storage means. Training folders must be maintained by the Director, LEI for law enforcement personnel assigned to the Washington Office. Training folders must be sent to the appropriate official upon an employee's transfer to another Forest Service unit. Should an employee leave the Agency, a copy of the contents should be provided to the employee or other hiring agency; however, the original records must be retained as official Agency records pursuant to record retention requirements (FSH 6209.11, ch. 40). Each folder must be kept current and include the following:
  - a. A current picture of the employee and a copy of the employee's personal data sheet.
  - b. The employee's firearms qualification sheets and training records.
  - c. The employee's control tactics and electronic control device training records.
  - d. The employee's legal update and required in-service training records.
  - e. Records of basic and additional specialized or advanced training, for example Driving Under the Influence Enforcement Training, Emergency Vehicle Operation Training, Radar Training, Land Management Police Training or Criminal Investigator Training Program, Archeological Resources Protection Training,

Wildland Fire Investigation Training, Instructor Training Programs, and  
Controlled Substance Enforcement Training.

- f. Records of any certifications by the Director, LEI of the employee, for example as an Instructor or Field Training Officer.
  - g. Records of any special training or defensive equipment waivers or authorizations.
3. Training records for K-9 Teams must also comply with training requirements in FSM 5372.82, 5372.83 and 5372.85.

### **5371 – Service-Wide Training Courses for Employees Other than Law Enforcement Personnel**

#### **5371.1 - Forest Protection Officer Training**

1. Participants. Employees whose duties include the following are candidates for this course:
  - a. Public contacts on the National Forest System.
  - b. Involvement in regulatory compliance activities, including issuance of Violation Notice, (form FS-5300-4), for violations of Title 36, Code of Federal Regulations, Parts 242 and/or 261 (FSM 5304.6). Employees shall satisfactorily complete this course before being authorized to issue violation notices.
  - c. Preparation of minor accident or civil investigation reports.
  - d. Assignment as a Forest Service Unarmed Security Specialist Type 2 (SEC2) on incident security assignments (FSH 5109.17, ch. 20).
2. Course Objective. The objective of this training is to provide employees with the knowledge and skills needed to recognize violations of Federal laws and regulations while exercising personal safety techniques during contacts.
3. Instructor. The training must be conducted by law enforcement personnel and coordinated by the Special Agent in Charge.
4. Course Content. The training must consist of 36 hours of classroom lecture, labs, and practical exercises. A national standardized program of instruction and mandatory pass/fail examination approved by the Director, LEI must be used and is available from the LEI Assistant Director, Training.

#### **5371.2 - Forest Protection Officer Recertification**

Forest Protection Officers (FPOs), who have been granted authority to issue form FS-5300-4, Violation Notice, shall attend an annual 8-hour recertification course. The national standardized program of instruction must be used and documented. Forest Protection Officers

shall receive this annual training in order to continue to issue violation notices or serve on security assignments in incident camps. Attendance at a full 36-hour course is required if an FPO fails to attend an 8-hour recertification course for a period of more than 3 consecutive years.

### **5371.3 - Law Enforcement for Managers**

1. Participants. National, Regional, or Forest Staff Specialists who are involved with the Forest Service law enforcement program should receive this training.
2. Course Objective. The principal objective for this course is to provide appropriate technical knowledge of Forest Service law enforcement authority, jurisdiction, and responsibilities so that land management and organizational decisions appropriately reflect these considerations.
3. Instructor. This course should be coordinated through the Forest Service National Academy, and offered at a location approved by the Director, LEI. This course should be taught by sworn law enforcement personnel.
4. Hours of Instruction. The training must consist of a minimum of 24 hours.

## **5372 – Service-Wide Training Courses for Law Enforcement Personnel**

### **5372.1 - Basic Law Enforcement Training**

#### **5372.11 - Land Management Police Training, Federal Law Enforcement Training Center, Glynco, Georgia**

1. Participants. The Land Management Police Training (LMPT) is for law enforcement employees in a series other than GS-1811. Only those employees occupying either Law Enforcement Officer (LEO) positions or engaged in Reserve Law Enforcement Officer (RLEO) duties shall attend this training. The Director, LEI may approve exceptions on a case-by-case basis.
2. Course Objective. The objective of this training is to provide employees with the skills necessary to perform law enforcement duties as uniformed law enforcement personnel.
3. Instructor. This program is presented by the FLETC.
4. Candidate Requirements. Special Agents in Charge (SACs) (for candidates assigned to a Region), or LEI Assistant Directors (for candidates assigned to the Washington Office), shall ensure that prior to attending the LMPT course the candidates for this training:
  - a. Meet Agency suitability requirements, physical requirements, and medical standards (FSM 5373 and 5374).
  - b. Meet the FLETC practical exercise performance requirements (PEPRs) for the LMPT program. Specific information regarding FLETC PEPRs for the LMPT

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program is located in FLETC Directive No. 91-01.E. These requirements may also be obtained from the LEI Assistant Director - Training, Development, and Standards (LEI AD, Training).

- c. Are tested and can successfully complete the 1.5 mile run, agility run, and bench press components of the FLETC physical efficiency battery (PEB) fitness assessment with a minimum score of the 25th percentile within 60 days from the start of LMPT. The flexibility test and body composition test must be administered but used as a general wellness indicator only. Information regarding PEB standards and guidelines may be obtained from the LEI AD - Training.

Law Enforcement Officers who have not received this training shall be scheduled for the earliest available LMPT at the FLETC. Law Enforcement Officer and RLEO credentials shall not be issued until successful completion of the LMPT program. Prior to successful completion of the LMPT program, LEOs shall be assigned to non-hazardous, compliance or administrative duties, except that Forest Service Special Agents who are otherwise required to attend the LMPT program and are currently certified as Criminal Investigators may continue to perform the duties of that position and retain their Criminal Investigator credentials until their graduation from LMPT. If the Agent seeking to occupy an LEO position has not worked as a Patrol Officer in a natural resource law enforcement agency, they shall attend the Field Training Officer (FTO) program.

- 5. Graduation Requirements for the LMPT Course. Graduation from the LMPT program includes successful completion of the following requirements:
  - a. Written Examinations. Students shall achieve a minimum score of 70 percent on all scheduled written examinations. Any student who does not achieve a minimum score of 70 percent on an examination will be placed on academic probation for a period of up to 3 training days to prepare for the remedial examination. Students shall pass the remedial examination with a score of 70 percent or higher. Only one remedial examination is permitted during the training program. If a student fails the remedial examination, or fails a second examination, the student will be dismissed from training and will not receive a certificate of graduation.
  - b. Physical Training.
    - (1) Students shall pass the PEB with a score of 25th percentile on each of the 1.5-mile run, agility run, and bench press portions. If the student fails to pass the PEB while at FLETC, the student shall be dismissed from training and shall not receive a certificate of graduation.
    - (2) Arrest techniques.
    - (3) Control tactics.

c. Driver Training.

- (1) Skid control.
- (2) Emergency response driving.
- (3) Non-emergency vehicle operation.
- (4) Driving under the influence detection/standards for field sobriety test.

d. Firearms Training.

- (1) Practical pistol course qualification.
- (2) Shotgun qualification.
- (3) Rifle qualification.
- (4) Practical Exercises. Students must pass all practical exercises.

**5372.12 - Criminal Investigator Training Program, Federal Law Enforcement Training Center, Glynco, Georgia**

1. Participants. The Criminal Investigator Training Program (CITP) is for employees in the GS-1811 series. The Director, LEI may approve exceptions on a case-by-case basis.
2. Course Objective. The objective of this training is to provide employees with the skills necessary to perform law enforcement duties as a Criminal Investigator.
3. Instructor. This program is presented by the FLETC.
4. Candidate Requirements. The Director, LEI (for law enforcement personnel assigned to the Washington Office) or Special Agent in Charge (for law enforcement personnel assigned to a Region) shall ensure that candidates for this training:
  - a. Meet the Agency suitability requirements, physical requirements, and medical standards (FSM 5373 and 5374).
  - b. Meet the Federal Law Enforcement Training Center practical exercise performance requirements (PEPRs) for the CITP. These requirements may be obtained from the FLETC or also be obtained from the LEI Assistant Director, Training.
  - c. Are tested prior to attendance at the CITP course and can successfully complete the 1.5 mile run, agility run, and bench press components of the FLETC physical efficiency battery (PEB) fitness assessment with a minimum score of the 25th percentile, within 60 days from the start of CITP. The flexibility test and body composition test must be administered but used as a general wellness indicator

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only. Information regarding PEB standards and guidelines may be obtained from the LEI AD - Training.

Criminal investigators who have not received this training must be scheduled for the earliest available CITP or approved alternate training at the FLETC or other approved facility. Criminal investigator credentials must not be issued until successful completion of the CITP or other approved course. The Director, LEI may waive this requirement on a case-by-case basis. Prior to successful completion of the CITP or other approved course, Criminal Investigators shall be assigned to non-hazardous, compliance or administrative duties, except that Forest Service Law Enforcement Officers (LEOs) or Reserve Law Enforcement Officers (RLEOs) who are currently certified as LEOs or RLEOs respectively may continue to perform the duties of an LEO or RLEO and retain their LEO or RLEO credentials until their graduation from CITP or other approved course. All alternate training courses/facilities must be approved by the Director, LEI.

5. Graduation Requirements for the CITP Course. Graduation from the CITP includes successful completion of the following requirements:
  - a. Written Examinations. Students shall achieve a minimum score of 70 percent on all scheduled written examinations. Any student who does not achieve a minimum score of 70 percent on an examination will be placed on academic probation for a period of up to 3 training days to prepare for the remedial examination. Students shall pass the remedial examination with a score of 70 percent or higher. Only one remedial examination is permitted during the training program. If a student fails the remedial examination, or fails a second examination, the student shall be dismissed from training and shall not receive a certificate of graduation.
  - b. Physical Training.
    - (1) Students shall pass the PEB with a score of 25th percentile on each of the 1.5-mile run, agility run, and bench press portions. If the student fails to pass the PEB while at FLETC, the student shall be dismissed from training and shall not receive a certificate of graduation.
    - (2) Arrest techniques.
    - (3) Control tactics.
  - c. Driver Training.
  - d. Firearms Training.
  - e. Practical Exercises. Students must pass all practical exercises.

### **5372.13 - Graduation from Other Federal Training**

Graduation from a basic Federal criminal investigations academy, such as the Federal Bureau of Investigation Special Agent Academy, may be considered as meeting the basic training requirement for a Criminal Investigator (FSM 5372.12). Graduation from a uniform police training program conducted by the FLETC may be considered as meeting the basic training requirement for a Law Enforcement Officer (FSM 5372.11). The Director, LEI is authorized to approve requests for certification of previous training under this section for all law enforcement personnel.

### **5372.2 - Mandatory Training, Recertification Training, and Qualification Requirements for Law Enforcement Personnel**

#### **5372.21 - Firearms Training Courses and Qualifications**

Minimum firearms qualification requirements for all approved firearms are mandatory for all law enforcement personnel. A safety briefing shall be given by the firearms instructor prior to beginning any firearms training or qualification. At a minimum this briefing shall include: specific range rules, basic firearm safety rules and medical response procedures in the event of a medical situation.

1. Minimum Qualifications and Training. Qualification courses approved and issued by the Director, LEI must be used for all mandatory qualifications. Law enforcement personnel shall successfully complete the following, if applicable:
  - a. Forest Service Primary Weapon Qualification Course
  - b. Forest Service Secondary Weapon Qualification Course
  - c. Forest Service Shotgun Qualification Course
  - d. Forest Service Rifle Qualification Course
  - e. Forest Service Rifle Reduced Light Familiarization Course
  - f. Forest Service Shotgun Reduced Light Familiarization Course
  - g. Forest Service Nonstandard Rifle Qualification Course
  - h. Forest Service Primary Weapon Mounted Light/Reduced Light Familiarization Course.

Forest Service law enforcement personnel who are not issued both long guns shall participate in familiarization training that includes the safe loading, firing, and unloading of both the rifle and shotgun, annually on a calendar-year basis.

A Forest Service approved course for using authorized telescopic lenses or other optical sighting devices on a rifle. The Officer/Agent shall qualify with both open sights and the

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optical sight. If the Officer/Agent is unable to obtain a qualifying score with the telescopic or optical sight, the device must be removed until such time as a qualifying score is achieved using the sight (FSM 5381.4). If the optical sight and open sights are co-witnessed, then the officer shall only need to qualify once using both systems together. Only agency approved optical sight(s) and/or telescopic lenses are permitted.

Instructions for courses are available on the LEI Share Point.

These courses must be successfully completed semi-annually on a calendar-year basis. All qualification courses must be scheduled at least 4 months apart.

2. **Score.** Law enforcement personnel shall qualify with the minimum passing score specified in each Forest Service approved course of fire on each of the required firearms courses to meet minimum qualifications. Scoring does not apply to familiarization courses.
3. **Qualifications Standards.** The minimum qualification standards and augmented firearm training opportunities are as follows:
  - a. Qualifications for primary weapons must be conducted with the holster that is normally used on duty. Secondary handgun qualifications should be conducted from a waist type holster manufactured for the particular weapon. The training may be conducted with the holster in the
  - b. Duty ammunition shall be used for qualifications for all weapons, unless range rules require use of frangible or non-leaded ammunition.
  - c. Law enforcement personnel, who successfully complete Land Management Police Training or Criminal Investigator Training Program courses at the Federal Law Enforcement Training Center, shall be considered qualified with the firearms they qualified with while attending such training. This qualification shall be in effect until their next scheduled semi-annual qualification.
4. **Instruction.** All firearms qualifications must be conducted under the supervision of a Forest Service Certified firearms Instructor (FSM 5372.71) or a FLETC certified instructor who meets the same recertification as Forest Service instructors. It is the responsibility of the regional Special Agent in Charge to ensure the instructor meets these requirements.
5. **Failure to Meet Qualification Standards.** Law enforcement personnel who fail to meet the minimum qualifications standards for a primary handgun or long gun(s), including failure to achieve the minimum passing score specified in the course of fire after being given two opportunities to achieve a qualifying score on the same qualification day, shall be placed in firearms remediation.



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6. Law enforcement personnel who fail to meet minimum qualifications standards for any additional weapons (rifle, shotgun or secondary handgun), shall not carry these weapons on or off duty, until such time they meet the standards.
7. In the event of a qualification failure for the primary handgun or shotgun, the following procedures must be followed:
  - a. The Instructor shall discuss the situation with the employee and the employee's Supervisor within 24 hours of the qualification failure.
  - b. A Forest Service firearms Instructor, designated by the Special Agent in Charge (SAC) (for personnel assigned to a Region), or the Director, LEI (for personnel assigned to the Washington Office), shall develop a remedial firearms training plan for the employee. This plan must consist of a minimum of 2 hours and a maximum of 8 hours of training that is designed to improve the employee's firearm skills, within a 30 calendar day period. A minimum of 50 percent of the planned hours of training must be completed prior to the employee attempting qualification during this remediation period.
  - c. Within the 30 calendar day period, the employee shall be given two additional chances to qualify.
  - d. While in this remedial training period, the employee may continue to perform law enforcement duties. The designated Firearms Instructor shall document all training the employee receives and qualification attempts. Place this documentation in the employee's official training folder.
  - e. If the employee has not qualified by the end of the 30 calendar day remediation period or upon a second qualification failure, the employee's Supervisor shall secure all Government assigned weapons, and the employee's authority to carry firearms and to make arrests must be rescinded (FSM 5304.21, para. 2). The employee's duties must be modified to those not requiring the carrying of a firearm, any authorization for use of an official vehicle for home to work travel must be rescinded, and the employee may face administrative action (FSM 5370.3, FSM 6172). The employee shall immediately be notified in writing of this action by their Supervisor. A copy of this notification must be forwarded to the SAC (for personnel assigned to a Region), and to the Director, LEI (for personnel assigned to the Washington Office).
8. Documentation of Training. Form FS-5300-50, Firearms Qualification and Training Record, is the official record of qualification. The original form must contain the names of those qualifying, the type of weapon(s) and ammunition, and the course(s) fired. The Instructor shall certify all training and, within 30 days, forward a copy of the documentation to the qualifying employees and to the appropriate Supervisor to be included in the employee's official training folder.

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9. **Additional Firearms Training.** Law enforcement personnel are encouraged to participate in additional firearms training. Other law enforcement agency personnel or private consultants may conduct this training. This training must be approved by the employee's Supervisor and documented in the employee's official training folder.
10. **Authorized Absence.** Law enforcement personnel who are unable to attend firearms qualifications due to emergency absences or absences approved in advance by their Supervisor shall make up the qualification within the required qualification period without affecting the employee's duty status. If an authorized absence will extend beyond the qualification period, the absence will be approved in advance by the SAC (for personnel assigned to a Region) or the Director, LEI (for personnel assigned to the Washington Office). Authorizing officials shall document these approved absences in the employee's training folder.
11. **Law enforcement personnel who have an approved authorized absence beyond the qualification period shall request and complete full firearms qualifications within 30 calendar days from the termination of the waiver by the authorizing official or receive an extension from the authorizing official based on inability of the Agency to provide a qualifications opportunity. If an employee fails to complete qualification requirements within this 30 calendar day period, the employee's Supervisor shall secure all Government assigned weapons, and the employee's authority to carry firearms and to make arrests must be rescinded (FSM 5304.21, para. 2). The employee's duties must be modified to those not requiring the carrying of a firearm, any authorization for use of an official vehicle for home to work travel must be rescinded, and the employee may face administrative action (FSM 5370.3, FSM 6172). The employee shall immediately be notified in writing of this action by their Supervisor. A copy of this notification must be forwarded to the SAC (for personnel assigned to a Region), and to the Director, LEI (for personnel assigned to the Washington Office).**
12. **Medical Waiver of Qualification Requirements.** Mandatory firearms qualification requirements may be temporarily waived for law enforcement personnel who are pregnant or who have verified medical illnesses or injury. A waiver is an exemption to the training requirement, granted by the SAC (for personnel assigned to a Region), or by the Director, LEI (for personnel assigned to the Washington Office). Employees who are unable to attend scheduled training due to medical reasons shall provide documentation to their Supervisor from a licensed Physician. This temporary waiver must be granted for a period not to exceed 30 calendar days. Subsequent 30 calendar day waivers may be given with additional supporting documentation from a licensed Physician. Law enforcement personnel who are pregnant shall obtain an initial Physician documentation and medical waiver of training requirements. Subsequent 30-day waivers are not required, and the waiver must remain in effect until a licensed Physician releases the employee to complete the training requirement.

All approved medical waivers must be documented and placed in the employee's official training folder. Physician documentation used to support the waiver must be kept by the Supervisor in a secure location until no longer needed, then destroyed.

Law enforcement personnel medically waived from training requirements should also be reviewed for fitness for duty under FSM 5374.11 to determine their temporary fitness to perform any law enforcement duties which may require the use of firearms. This review should also include a determination of continued authorization of use of official vehicles, and use of official vehicles for home to work travel under FSM 5370.3.

Law enforcement personnel who have received medical waivers shall request and complete all training requirements within 30 calendar days from the termination of the waiver by the authorizing official based on Physician recommendations or receive an extension from the authorizing official based on inability of the Agency to provide a qualifications opportunity. If an employee fails to complete training requirements within this 30 calendar day period, the employee's Supervisor shall secure all government assigned weapons, and the employee's authority to carry firearms and to make arrests must be rescinded (FSM 5304.21, para. 2). The employee's duties shall be modified to those not requiring the carrying of a firearm, any authorization for use of an official vehicle for home to work travel must be rescinded, and the employee may face administrative action (FSM 5370.3, FSM 6172). The employee shall immediately be notified in writing of this action by their Supervisor. A copy of this notification must be forwarded to the SAC (for personnel assigned to a Region), and to the Director, LEI (for personnel assigned to the Washington Office).

## **5372.22 - Control Tactics Training and Qualifications**

Control tactics training requirements are mandatory for all law enforcement personnel. This training must be integrated and include the use of force/reporting procedures/medical considerations, communication skills and contact controls, arrests compliant/non-compliant, Officer safety, control tactics, weapons survival, deadly force, and defensive equipment.

1. **Training Requirements.** Law enforcement personnel are required to attend and actively participate in a minimum of 8 hours of control tactics training annually.

Law enforcement personnel shall successfully complete and demonstrate a basic training session in the use of their issued impact weapon, electronic control device (ECD), and aerosol subject restraint (ASR). Such training must be in accordance with the basic training courses for this defensive equipment conducted by the Federal Law Enforcement Training Center or otherwise approved by the Director, LEI. Information on these programs may be obtained from the LEI Assistant Director, Training.

2. **Instruction.** All control tactics mandatory training must be conducted under the supervision of a Forest Service Certified Control Tactics Instructor (FSM 5372.72) or a FLETC certified instructor who meets the same recertification requirements as Forest Service instructors. It is the responsibility of the regional special agent in charge to ensure the instructor meets these requirements. Electronic control device training must be conducted under the supervision of a Forest Service Certified Electronic Control Device Instructor (FSM 5372.74). Instructors who conduct 8 hours of control tactics training annually, on a calendar-year basis, shall be considered as having met their mandatory control tactics training requirements (FSM 5372.22, para. 1).

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3. **Failure to Meet Mandatory Control Tactics Training Requirements.** If an employee fails to meet mandatory control tactics training requirements (FSM 5372.22, para. 1), the employee's Supervisor shall secure all Government assigned defensive equipment and firearms, and the employee's authority to carry firearms and to make arrests must be rescinded (FSM 5304.21, para. 2). The employee's duties must be modified to those not requiring the carrying of defensive equipment, any authorization for use of an official vehicle for home to work travel must be rescinded, and the employee may face administrative action (FSM 5370.3, FSM 6172). The employee shall immediately be notified in writing of this action by their Supervisor. A copy of this notification must be forwarded to the Special Agent in Charge (SAC) (for personnel assigned to a Region), and to the Director, LEI (for personnel assigned to the Washington Office).
4. **Additional Control Tactics Training.** Law enforcement personnel are encouraged to participate in additional control tactics training. Other agency law enforcement personnel or private consultants may conduct this training. This additional training must not, however, be considered as meeting the mandatory control training requirements in this section. All training must be approved by the employee's Supervisor and documented in the employee's official training folder.
5. **Authorized Absence.** Law enforcement personnel who are unable to attend control tactics qualifications due to emergency absences or absences approved in advance by their Supervisor shall make up the qualification within the required qualification period without affecting the employee's duty status. If an authorized absence will extend beyond the qualification period, the absence must be approved in advance by the SAC (for personnel assigned to a Region) or the Director, LEI (for personnel assigned to the Washington Office). Supervisors shall document authorized absences in the employee's training folder.

Law enforcement personnel who have an approved authorized absence beyond the qualification period shall complete the missed control tactics training within 30 calendar days from the termination of the waiver by the authorizing official. If an employee fails to request and complete qualification requirements within this 30 calendar day period or receive an extension from the authorizing official based on inability of the Agency to provide a qualifications opportunity, the employee's Supervisor shall secure all Government assigned defensive equipment and weapons, and the employee's authority to carry firearms and to make arrests must be rescinded (FSM 5304.21, para. 2). The employee's duties must be modified to those not requiring the carrying of defensive equipment, any authorization for use of an official vehicle for home to work travel must be rescinded, and the employee may face administrative action (FSM 5370.3, FSM 6172). The employee shall immediately be notified in writing of this action by their Supervisor. A copy of this notification must be forwarded to the SAC (for personnel assigned to a Region), and to the Director, LEI (for personnel assigned to the Washington Office).

6. **Medical Waiver of Control Tactics Training Requirements.** Mandatory control tactics training requirements may be temporarily waived for law enforcement personnel who

are pregnant or who have verified medical illnesses or injury. A waiver is an exemption to the training requirement, granted by the SAC (for personnel assigned to a Region), or by the Director, LEI (for personnel assigned to the Washington Office). Employees who are unable to attend or actively participate in control tactics training due to medical reasons shall provide documentation to their Supervisor from a licensed Physician. This temporary waiver must be granted for a period not to exceed 30 calendar days. Subsequent 30 calendar day waivers may be given with additional supporting documentation from a licensed Physician. Law enforcement personnel who are pregnant shall obtain an initial Physician documentation and medical waiver of training requirements; however, subsequent 30-day waivers are not required, and the waiver must remain in effect until a licensed Physician releases the employee to complete the training requirement.

- a. Law enforcement personnel with approved medical waivers who can attend, but cannot fully participate in, control tactics training are encouraged to attend and observe training sessions for continued professional development, but may not count these attendance hours as meeting the training requirements.
- b. All approved medical waivers must be documented and placed in the employee's official training folder. Physician documentation used to support the waiver must be kept by the Supervisor in a secure location until no longer needed, then destroyed.
- c. Law enforcement personnel medically waived from training requirements should also be reviewed for fitness for duty under FSM 5374.11 to determine their temporary fitness to perform any law enforcement duties which may require the use of control tactics or defensive equipment. This review should also include a determination of continued authorization of use of official vehicles for home to work travel under FSM 5370.3.
- d. Law enforcement personnel who have received medical waivers shall request and complete all training requirements within 30 calendar days from the termination of the waiver by the authorizing official based on Physician recommendations. If an employee fails to complete qualification requirements within this 30 calendar day period or receive an extension from the authorizing official based on inability of the Agency to provide a qualifications opportunity, the employee's Supervisor shall secure all Government assigned defensive equipment and weapons, and the employee's authority to carry firearms and to make arrests must be rescinded (FSM 5304.21, para. 2). The employee's duties must be modified to those not requiring the carrying of defensive equipment, any authorization for use of an official vehicle for home to work travel must be rescinded, and the employee may face administrative action (FSM 5370.3, FSM 6172). The employee shall immediately be notified in writing of this action by their Supervisor. A copy of this notification must be forwarded to the SAC (for personnel assigned to a Region), and to the Director, LEI (for personnel assigned to the Washington Office).

7. Training Documentation. The Instructor shall certify all control tactics training on form FS-5300-51, and within 30 days, forward a copy of the documentation to the trainee and to the appropriate Supervisor to be included in the employee's official training folder.

### **5372.23 - Emergency Vehicle Operations Training**

In addition to meeting the requirements in FSM 7134, employees who operate and use motor vehicles equipped as emergency law enforcement vehicles shall complete an emergency vehicle operation course. A certified Federal, State, or local Instructor shall teach this training.

### **5372.24 - Legal Update Training**

Law enforcement personnel shall attend, at a minimum, 4 hours of legal refresher training every year. Legal topics covered must include constitutional rights issues, recent case decisions, and statutory law changes regarding relevant criminal and civil laws and regulations.

### **5372.25 - Annual 40 Hours of Required In-Service Training**

Law enforcement personnel shall attend, at a minimum, 40 hours of law enforcement training each calendar year. Hours spent in mandatory training and qualification requirements for firearms, control tactics, and legal update may be considered as qualifying hours for this annual required in-service training.

### **5372.26 - Controlled Substance Enforcement Training**

Law enforcement personnel who enforce provisions of Title 21, United States Code, shall have successfully completed the Forest Service Drug Enforcement Training Program (DETP) or equivalent authorized by the Director, LEI.

### **5372.27 - Transportation Security Administration Flying Armed Training**

All law enforcement personnel shall complete the Transportation Security Administration (TSA) "Law Enforcement Officer Flying Armed" training program prior to flying armed aboard commercial aircraft in the United States (49 CFR 1544.219). This program may be obtained from the Law Enforcement and Investigations Assistant Director, Training. Annual refresher review should be completed. Program is located on the LEI SharePoint.

### **5372.28 - Wildland Fire Origin and Cause Determination Training and Qualifications**

Law Enforcement Officers and Special Agents, who occupy a primary law enforcement position covered by special retirement provisions (5 CFR 842.802 and 5 CFR 842.803), shall attend the Wildland Fire Origin and Cause Determination Training Program (NWCG FI-210) or equivalent and acquire and maintain annual Wildland Fire Investigator (INVF) qualifications and certification (see FSH 5109.17, ch. 20). This will require LEI personnel to annually pass the 1.5 mile run of the LEI PEB at the 25th percentile, or pass the Work Capacity test at the light level, as well as attend the required annual fire line safety course. Reserve Law Enforcement Officers

should also meet these training and qualification requirements. Law Enforcement Officers and Special Agents should attend NWCG FI-210 refreshers annually.

### **5372.3 - Temporary Waiver of Required Training**

Except as provided in FSM 5372.21, paragraphs 9 and 10 and FSM 5372.22, paragraph 7, Forest Service advanced, in-service, and recertification training requirements may be temporarily waived if deemed necessary by the Director, LEI upon request of a Special Agent in Charge (for personnel assigned to a Region) or LEI Assistant Director (for personnel assigned to the Washington Office). Such waivers must occur only in situations where, due to unforeseen circumstances, law enforcement personnel are not able to attend the required training in a timely manner. The waiver must be in writing and must include the date that the required training must be completed.

### **5372.4 - Advanced Training**

#### **5372.41 - Federal Law Enforcement Training Center- Conducted Advanced, In-Service, and Recertification Training**

Law enforcement personnel are encouraged to participate in Federal Law Enforcement Training Center advanced training courses. The Law Enforcement and Investigations, Assistant Director, Training will provide information on these course offerings to all law enforcement personnel on a quarterly basis.

#### **5372.42 - State, Local, and Private Peace Officer Standards and Training Advanced, In-Service, and Recertification Training**

Law enforcement personnel are encouraged to identify and participate in State Peace Officer Standards and Training certified continuing professional training. Supervisors shall consider the benefits to both the employee and organization and the costs of attending these programs before approving attendance.

#### **5372.43 - Federal Bureau of Investigation National Academy Training**

Law enforcement personnel at grades GS-11 and above are encouraged to seek nomination to the Federal Bureau of Investigations (FBI) National Academy. Interested applicants should submit a letter of interest through their chain of command to the Director, LEI. Only the Director, LEI is authorized to approve Forest Service employees' application to the FBI National Academy.

#### **5372.44 - Advanced Wildland Fire Investigation Training**

Law enforcement personnel, who conduct or participate in complex wildland fire criminal or civil investigations, may attend advanced wildland fire investigation training presented by the Federal Law Enforcement Training Center (FSM 5372.41) or other sources.

## **5372.5 - Specialized Law Enforcement Equipment Training**

### **5372.51 - Electronic Control Devices**

1. Law enforcement personnel shall complete the Electronic Control Device Training program approved for Forest Service use prior to being authorized to carry or use electronic control devices (ECDs). This program must be approved by the Director, LEI and information may be obtained from the LEI Assistant Director, Training.
2. All training must be under the supervision of a Forest Service Certified ECD Instructor (FSM 5372.74).
3. Exposure to an ECD by employees during training is prohibited.
4. The Instructor shall certify the training, retain the original documentation, and within 30 days, forward a copy to the employee and to the appropriate Supervisor to be included in the employee's official training folder.

### **5372.52 - Annual Electronic Control Device Training**

Law enforcement personnel authorized to carry an electronic control device (ECD), shall annually demonstrate proficiency and proper use of an ECD. This annual proficiency demonstration must include the firing of a minimum of two ECD cartridges.

All training must be under the supervision of a Forest Service Certified ECD Instructor (FSM 5372.74). The Instructor shall document this training on the Control Tactics Qualifications and Training Record (FS-5300-51), retain the original, and within 30 days forward a copy of the original documentation to the employee and appropriate Supervisor to be included in the employee's official training folder.

ECD training requirements may be temporarily waived if deemed necessary by the Director, LEI, upon request of a Special Agent in Charge (for personnel assigned to a Region) or LEI Assistant Director (for personnel assigned to the Washington Office). Such waivers must occur only in situations where, due to unforeseen circumstances, law enforcement personnel are not able to attend the required training in a timely manner. The waiver must be in writing and must include the date that the required training must be completed.

## **5372.6 - Specialized Law Enforcement Operations Training**

### **5372.61 - Off-Highway Vehicle Training**

In addition to any requirements in FSH 6709.11 and FSH 7109.19, law enforcement personnel who perform duties on motorized forest development trails and off-highway vehicle areas shall have successfully completed a Forest Service training/familiarization program or a training program sponsored by a recognized training consultant in the use of such equipment.



### **5372.62 - Law Enforcement Watercraft Training**

In addition to any requirements in FSH 6709.11 and FSH 7109.19, law enforcement personnel operating watercraft shall adhere to the following standards:

1. All law enforcement personnel who operate and maintain a dedicated law enforcement patrol vessel for law enforcement purposes on extended patrols in ocean waters, on a regular basis, shall have successfully completed either:
  - a. The Marine Law Enforcement Training program conducted at the Federal Law Enforcement Training Center (FLETC); or
  - b. An equivalent U.S. Coast Guard sponsored training program (146-course hours minimum).
2. All law enforcement personnel who operate a small motorized vessel for the Agency and routinely conduct their duties on or from watercraft in marine or inland waters shall have successfully completed:
  - a. The Small Craft Enforcement Training program conducted at the FLETC; or
  - b. A state certified inland marine law enforcement training program, equivalent Federal certified marine operations training course, or other course approved by the SAC, or
  - c. The Forest Service Small Boat Operations Licensing program.
3. All law enforcement personnel operating motorized personal watercraft, such as jet-skis or wave-runners, shall have successfully completed:
  - a. A State or Federal equivalent certified law enforcement personal watercraft training program; or
  - b. A training program sponsored by a recognized training consultant in the use of personal watercraft for law enforcement operations; or
  - c. The Forest Service Small Boat Operations Licensing program.

### **5372.63 - Mountain Bicycle Patrol Training**

All law enforcement personnel conducting mountain bicycle patrol operations shall have successfully completed:

1. The Police Bicycle Training program conducted by the Federal Law Enforcement Training Center (FLETC); or
2. A State or Federal equivalent certified training program in the use of bicycles for law enforcement operations; or

3. A training program sponsored by a recognized training consultant in the use of bicycles for law enforcement operations.

#### **5372.64 - Motorized Snow Traversing Equipment**

In addition to any requirements in FSH 6709.11 and FSH 7109.19, law enforcement personnel operating snowmobiles or other motorized equipment designed for traversing snow-covered areas shall have successfully completed a Forest Service training/familiarization program or a training program sponsored by a recognized training consultant in the use of such equipment.

#### **5372.65 - Horse-Mounted Patrol Training**

In addition to any requirements in FSH 6709.11 and FSH 7109.19, law enforcement personnel utilizing stock in the performance of their duties must be certified prior to using stock.

1. Law enforcement personnel conducting horse-mounted law enforcement patrol shall have successfully attended:
  - a. U.S. Forest Service Horse-Mounted Patrol Training program for both the rider and the rider's assigned horse; or
  - b. State Certified Horse-Mounted Patrol Training program for both the rider and the rider's assigned horse; or
  - c. A Horse-Mounted Patrol Training program sponsored by another Federal agency for both the rider and the rider's assigned horse; or
  - d. A Horse-Mounted Patrol Training program sponsored by a recognized training consultant for both the rider and the rider's assigned horse.
2. Law enforcement personnel conducting horse-mounted law enforcement patrol for the purposes of crowd control shall have successfully completed a state or federal horse-mounted training course specifically identifying crowd control techniques.

#### **5372.66 - Non-Lethal Training Ammunition Training**

All training with non-lethal training ammunition (NLTA training) must be conducted under the supervision of a Firearms Instructor or a Control Tactics Instructor who is NLTA certified. All NLTA training must be in accordance with the Procedures for Conducting Training Using Non-Lethal Training Ammunition (NLTA) Manual. This manual may be obtained from the LEI Assistant Director, Training.

#### **5372.67 – Crowd Control and Chemical or Inert Projectile Systems Training**

All law enforcement personnel authorized to carry and use crowd control equipment (FSM 5385.04a, para. 4, FSM 5387.2, para. 1b, 2d, 5 and 6) shall complete required training as approved by the Director, LEI.

All law enforcement personnel authorized to carry and use chemical or inert projectile systems (FSM 5385.04a, para. 4, FSM 5387.2, para. 5) shall complete required training as approved by the Director, LEI.

### **5372.7 - Instructor Certification**

#### **5372.71 - Firearms Instructors**

Mandatory firearms training and qualifications (FSM 5372.21) must be conducted under the supervision of an Instructor certified by the Director, LEI. The Director, LEI may certify personnel who have completed the following requirements:

1. The Firearms Instructor Training program conducted by the Federal Law Enforcement Training Center (FLETC), and
2. The Firearms Instructor Refresher Training program, an advanced firearms instructor training program conducted by the FLETC, or a Control Tactics Instructor Refresher Training program approved by the Director, LEI at least once every 5 years.
3. Firearms Instructors are encouraged to attend the Use of Force Instructor Training program (UOFITP).

#### **5372.72 - Control Tactics Instructors**

Mandatory control tactics training and qualifications (FSM 5372.22) must be conducted under the supervision of a Control Tactics Instructor certified by the Director, LEI. The Director, LEI may certify personnel who have completed the following requirements:

1. The Law Enforcement Control Techniques Instructor Training program conducted by the Federal Law Enforcement Training Center (FLETC), and
2. The Law Enforcement Control Techniques Instructor Refresher Training program (LECTIRTP) conducted by the FLETC, or a Control Tactics Instructor Refresher Training program approved by the Director, LEI, at least once every 5 years.
3. Control Tactics Instructors are encouraged to also attend the Use of Force Instructor Training program (UOFITP).

#### **5372.73 - Health and Fitness Coordinators**

All coordination of health and fitness training, health screening, and administration of the annual fitness assessments must be conducted under the supervision of a Health and Fitness Coordinator certified by the Director, LEI. The Director, LEI may certify personnel who have completed the following requirements:

1. The Physical Fitness Coordinator Training program conducted by the Federal Law Enforcement Training Center (FLETC), and

2. The Physical Fitness Coordinator Refresher Training program, conducted by the FLETC or other course approved by the Director, LEI, at least once every 5 years.

#### **5372.74 - Electronic Control Device Instructors**

All mandatory electronic control device (ECD) training and certification shall be conducted under the supervision of a Forest Service Certified Instructor who has successfully completed the following requirements:

1. The Law Enforcement Control Tactics Instructor Training Program (LECTITP), conducted by the Federal Law Enforcement Training Center (FLETC), and is currently certified as a Forest Service Control Tactics Instructor (FSM 5372.72), and
2. The ECD Instructor Training program conducted by the FLETC or an ECD Training program approved by the Director, LEI.
3. The ECD Instructor Refresher Training program conducted by the FLETC or a Forest Service approved ECD Refresher Training program approved by the Director, LEI once every 5 years.

#### **5372.75 - Field Training Officers**

Field Training Officers (FTOs) shall have successfully completed the Forest Service Field Training Officer program. All field training for new Law Enforcement Officers (LEOs) must be conducted under the supervision of a full-time Forest Service LEO certified by the Director, LEI as an FTO. The Director, LEI may certify LEOs as FTOs who meet the following requirements:

1. Have a minimum of 5 years' experience as a full-range Patrol Officer, 3 of which must be with the Forest Service.
2. Have completed the FTO Instructor Training program in accordance with the Forest Service National Field Training and Evaluation Program for Law Enforcement Officers, presented by the LEI Assistant Director, Training (FSH 5309.11, ch. 70).
3. Have attended FTO update training every 5 years (FSH 5309.11, ch. 70).
4. Reserve Law Enforcement Officers shall not be Field Training Officers.

#### **5372.76 - Non-Lethal Training Ammunition Instructors**

All firearms training utilizing non-lethal training ammunition shall be conducted under the supervision of a Certified Firearms Instructor and Control Tactics Instructor (FSM 5372.71) who has successfully completed the Instructor Techniques for Non-Lethal Training Ammunition training course conducted by the Federal Law Enforcement Training Center.

### **5372.77 - National K-9 Program Roles and Responsibilities**

1. National K-9 Coordinator: This position is a supervisory level position and is a collateral duty assignment located within the Assistant Director of Enforcement and Liaison staff. The Director, LEI, shall appoint a person to the position for a minimum of 2-calendar years or until rescinded by the Director, LEI. The coordinator shall:
  - a. Serve as the LEI point of contact for the K-9 program.
  - b. Periodically review K-9 policy, procedure, training standards, and guidelines. Maintain a list of K-9 Evaluator training courses as approved by the Director, LEI.
  - c. Provide information, support and recommendations as needed to K-9 Handlers, their Supervisors, Regional Coordinators, Evaluators, Special Agents in Charge (SAC), and Assistant Directors (ADs).
  - d. Coordinate K-9 program activities through Regional K-9 coordinators with Handlers, their Supervisors, Evaluators, SACs, and ADs.
  - e. Disseminate to the Forest Service K-9 community information helpful to the K-9 program such as seminars, conferences, legal updates, and so forth.
  - f. Assist the K-9 Handler's Supervisor in monitoring and ensuring compliance with policy, certification, and training requirements. The certification requirements must be available in the K-9 Certification Guide approved by the Director, LEI.
  - g. Develop and maintain a library of dog acquisitions, certification guides, and training resources.
  - h. Maintain a collection of K-9 related reference tools and samples, including legal updates and case law.
  - i. Act as a monitor and advocate for the K-9 program with the LEI leadership team.
  - j. Arrange for K-9s to be issued badges and credentials by the Assistant Director, Training.
  - k. Arrange K-9 retirements and reassignments with Handlers, Supervisors, Regional Coordinators, SACs, and ADs.
  - l. Maintains Washington Office records on certifications, K-9 vendor acquisitions, program directions, contracts, and K-9 related MOUs and documents.
2. Regional K-9 Coordinator: This position is a collateral duty assignment. The position should be staffed by Supervisory level personnel. The incumbent is responsible for assisting in the selection of potential handlers and K-9s, coordinating training, and maintaining regional training and deployment records. The Regional Coordinator will provide guidance to handlers and supervisors within region and serve as a clearinghouse

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for canine information to management and the National Coordinator. Candidates selected for this position should have experience as a K-9 handler. The Special Agent in Charge in coordination with the National K-9 Coordinator shall select the Regional K-9 Coordinator within each region to serve for a minimum of 2-calendar years or until rescinded. The Regional Coordinator shall:

- a. Serve as Regional point of contact for the National K-9 program.
  - b. Periodically review K-9 policy, procedure, training standards, and guidelines. Maintain a list of K-9 Teams within region to track disciplines and recertification's and provide updates to the National K-9 Coordinator.
  - c. Provide information, support, and recommendations as needed to K-9 Handlers, their Supervisors, Evaluators, SAC's, and the National K-9 Coordinator.
  - d. Disseminate information helpful to Regional K-9 Handlers such as training groups, conferences, and pertinent legal updates.
  - e. Assist the K-9 Handler's Supervisor in monitoring and ensuring compliance with policy, certification, training, and K-9 housing requirements.
  - f. Act as an advocate for the K-9 program with the Regional LEI leadership team. Inform the National K-9 Coordinator and the Regional Office on K-9 use of force deployments, K-9 behavior or physical issues, or K-9 Team deficiencies.
  - g. Ensure adequate security and accountability of all drug or detection training aids.
3. K-9 Team Evaluators: A K-9 Team Evaluator has been trained to evaluate K-9 Teams using the Forest Service K-9 Qualification Standard and has been certified as a K-9 Evaluator by the Director, LEI.
  - a. Evaluators shall be current Forest Service Law Enforcement Officers, or Special Agents, with a minimum of 5 years of experience as Forest Service K-9 Handlers, and at least 400 hours of documented training in patrol and at least 200 hours of documented training in the area of evaluation (patrol, tracking, scent articles or detection).
  - b. Each new Evaluator shall participate with a minimum of two evaluation trips with an experienced Evaluator and conduct one evaluation under the supervision of a trained Evaluator.
  - c. Evaluators shall attend an evaluator training program approved by the Director, LEI. A list of approved evaluator training programs must be maintained by the National K-9 Coordinator.
  - d. Evaluators shall receive 40 hours of additional K-9 training every 2 years as identified by the National K-9 Coordinator and approved by the Director, LEI.

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- e. Evaluators shall assist new Handlers in the selection of new K-9s following agency standards and approved pre-selection guidelines.
4. K-9 Team Handlers: K-9 Handler responsibilities include, but are not limited to the following:
- a. Controlling the actions of their K-9 in the performance of their duties and during off-duty hours.
  - b. Maintaining accurate K-9 records and submitting these reports to Supervisors as required.
  - c. Maintaining the health and safety of the K-9 and the serviceability of the K-9 equipment and vehicle.
  - d. All police K-9 Handlers must maintain a basic knowledge of first aid and emergency treatment for their canines and be aware of symptoms and emergency treatment of any major injuries, illnesses, or afflictions to include heat stroke, convulsions, poisoning, snake bites, burns, insect bites or stings. K-9 Handlers must be capable of performing artificial respiration and external heart massage on their canines.
  - e. Ensuring that the K-9 receives proper nutrition, grooming, training, rest, medical care, affection, and living conditions necessary for a K-9 to perform all career related activities safely and proficiently.
  - f. Ensuring adequate security and accountability of all drug or detection training aids.
  - g. Ensure K-9's kennel, living space, and vehicle transport are inspected daily and kept free of feces, urine, and debris.
  - h. Food and water bowls shall be kept clean and free of debris and feces and frequently sanitized to prevent any potential illness.
  - i. Ensure K-9 receives proper levels of exercise appropriate to weight and breed as recommended by a veterinarian.
  - j. K-9 Handlers shall immediately report any injury, illness, or deficient performance of the K-9 to the K-9 Team's Supervisor.
5. K-9 Team Supervisor: K-9 Team Supervisor's responsibilities include, but are not limited to the following:
- a. Shall attend training that includes management of a K-9 program, for example, liability, K-9 uses, legal case law within 1 year of being assigned to supervise one or more K-9 Teams.

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- b. Is responsible for overseeing the management of the K-9 Team and ensuring that all training and responsibilities of the K-9 Handler are met.
- c. Ensures that Handlers attend all required training and maintain certification.
- d. Ensures that Handlers use, training, and K-9 medical records are accurate and current.
- e. Ensures that the housing, safety, and care of the K-9 is in accordance with section (5389.12A section 10)
- f. Ensures that financial cost to the Government is accurately identified annually. This is done in conjunction with the Handler and cost adjusted as identified.
- g. Ensures funds necessary for the routine support of the K-9 Team is identified and planned properly during the allocation of the budget. Funds must be made available to the K-9 Team using established LEI procurement practices/policy.
- h. Shall conduct and document a minimum of one annual welfare evaluation on the K-9 Team to include adequate grooming, care of the K-9, work transportation conditions, and residential housing accommodations. Additional inspections may also be conducted by the Supervisor, Regional/National Coordinator, or secondary level Supervisor to ensure compliance with residential kennel maintenance, security, care, medical status, and welfare of the K-9. If any discrepancies are noted, they must be corrected as soon as practical.
- i. K-9 Team Supervisor shall immediately notify the Regional K-9 Coordinator of any injury, illness, deficient performance, or other identified K-9 policy discrepancies. Serious deficiencies shall be reported to the National K-9 Coordinator as soon as possible.

### **5372.8 – K-9 Teams**

The primary purpose of Forest Service K-9 teams is supporting LEI operations and the agency's mission by providing invaluable assistance and expertise to search, apprehend, and locate outstanding suspects or evidence safely and effectively. Therefore, all K-9 Teams shall meet and maintain certifications in the disciplines that they are trained in and approved by the Director, LEI.

K-9 Teams shall certify in tracking or trailing, article search and recovery, and controlled substance detection unless otherwise approved by the Director, LEI. Additional detection training and certification approval must be requested from the Director, LEI, through the officer's chain of command with concurrence of the National K-9 Coordinator as to the suitability of the K-9 for such task.



K-9s and their Handlers (K-9 Teams) shall be subject to continual, rigorous training in law enforcement techniques to ensure that the K-9 shall continue to respond to the commands of the Handler and the Handlers can effectively use the K-9 to their full capability.

### **5372.81 - Selection of K-9 Handlers**

Special Agents in Charge shall ensure that potential K-9 Handlers are interviewed to determine suitability for the duties of a K-9 Handler. K-9 Handler candidates shall be interviewed by a panel consisting of at least three of the following, a Patrol Captain, Commander, SAC, Regional K-9 Coordinator, Evaluator, current K-9 Handler, and the National K-9 Coordinator. K-9 Teams shall be in areas where operational factors ensure adequate use of the team to ensure a sufficient level of use to maintain a high level of proficiency. All final selections shall be submitted to the Director, LEI, for approval in accordance with the following guidelines:

1. A K-9 handler must be a Forest Service Law Enforcement Officer, beyond initial employment probationary position and having at least 3 years of experience with the agency with satisfactory performance ratings.
2. Handlers shall agree to be a K-9 Handler for a minimum of 3 years and agree to travel for assignments in support of mission needs.
3. Handlers should exhibit the following character traits:
  - a. Maturity.
  - b. Patience.
  - c. Initiative.
  - d. Flexibility.
  - e. Dependability.
  - f. Enthusiasm.
  - g. Emotional Stability.
4. Handlers should possess excellent verbal and written communication skills.
5. Handlers should be in good health and physical condition.
6. Handlers should be comfortable with and have an understanding of dogs.
7. Handlers should exhibit excellent interpersonal skills and relationship with the public and other employees.
8. Handlers should have adequate accommodations to provide for the health, security, and availability of the K-9.

9. Handlers should have a good attendance, safety, and driving record.
10. Handlers shall successfully complete the required training program and pass all certification(s).
11. Handlers shall not be Supervisory Patrol Captains.
12. Field Training Officers (FTO) that are K-9 Handlers can be assigned a trainee on a limited timeframe during a training phase to introduce the National K-9 program to new LEOs. This limited timeframe shall be graded and incorporated in the allotted phase.
13. The Special Agent in charge or designee shall work with the Regional and National K-9 Coordinators in the event a K-9 reassignment is warranted due to disciplinary action, operational needs, handler retirement, reassignment, or promotion.

#### **5372.82 - Initial Training and Certification Requirements**

1. Before assignment in the field, K-9 Teams shall be certified to meet State and/or National training standards from an approved training program. The National K-9 Coordinator shall maintain a list of approved training programs.
2. Agency K-9 qualification standards must be provided to the initial training program administrator prior to initial training.
3. Within 3 months of field assignment, each team shall also be evaluated by a Forest Service K-9 Team Evaluator (FSM 5372.77) and be certified as meeting the Forest Service K-9 Qualification Standard approved by the Director, LEI. The Evaluator shall document the certification on the LEI approved form and enter it into the LEI Reporting System. The Evaluator, within 30 days, shall provide a copy of the form to the Handler, Regional K-9 Coordinator, to the Handler's Special Agent in Charge (SAC) for inclusion in the Officer's training folder, LEI Reporting System, and to the National K-9 Coordinator.

#### **5372.83 - Annual Certification and Training Requirements**

1. Each K-9 Team shall be evaluated by a Forest Service K-9 Team Evaluator (FSM 5372.77) and be certified in accordance with the Forest Service K-9 Certification Guide once every 12 months. This Guide may be obtained from the National K-9 Coordinator. The Evaluator shall record the certification on the LEI approved form and enter it into the LEI Reporting System. The Evaluator will, within 30 days, provide a copy of the form to the Handler and the National K-9 Coordinator. The National K-9 Coordinator will send notification to the SAC or their designee for inclusion in the Officer's training folder and LEI Reporting System.
2. K-9 Teams shall attend a minimum of 24 hours of in service and/or advanced training per calendar year in addition to the 4 hours per week requirement.

3. K-9 Teams that are assigned to areas that have a state standard may also maintain that certification standard with the approval of the SAC, Regional K-9 Coordinator, or National K-9 Coordinator.
4. In the event the K-9 or Handler are injured and out of service for more than 30 calendar days, an evaluation by a Forest Service K-9 Evaluator shall be completed before the K-9 Team is placed back into service.

#### **5372.84 - Annual Certification Procedures**

1. In order to avoid any perceived conflict of interest between the Forest Service K-9 Team Evaluator and the K-9 Team, the Evaluator conducting the certification:
  - a. Shall not have a monetary interest in the dog or in the training of the K-9 Team being evaluated.
  - b. Shall not be the K-9's Handler.
  - c. Shall not be the supervisor of the Handler.
2. If a K-9 Team fails the Forest Service certification, the Evaluator shall notify the National K-9 Coordinator, Regional K-9 Coordinator, and the Handler's SAC within 24 hours of failure. The Handler's SAC shall ensure the K-9 is removed from service in the failed skill until certification is achieved. This does not preclude the K-9 from riding with the Handler while on duty going to and from, or during, remedial training. Absent extenuating circumstances, certification must be obtained within 30 calendar days of the certification failure, or the K-9 may be immediately removed from service or reassigned for remedial training at the discretion of the SAC with guidance from the Regional and National Coordinators.

#### **5372.85 - Maintenance Training**

K-9s and Handlers shall continually complete training in law enforcement techniques to ensure their competency. The training must be documented on the LEI approved form and entered into the LEI Reporting System.

1. Each Handler must participate in a minimum of 4.0 hours per week of maintenance training such as obedience and the disciplines the K-9 Team is certified in.
2. K-9 Handlers are encouraged to engage in additional training with Supervisor's approval.
3. To ensure consistency, all training must be conducted in accordance with the Forest Service policy.

K-9 Handlers are encouraged to attend (with Supervisor's approval) law enforcement K-9 workshops, trials, and so forth for refining and testing their skills. These events provide an avenue for Handlers to gather new information, learn/observe new techniques as well as provide visibility for Forest Service LEI and the National K-9 program.

### **5372.86 - Documentation of K-9 Team Training and Certification**

1. All K-9 evaluations must be documented by a K-9 program Evaluator on the K-9 Team Evaluation Form within the K-9 certification guide approved by the Director, LEI.
2. Handlers shall document all training on the LEI approved K-9 Training form and enter it into the LEI Reporting System.
3. Documentation of satisfactory completion of State and/or training vendor certifications, and initial and annual K-9 Team certifications, must be forwarded to Regional K-9 coordinator, National K-9 coordinator, and the SAC to be included in the employee's official training folder and entered into the LEI Reporting System.
4. All K-9 Handlers shall establish and maintain a training folder for their K-9. Training folders must be kept in a secure location. The folders must contain documentation and/or certifications of the weekly maintenance, in-service and/or advanced K-9 related training, and any certifications received. All training folders shall be updated within 5 days of the documented event. A copy of all training records must be supplied to the K-9 Handlers' immediate Supervisor, Regional K-9 Coordinator, and entered into the LEI Reporting System.
5. All K-9 Team Supervisors shall review required K-9 training records monthly. K-9 Team Supervisors shall notify and discuss concerns identified from the monthly review with the Handler and Regional K-9 Coordinator as applicable within 5 business days toward an appropriate remedy. Regional K-9 Coordinators shall minimally review a random sampling of K-9 records from the LEI Reporting System with K-9 Team Supervisors quarterly and shall notify the SAC and National K-9 Coordinator within 5 business days should concerns arise. These review requirements are not designed to limit voluntary coordination between any Regional or Washington Office K-9 personnel at any time.

### **5372.87 - K-9 Handlers Uniform Standards**

Certified K-9 Handlers are authorized to wear sewn-on badges and nametags, and nylon duty belts, while on patrol. Purchase of these components must be at Government expense.

Authorized shirt modification must be obtained only from vendors and to standards approved by the Director, LEI. Reference the approved uniform guide maintained by the National K-9 Coordinator.

### **5372.9 - Leadership and Management Training**

#### **5372.91 - Law Enforcement Supervisor Leadership Training Program**

1. Participants. The Law Enforcement Supervisor Leadership Training Program (LESLTP) is for Supervisory Special Agents and Supervisory Law Enforcement Officers. Non-supervisory positions can be authorized by the SAC for personnel assigned to a region and the Director, LEI for personnel assigned to the Washington Office.

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2. Course Objective. The objective is to provide basic supervision and leadership skills to appointed first-line Supervisors in accordance with FSH 6109.13, Performance, Training, and Awards Handbook.
3. Instructor. The program is presented by the Federal Law Enforcement Training Center.
4. Course Requirements. Priority for attendance at this course requires the employee to be in a supervisory position.

**5372.92 - Law Enforcement Manager Training Program**

1. Participants. The Law Enforcement Manager Training Program (LEMTP) is recommended for all GS-13 and above supervisory law enforcement personnel.
2. Course Objective. The objective is to strengthen previously acquired supervisory and management skills and relate them to the field of law enforcement.
3. Instructor. The program is presented by the Federal Law Enforcement Training Center.
4. Course Requirements. Attendance at this course requires the employee to be in a supervisory or management position.

**5373 – Suitability Requirements**

**5373.01 - Authority**

The Office of Personnel Management regulations for the Civil Service Retirement System and the Federal Employee Retirement System require agencies to document that they have established qualification and medical standards for entry as Special Agents or Law Enforcement Officers (5 CFR 831.907 and 842.802). Pursuant to this authority, the Forest Service has established suitability requirements for its law enforcement personnel.

**5373.02 – Objective**

1. To establish and maintain a professional law enforcement organization comprised of qualified law enforcement personnel.
2. To establish suitability requirements for applicants to entry level law enforcement positions.

**5373.03 - Policy**

It is the policy of the Forest Service that only qualified individuals may be selected for law enforcement positions. Accordingly, the Forest Service shall consider only applicants who meet all suitability standards for law enforcement positions.

#### **5373.04 – Responsibility**

##### **5373.04a - Washington Office, Director of Law Enforcement and Investigations**

It is the responsibility of the Washington Office, Director, LEI, to:

1. Ensure that only qualified applicants are considered for law enforcement positions.
2. Serve as the selecting official for all Special Agent and Law Enforcement Officer Positions assigned to the Washington Office, and for all LEI positions assigned to the Regions at grades GS-14 and above.
3. Ensure that law enforcement personnel assigned to the Washington Office have successfully met all suitability requirements.

##### **5373.04b - Special Agents in Charge and Assistant Directors**

It is the responsibility of Special Agents in Charge to:

1. Ensure that only qualified applicants are considered for law enforcement positions.
2. Serve as the selecting official for all law enforcement and investigations positions assigned to their Regions or staff areas at grades GS-13 and below.
3. Ensure that law enforcement personnel assigned to a Region or staff area have successfully met all suitability requirements.

##### **5373.04c - Director of Human Resources Management**

It is the responsibility of the Director, Human Resources Management staff to:

1. Ensure the selection process is monitored and required medical examination, drug test, and background investigation are obtained.
2. Ensure a file is maintained that includes the results of the medical examination, drug test, and background investigation.
3. Ensure vacancy announcements meet all the requirements set forth in FSM 5373.11.

#### **5373.1 - Selection Process**

##### **5373.11 - Vacancy Announcements**

1. Vacancy announcements for Law Enforcement Officer Positions must include the following:
  - a. Final appointment is conditional upon the following:

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- (1) Meeting all physical requirements and medical standards as outlined in Forest Service Manual (FSM 5374; to be determined by a pre-employment medical examination. Medical and physical requirements apply to law enforcement positions under the special retirement provisions (5 U.S.C. 8412(d) and 5 U.S.C. 8336(c)). Enforcement and investigative activities are often conducted under hazardous conditions with walking, climbing, reaching, pulling, crouching, or running over rough terrain as required, as well as prolonged periods of patrol work. Strenuous physical exertion is frequently required, such as, when apprehending individuals of varying strengths who may be combative or under the influence of alcohol or drugs.
  - (2) Passing a pre-employment drug test (49 U.S.C. 382, E.O. 12564 and FSM 5373).
  - (3) Obtaining initial certification by the U.S. Department of Agriculture or Forest Service Background Investigation and Security Clearance Adjudicator to occupy a Moderate Risk Public Trust Position (Code 5) (5 CFR 731.302 and FSM 5303). Applicants shall complete and sign a waiver that provides for the release of information needed to complete the background investigation.
  - (4) Be aware that the position often requires irregular and unscheduled hours, personal risks, arduous exertion under adverse environmental conditions, and considerable overnight travel.
  - (5) Incumbents shall be a minimum age of 21 and not yet have reached their 37th birthday for original entry into a primary/rigorous law enforcement position.
- b. Continued retention in the position of a Law Enforcement Officer is conditional upon:
- (1) Successfully completing the Land Management Police Training (LMPT) program attended at the Federal Law Enforcement Training Center (FLETC).
  - (2) Passing any applicable portions of the physical efficiency battery to be administered during attendance to the LMPT at the FLETC.
  - (3) Successfully completing the Forest Service 12-Week Field Training and Evaluation Program (or 6-Week program if approved in lieu) in compliance with Forest Service policy at FSM 5376 and FSH 5309.11, chapter 70.
  - (4) Meeting all Agency requirements for physical and medical standards as authorized at FSM 5374.

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- (5) Meeting all Agency requirements for mandatory training, recertification training, and qualification requirements under FSM 5372.
  - (6) Obtaining the necessary continuing certification by the U.S. Department of Agriculture or Forest Service Background Investigation and Security Clearance Adjudicator to occupy a Moderate Risk Public Trust Position (Code 5) (5 CFR 731.302 and FSM 5303). Applicants shall complete and sign a waiver that provides for the release of information needed to complete the background investigation and security clearance.
  - c. Successful completion of random drug testing during employment (49 U.S.C. 382, E.O. 12564 and FSM 5373).
  - d. The incumbent is required to qualify to carry and use Government-owned firearms as part of assigned duties and maintain such qualifications. In accordance with 18 U.S.C. 922(g)(9), which became effective September 30, 1996, applicants are ineligible for this position if, at any time, they have been convicted of a misdemeanor crime of domestic violence, unless such conviction was expunged, set aside, or the applicant received a pardon.
2. Vacancy announcements for Special Agent positions must include the following:
- a. Final appointment is conditional upon the candidate:
    - (1) Meeting all physical requirements and medical standards as outlined in Forest Service Manual (FSM 5374; to be determined by a pre-employment medical examination. Medical and physical requirements apply to Criminal Investigators under the special retirement provisions (5 U.S.C. 8412(d) and 5 U.S.C. 8336(c)). Investigative activities are often conducted under hazardous conditions with walking, climbing, reaching, pulling, crouching, or running over rough terrain as required, as well as prolonged periods of surveillance work. Strenuous physical exertion is frequently required, such as, when apprehending individuals of varying strengths who may be combative or under the influence of alcohol or drugs.
    - (2) Passing a pre-employment drug test (49 U.S.C. 382 and E.O. 12564).
    - (3) Obtaining initial certification by the U.S. Department of Agriculture or Forest Service Background Investigation and Security Clearance Adjudication Officer to occupy a Critical Sensitive Position with Top Secret access (Code 3) (5 CFR 731.302 and FSM 5303). Applicants shall complete and sign a waiver that provides for the release of information needed to complete the background investigation and security clearance.



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- (4) Be aware that the position often requires irregular and unscheduled hours, personal risks, arduous exertion under adverse environmental conditions, and considerable overnight travel.
    - (5) Incumbents shall be a minimum age of 21 and not yet have reached their 37th birthday for original entry into a primary/rigorous law enforcement position.
  - b. Continued retention in the position of a Criminal Investigator is conditional upon:
    - (1) Successfully completing the Criminal Investigator Training Program (CITP) or approved alternate training at the FLETC or other approved facility unless waived by Director, LEI.
    - (2) Passing any applicable portions of the physical efficiency battery to be administered during attendance to the CITP at the FLETC.
    - (3) Meeting all Agency requirements for physical and medical standards as authorized at FSM 5374.
    - (4) Meeting all Agency requirements for mandatory training, recertification training, and qualification requirements under FSM 5372.
    - (5) Obtaining the necessary continuing certification by the U.S. Department of Agriculture or Forest Service Background Investigation and Security Clearance Adjudication Officer to occupy a Critical Sensitive Position with Top Secret access (Code 3 (5 CFR 731.302 and FSM 5303). Applicants shall complete and sign a waiver that provides for the release of information needed to complete the background investigation and security clearance.
    - (6) Maintaining the requirements set forth in the Law Enforcement Availability Pay (LEAP) Act of 1994, and related Forest Service policies. The incumbent shall, on an annual basis, work an average of 2 hours of unscheduled duty in excess of each regular workday and to be eligible for LEAP, which is 25 percent of the annual base pay.
- 3. Successfully completing random drug testing during employment (49 U.S.C. 382, E.O.12564 and FSM 5373).
- 4. The incumbent is required to qualify to carry and use Government-owned firearms as part of assigned duties and maintain such qualifications. In accordance with 18 U.S.C. 922(g)(9), which became effective September 30, 1996, applicants are ineligible for this position if, at any time, they have been convicted of a misdemeanor crime of domestic violence, unless such conviction was expunged, set aside, or the applicant received a pardon.

### **5373.12 - Final Selection**

The selecting official shall ensure that prior to their employment, the candidate has:

1. Passed a pre-employment drug test administered through the U.S. Department of Agriculture (USDA) drug-testing program.
2. Met all medical and physical requirements for the position of Special Agent or Law Enforcement Officer, to be determined by a pre-employment medical examination.
3. Successfully completed the required background investigation and security clearance. The selected candidate may occupy the position while the background investigation and security clearance is being completed; however, continued retention is dependent upon the incumbent receiving the required adjudication certification to occupy the position by the U.S. Department of Agriculture or Forest Service Adjudication Officer.

### **5373.2 - Background Investigation**

Law enforcement personnel and administrative employees within the Law Enforcement and Investigations program shall comply with the minimum background investigation and security clearance requirements in FSM 5303.7, paragraph 2.

#### **5373.21 - Background Investigation Not Required**

Law enforcement personnel and administrative employees within the Law Enforcement and Investigations program are exempt from the initial background investigation requirement if the

U.S. Department of Agriculture or Forest Service Background Investigation Adjudication Officer certifies that a valid prior background investigation and security clearance meets the requirements of FSM 5303.7, paragraph 2.

### **5373.3 - Drug Testing**

Drug testing must be in accordance with the U.S. Department of Agriculture drug-testing program.

#### **5373.31 - Drug Testing Not Required**

Forest Service law enforcement personnel who are currently in the U.S. Department of Agriculture drug-testing program are exempt from pre-employment drug testing. Current Forest Service employees who are selected to serve as Reserve Law Enforcement Officers will need to undergo drug screening procedures prior to their attendance of Land Management Police Training at the Federal Law Enforcement Training Center.

### **5373.4 - Pre-Employment Medical Examination**

All new appointees for Law Enforcement Officer or Special Agent positions, under special retirement provisions of 5 U.S.C. 8412(d), are required to undergo a pre-employment medical

examination by an Agency-designated Physician to determine if they are physically and medically qualified to perform the full duties of that position. All examinations must be conducted in accordance with the procedures outlined in FSM 5374.

Forest Service law enforcement personnel who occupy a full-time law enforcement position at the time of their selection or appointment are exempt from the pre-employment medical examination requirement.

### **5373.5 - Reserve Law Enforcement Officers**

The law enforcement authority of Reserve Law Enforcement Officers shall not be extended beyond the employee reaching the age of 57.

## **5374 – Physical requirement and Medical Standards**

### **5374.01 - Authority**

Office of Personnel Management regulations under the Federal Employee Retirement System require agencies to document that they have established physical requirements for Special Agent (SA) and Law Enforcement Officer (LEO) positions covered by special retirement provisions (5 CFR 842.802). Title 36, Code of Federal Regulations, sections 339.202 and 339.203 (36 CFR 339.202 and 339.203) authorize the establishment of standards and 5 CFR 339.301 requires medical examinations. Pursuant to these authorities, the Forest Service has established physical requirements and medical standards for SA and LEO positions under special retirement provisions (5 U.S.C. 8412(d)).

### **5374.02 – Objectives**

1. To provide realistic standards to ensure that employees are physically capable of safely and efficiently performing the essential duties and responsibilities of the position of Special Agent (SA) and Law Enforcement Officer (LEO).
2. To meet the Office of Personnel Management's requirements that agencies establish physical requirements and medical standards for individuals entering and retaining SA and LEO positions under special retirement provisions (5 U.S.C. 8412(d)).
3. To orient examining Physicians to the medical disorders and physical conditions that could render a new appointee/employee unable to meet the functional requirements for the position of SA or LEO or that could place the employee or others at risk.
4. To provide a consistent basis for examining and reviewing Physicians to evaluate a new appointee/employee's fitness for duty.

### **5374.04 – Responsibility**

#### **5374.04a - Washington Office, Director of Law Enforcement and Investigations**

It is the responsibility of the Washington Office, Director, LEI to:

1. Oversee the development and application of physical requirements and medical standards within the LEI program (FSH 6109.12, sec. 42.5).
2. Ensure that pre-employment or fitness for duty medical examinations, as necessary, are scheduled for new appointees/employees assigned to the Washington Office in Special Agent or Law Enforcement Officer Positions under special retirement provisions (Title 5, United States Code, section 8412(d)).

#### **5374.04b - Special Agents in Charge**

It is the responsibility of the Special Agents in Charge to ensure that pre-employment or fitness for duty medical examinations, as necessary, are scheduled for new appointees/employees in Special Agent or Law Enforcement Officer positions under special retirement provisions (5 U.S.C. 8412(d)) and that are assigned to the Region.

#### **5374.04c - Director of Human Resources Management**

It is the responsibility of the Director, Human Resources Management staff, to:

1. Ensure the examining Physician is provided with the proper documentation and orientation material needed to conduct the medical examinations (FSM 5374.31).
2. Ensure the following information is provided in writing to the new appointees/employees:
  - a. That the new appointees/employees are required to report to the examining Physician any medical treatment they are undergoing that may affect their ability to perform the duties of a Law Enforcement Officer or Special Agent (FSM 5374.33).
  - b. A list of licensed Physicians, determined by the Forest Service, to conduct the medical examination.

#### **5374.04d - Special Agents and Law Enforcement Officers**

It is the responsibility of all Special Agents and Law Enforcement Officers to report to fitness for duty medical examinations as directed.

#### **5374.1 - Pre-Employment Medical Examinations**

Each new appointee for Special Agent or Law Enforcement Officer Positions under special retirement provisions (5 U.S.C. 8412(d)) shall pass a medical examination performed by a licensed Physician.

#### **5374.11 - Fitness for Duty Medical Examinations**

Fitness for duty examination standards applies to all Special Agent or Law Enforcement Officer positions under special retirement provisions (5 U.S.C. 8412(d)). When law enforcement

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personnel are unable to successfully carry out their essential functions and work conditions as a result of a physical impairment or medical condition, the Director, LEI (for employees assigned to the Washington Office) or the Special Agent in Charge (for employees assigned to a Region) may, at any time, require that employee to undergo a fitness for duty medical examination for the purpose of evaluating the employee's fitness and ability to successfully carry out the essential functions and work conditions. All fitness for duty medical examinations must be in accordance with Agency standards and procedures for medical examinations (FSM 5374.3). In non-OWCP related injuries or illnesses, the employee may seek a second opinion by a mutually agreed upon physician in the appropriate specialty at the employee's expense. The physician will have no prior connection with the case.

Law enforcement personnel, who refuse to submit to fitness for duty medical examinations requested by the Forest Service, may be subject to reassignment to an available position for which they are qualified, or to appropriate administrative action up to and including removal.

#### **5374.2 - Physical Requirements and Medical Standards**

Physical requirements and medical standards have been established for Special Agent and Law Enforcement Officer positions under special retirement provisions (5 U.S.C. 8412(d)) (ex. 01). See FSH 6109.12, chapter 40 for direction on the administration of law enforcement retirement.

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**USDA Forest Service**  
**Law Enforcement and Investigations**

**Physical Requirements and Medical Standards for the Position of Law Enforcement Officer or  
Special Agent**

**PHYSICAL REQUIREMENTS**

1. The duties of a Forest Service Law Enforcement Officer or Special Agent require moderate to arduous physical exertion involving walking and standing, use of firearms, affecting arrests, and exposure to inclement weather. Applicants/employees shall possess the following general attributes unless an appropriate medical determination results in the conclusion that they may perform the duties of a Law Enforcement Officer or Special Agent satisfactorily:
  - a. Arms, hands, legs, and feet intact and functioning;
  - b. Full range of motion of all joints, limbs, and trunk;
  - c. Average manual dexterity and hand-eye coordination;
  - d. Average strength for age and build;
  - e. Acceptable eyesight;
  - f. Acceptable hearing;
  - g. Normal vocal abilities; and
  - h. Emotional and mental stability.

**MEDICAL STANDARDS**

1. Individuals who require assistance from artificial or mechanical devices such as artificial joints, prosthetic devices (artificial legs, arms, hands, and so forth) and other medical devices, upon request for accommodation, will be evaluated on a case-by-case basis to determine their ability to perform the essential functions of the job tasks and ascertain if there are limitations with the device(s) that would prohibit performing the essential functions of the job tasks.
2. Upon request for accommodation, the individual will provide a letter from the applicable orthopedic Physician certifying that the device(s) is consistent with the ability to perform the essential functions of the job tasks.
3. In general, the applicant/employee shall have no physical impairments that would prevent the performance of law enforcement tasks such as using firearms, making searches, and/or carrying out arrests.

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4. The applicant/employee shall have no physical impairments that inhibit performance of required practical exercises and tasks while in mandatory training programs, either at the Federal Law Enforcement Training Center (FLETC) and/or other training facilities, approved by the Washington Office, Director, LEI. Specific information regarding FLETC practical exercise performance requirements for both the Criminal Investigator Training Program and Land Management Police Training are located in FLETC Directive No. 91-01.E.

The medical terminology that appears in this section was reviewed and approved by medical and occupational health specialists from the U.S. Public Health Service and other units of the U.S. Department of Health and Human Services and has previously been adopted by the U.S. Department of Agriculture, Office of Inspector General for law enforcement positions.

The medical conditions listed should be considered during the review of the medical history and physical examination. They are not intended to be all encompassing nor are they meant to establish absolute requirements for Forest Service Law Enforcement Officer or Special Agent positions. Rather, they are provided to aid the examining Physician and Forest Service management officials in determining what medical problems may hinder the individual's ability to satisfactorily perform the actual work without causing undue risk to themselves or others, and to ensure consistency in the application of these standards for applicants as well as employees.

5. **Eyesight.** Concerns the ability to see and be free of visual problems. Any condition that may interfere with visual acuity or put the eye at risk may render an individual unable to meet the functional requirements.
  - a. The individual should meet the following requirements:
    - (1) Near Vision. Corrected or uncorrected must be sufficient to read printed material the size of typewritten characters. Normal depth perception and peripheral vision are required.
    - (2) Contrast Sensitivity. Normal contrast sensitivity is required to rule out problems with night vision.
    - (3) Far Vision. Good distance vision in each eye. With or without correction should test at least 20/20 in one eye and at least 20/40 in the other eye.
    - (4) Color Vision. Sufficient to distinguish basic colors.
  - b. Impairments. The following are examples of impairments that may affect the individual's ability to perform required duties.
    - (1) Current cataracts.

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- (2) Glaucoma not adequately controlled or with significant visual field loss.
- (3) Proliferative retinopathy.
- (4) Retinal detachment.
- (5) Refractive keratoplasty.

6. **Ears and Hearing.** The occupational significance of this area concerns the ability to hear and to maintain body equilibrium adequately on standard tests of vestibular function. The ability to hear is acceptable if the individual meets the standard by an audiometer test, with or without a hearing aid, where there is auditory discrimination at 35 decibels at 1000, 2000, and 3000 Hz level in each ear.

The applicant/employee may be retested after a noise-free period of at least 15 hours, before the applicant/employee can be disqualified for a hearing loss.

7. **Nose, Mouth, and Throat.** The occupational significance of this area is that distinct speech, odor detection, and free breathing is required. The presence of any serious acute or chronic disease or condition affecting the respiratory system and/or functional abnormality of the ears, nose, mouth, or throat that interferes with the ability to perform required functions are to be considered.

Any abnormalities of the nose, throat, or mouth that interfere with breathing or distinct speech or permanent loss of sense of smell may affect the individual's ability to meet the functional requirements.

8. **Peripheral Vascular System.** The occupational significance of this area concerns the efficiency of the vascular system for maintaining adequate blood flow. Any condition that interferes with the peripheral vascular system's normal functioning could render the individual unable to meet functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties:

- a. Chronic venous insufficiency.
- b. Peripheral vascular disease.
- c. Thrombophlebitis.

9. **Heart and Cardiovascular System.** The occupational significance of this area concerns the ability of the heart to provide the functional work capacity to meet the oxygen demands of physical work tasks. Any condition that would interfere with heart function could render an individual unable to meet the functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Angina.



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- b. Cardiomyopathy.
  - c. Congestive heart failure.
  - d. Coronary artery disease.
  - e. Electrocardiogram (EKG) abnormalities associated with disease, including arrhythmia incompatible with functional work capacity.
  - f. Hypertension, with repeated readings that exceed 150 systolic and 90 diastolic without medication.
  - g. Organic heart disease.
  - h. Mild controlled hypertension (less than 140 over 90 with limited medication may be acceptable).
10. **Chest and Respiratory System.** The occupational significance of this area concerns lung function, breathing capacity, and freedom from airway obstruction. This is a key area to job performance in terms of the respiration needed to perform physical tasks and to be free to move about in various environments. Any condition that may significantly interfere with the breathing capacity could render the individual unable to meet the functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties.
- a. Asthma, associated with reduced pulmonary function.
  - b. Reduced pulmonary function, if FEV1 is less than 65 percent of vital capacity.
  - c. Chronic bronchitis.
  - d. Chronic obstructive pulmonary disease.
  - e. Bronchiectasis.
  - f. Pneumonectomy.
  - g. Pneumothorax.
  - h. Pulmonary tuberculosis, active or with significant lung destruction.
11. **Abdomen and Gastrointestinal System.** The occupational significance of this area concerns a variety of gastrointestinal disorders that can affect performance of job tasks by imposing severe individual discomfort. Any functional disorders rendering the applicant/employee incapable of sustained attention to work tasks, that is, chronic diarrhea and discomfort secondary to such disorders could render an individual unable

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to meet the functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Active hepatitis.
- b. Active peptic ulcer disease, not adequately controlled on medications.
- c. Cirrhosis of the liver.
- d. Chronic inflammatory bowel disease.
- e. Gastrointestinal (G.I.) bleeding.
- f. Femoral hernia, not surgically repaired.
- g. Inguinal hernia, not surgically repaired.

**12. Genitourinary and Reproductive System.** The occupational significance of this area concerns renal failure and genitourinary dysfunction. Any condition affecting the genitourinary tract rendering an individual unable to meet the functional requirements should be considered.

The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Acute and chronic nephritis.
- b. Nephrosis.
- c. Obstructive uropathy.
- d. Polycystic kidney disease.
- e. Pyelonephritis.
- f. Recurrent renal or other urinary calculi.
- g. Renal failure.
- h. Symptomatic prostatic hypertrophy.
- i. Severe dysmenorrhea or symptomatic endometriosis.

Pregnancy must not disqualify the individual for the position. However, some training and law enforcement assignments should be deferred until the employee is no longer pregnant.

**13. Endocrine and Metabolic Systems.** The occupational significance of this area concerns any abnormality of the endocrine system that affects job performance. Any excess or

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deficiency in hormonal production can produce metabolic disturbances affecting weight, stress adaptation, energy production, and a variety of symptoms such as elevated blood pressure, weakness, fatigue, and collapse. Any such disturbance of maintenance of body functions may affect ability to meet the functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Adrenal dysfunction.
- b. Thyroid disease not controlled and stable.
- c. Pituitary dysfunction.
- d. Symptomatic hypoglycemia.
- e. Diabetes mellitus. A diabetic condition is not usually disqualifying if there have been no significant complications (for example, cardiovascular, visual, renal, neurological, or alteration of consciousness), and
  - (1) The condition is controlled by diet and/or exercise, or oral medication, or
  - (2) If the condition requires insulin, there has been no evidence of severe hypoglycemic insulin reactions (for example, alteration of consciousness) during the past year.

**14. Musculoskeletal System.** The occupational significance of this area concerns the mobility, stability, flexibility, and strength to perform physical job tasks efficiently with minimum risk of injury. Disorders affecting the musculoskeletal system are acceptable if the individual meets the basic movement, strength, flexibility, and coordinated balance criteria in the functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Disease or deformity of bones or joints, intervertebral disk, and muscles and tendons.
- b. Previous injury impairing performance.
- c. Cervical spine or lumbosacral fusion affecting performance.
- d. Herniated disk.
- e. Loss in motor ability from tendon or nerve injury.
- f. Major extremity amputation.
- g. Digit loss incompatible with function.

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15. **Hematopoietic and Lymphatic Systems.** The occupational significance of this area concerns chronic disorders that may affect overall health in a disabling manner. Any disorder in this area can lead to reduce capability to perform intense physical exertion, or place the applicants/employees at undue risk and affect their ability to meet the functional requirements.

The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Leukemia.
- b. Severe anemia.
- c. Thrombocytopenia or clotting disorders.

16. **Nervous System.** The occupational significance of this area concerns the functioning of the central and peripheral nervous system. Dysfunction in this area can increase the probability of accidents and/or potential inability to perform a variety of physical tasks, as exemplified in the functional requirements. The following are examples of impairments that may affect the individual's ability to perform required duties.

- a. Epilepsy, not controlled.
- b. Multiple sclerosis.
- c. Cerebrovascular disease, including aneurysms and vascular malfunctions.
- d. Other disease or disorder of the nervous system producing significant loss of strength, coordination, or other dysfunction impairing full performance, including sequelae of previous injury, infection, or other disease.

17. **Malignant Diseases/Communicable Diseases.** The occupational significance of the disease must be related to the individual's ability to adequately function and safely perform the physical work tasks of a Special Agent or Law Enforcement Officer without directly threatening the health or safety of others.

18. **Psychiatric Conditions.** The occupational significance of this area is concerned with the presence of serious mental disease that can adversely affect critical judgment and perceptive patterns necessary for safe performance of required law enforcement tasks, as exemplified in the functional requirements.

If the examining Physicians suspect the existence of psychiatric conditions, the Physicians should so indicate in the remarks section of the medical examination report and set forth their opinion regarding the need for a separate psychiatric examination. The psychiatric examination (or psychological assessment) must be carried out in

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accordance with accepted professional standards by a Physician authorized to conduct such examinations.

19. **Multiple Medical Conditions.** It may be found that an individual has two or more medical conditions, where each one in and of itself is not sufficiently disabling to disqualify the person for employment. However, the combination of medical or physical conditions may collectively hinder the individual's functional capacity to perform activities relating to law enforcement functions. This could place the individual at personal risk or at a risk to others. If so, the examining Physicians should so indicate in their findings.

### **5374.3 - Medical Examination Procedures**

#### **5374.31 - Orientation for Examining Physician**

A proper examination of new appointees/employees requires the Physician to relate the physical examination and medical history to the demands of the job, as exemplified in the functional requirements for the position of Special Agent or Law Enforcement Officer. Accordingly, the examining Physician should be provided with the following:

1. Sample Orientation Letter for Examining Physician (ex. 01).
2. Sample Physician's Response Letter for Medical Examination (ex. 02).
3. Physical Requirements and Medical Standards for the Position of Law Enforcement Officer or Special Agent (FSM 5374.2, ex. 01).
4. Position descriptions for Forest Service Special Agents or Law Enforcement Officers, as appropriate.
5. Practical exercise performance requirements (PEPRs) are established by the Federal Law Enforcement Training Center (FLETC). A copy of the PEPRs may also be obtained from the Washington Office Law Enforcement and Investigations Assistant Director, Training.
6. Qualifications Guidelines for Specific Medical Conditions (5 CFR 339).

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**Sample Orientation Letter for Examining Physician**



United States      Forest  
Department of      Service  
Agriculture  
Date:

Washington Office

1400 Independence Ave., SW  
Washington, DC 20250-0003

Dear Dr. Lee,  
Examining Physician

I am requesting a pre-employment/fitness for duty medical examination for Jane Smythe. This examination is intended for the purpose of evaluating the candidate's employee's ability to successfully carry out the duties as a Law Enforcement Officer or Special Agent for the Forest Service, U.S. Department of Agriculture. In order to help you understand the physical and medical requirements for the position of Law Enforcement Officer or Special Agent, I have enclosed the following:

1. Physical Requirements and Medical Standards for the position of Law Enforcement Officer or Special Agent.
2. Position descriptions for Forest Service Special Agents or Law Enforcement Officers, as appropriate.
3. Practical Exercise Performance Requirements (PEPR), Federal Law Enforcement Training Center (FLETC), FLETC Directive No. 91-01.E.
4. Qualifications Guidelines for Specific Medical Conditions (5 CFR 339).

Please indicate your findings on the enclosed "Physician's Response Letter for Medical Examination."

If you have any questions regarding this matter, please contact me at 123-456-7890.

Your assistance and cooperation in evaluating our employee's health is appreciated.

Sincerely,

John Doe  
Personnel Management Specialist

Enclosures

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**Sample Physician's Response Letter for Medical Examination**

Dear Mr. Doe,

At the request of your Agency, I have conducted a medical examination in accordance with your guidelines and standards on John Smith for the position of Law Enforcement Officer/Special Agent. As result of this examination, I have made the following conclusion:

1. X No Significant Findings - All medical requirements for the position of Law Enforcement Officer or Special Agent have been satisfied.
2.     Significant Medical Findings - The medical findings are noted and it is the opinion of the examining Physician that the individual cannot perform the essential functional requirements efficiently and without hazard to themselves or others.
3.     Additional Testing Requirements - Final assessment cannot be made until specific tests are conducted or repeated. The recommended test(s) is (are) as follows:

Comments:

<u>Dr. Lee</u>	<u>May 31, 2000</u>
Signature of Examining Physician	Date



### **5374.32 - Medical Examination Procedures**

1. The medical examination must be performed by a licensed Physician to be determined by the Forest Service. The Forest Service shall provide a list of available Physicians to the new appointee/employee to choose from.
2. Physicians should document the examination and their conclusions on the Physician's Response Letter for Medical Examination (FSM 5374.31, ex. 02).
3. The Physician should relate the physical examination and medical history to the demands of the position, as exemplified in the functional requirements for the positions of Special Agent and Law Enforcement Officer.

### **5374.33 - Appointees/Employees Undergoing Medical Treatment**

New appointees/employees shall report to the examining Physician any medical treatment they are undergoing that may affect their ability to perform the duties of a Law Enforcement Officer or Special Agent. In documenting the examination and reaching any conclusion, the examining Physicians should take into account their understanding of the diagnosis, treatment, and rehabilitation provided by the treating Physician. If inconsistencies exist between the examining Physicians and the treating Physician's diagnoses and/or conclusions, the examining Physician shall make a concerted effort to account for such inconsistencies and explain in the medical report the implications for the person's employability.

### **5374.34 - Examining Physician's Conclusions**

After the examining Physician has completed the physical examination and has reviewed all of the laboratory results, the Physician's findings should be recorded on an approved medical examination form. In addition, include one of the following statements:

1. No Significant Findings. "All medical requirements for the position of Law Enforcement Officer or Special Agent have been satisfied."
2. Significant Medical Findings. "The medical findings are noted and it is the opinion of the examining Physician that the individual cannot perform the essential functional requirements efficiently and without hazard to themselves or others."
3. Additional Testing Requirements. "Final assessment cannot be made until specific tests are conducted or repeated. The recommended test(s) is (are) as follows:"

### **5374.35 - Reports on Medical Findings**

Keep all completed medical reports and examinations, along with all laboratory results, confidential and sealed in a plain envelope. Forward the package to the appropriate servicing Personnel Specialist and Management Official involved in making the employment/retention determination. Provide a copy to the appointee/employee.

### **5374.36 - Records of Medical Findings**

When the physical examination process has been completed, the servicing Personnel Specialist establishes an employee medical folder for each new appointee/employee. Maintain all medical documentation in form SF-66D, Employee Medical Folder. Keep this folder and the Official Personnel Folder separate, as this information is covered under the provisions of the Privacy Act (5 U.S.C. 552a). Ensure this medical folder is physically located in a secured area by the servicing personnel specialist.

Ensure that access to the information contained in this medical folder is available only to the new appointee/employee; representative of the new appointee/employee who has been designated in writing; servicing Personnel Management Specialist; Medical Consultants (if employed by Forest Service management); and those Forest Service Management Officials who are involved in making the employment/retention determination.

Maintain the medical folder for the length of the individual's employment with the Forest Service. If an employee transfers to another Federal agency, transfer the medical folder to the gaining agency. When the employee leaves Federal service, retire the medical folder to the Federal Records Center (FSH 6209.11, ch. 40, GRS 1-21a(2)).

### **5374.4 - Examinations That Disclose Medical Conditions or Impairments**

#### **5374.41 - Reconsideration**

If new appointees/employees have significant but correctable impairments that preclude them from selection or retention as Special Agents or Law Enforcement Officers, they should be given the opportunity to take corrective action. If the appointees/employees can present medical documentation within 90 days that the impairment has been corrected, they shall be eligible for reconsideration. The Forest Service may require that the individual requesting reconsideration be re-examined. Failure to present the correction documentation within 90 days may result in medical disqualification.

#### **5374.42 - Waiver of Medical Standards/Physical Requirements**

Forward all requests for waivers of medical standards and/or physical requirements for decision to the authorized approving official (FSM 6104.1, ex. 01, #7).

1. Failure to meet the established medical standards or physical requirements means that the appointee/employee is not qualified for the position unless there is sufficient evidence that the individual can perform the duties of the position safely and efficiently despite a condition that would normally be disqualifying. The Forest Service may waive any medical standard or physical requirement for an appointee/employee who is able to demonstrate the capacity to perform safely and efficiently. Factors that the Forest Service considers in deciding whether or not to waive a standard or requirement include:
  - a. Health and safety considerations;

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- b. Recent satisfactory performance in the same or similar positions (any unsatisfactory performance appraisal not due to physical or mental condition should not be considered in this context);
  - c. Successful performance of other life activities with similar physical and environmental demands;
  - d. Certification from a counselor of either the Veterans Administration or a State vocational rehabilitation agency;
  - e. Use of prosthesis or other mechanical aid or device (including eye glasses and hearing aid), which enables the candidate to perform the work;
  - f. Successful performance of a real or simulated work sample; and
  - g. A determination that the condition may be reasonably accommodated (without undue hardship on the Agency) to permit effective performance.
- 2. The decision as to whether or not a new appointee/employee can perform safely and efficiently must rest with the Director, LEI, or the Director's designee.
  - 3. An Agency's decision to separate an employee for reasons of medical disqualification does not control, preempt, or otherwise supersede an Office of Personnel Management determination of entitlement or no entitlement to disability retirement under Title 5, United States Code, section 8337 or 8451 (5 U.S.C. 8337 or 8451).
  - 4. A history of a medical condition may be considered disqualifying only if the condition itself is normally disqualifying, a recurrence cannot medically be ruled out, and the duties of the position are such that a recurrence would pose a reasonable probability of substantial harm. For example, while an early history of epilepsy, by itself, would not ordinarily be disqualifying for any position, a particular history of epilepsy may, depending upon the specific nature of the condition, be disqualifying for certain hazardous positions, such as a Special Agent or Law Enforcement Officer, where any loss of consciousness could have serious consequences. Each case must be decided on its own merits. Generally speaking, so long as the candidate is presently able to do the job, the candidate is qualified unless the possibility that the condition might recur would present a substantial health and safety risk.

#### **5374.43 - Employability Determination**

In general, the existence of a medical condition or impairment, or a history of such a condition, is disqualifying only when there is a direct relationship between the condition and the essential duties of the specific position to be filled. The fact that an individual had or has a medical condition that might become worse is not enough, by itself, to support disqualification. The Agency shall establish either a link between the condition and inability to perform, or a high probability of hazard because of the nature of the duties, should the person be placed in the position. Courts have held that in determining the employability of an otherwise qualified

person with a physical and/or medical condition, the employer shall conduct a particularized inquiry into the person's work and medical history.

Employment-related decisions involving health status are fundamentally management, not medical, decisions. The role of the examining Physician with respect to employment decisions is limited to determining whether the individual meets the medical requirements of the position, and the stability of the individual's medical condition. In some cases, the Agency may wish to ask the Physician's opinion about the medical usefulness of possible accommodation suggested by the Forest Service or the employee. However, the medical examination cannot determine an individual's ability to perform the essential duties of a Special Agent or Law Enforcement Officer. This responsibility rests solely with the Forest Service appointing official and/or law enforcement management personnel. However, medical consultant services should be obtained if necessary.

Before deciding to disqualify a new appointee/employee because of a significant non-correctable physical and/or medical condition, consider the following:

1. When employment is not covered by authority delegated under the U.S. Department of Agriculture Demonstration Project (FSH 6109.16), obtain approval from the Office of Personnel Management of any Agency decision to medically disqualify a certified preference eligible candidate.
2. If new appointees/employees request the opportunity to submit medical documentation from their personal Physician, such documentation must be reviewed and considered by the deciding official(s).
3. The servicing Personnel Specialist shall be consulted regarding Agency procedures for non-selection of disqualified new appointees or, as appropriate, Agency policies and procedures for reassignment, removal, or retirement of disqualified employees.

#### **5374.5 - Costs**

As required by the Office of Personnel Management (5 CFR 339.304 and 304e) costs of the medical examination, including specified tests and reasonable travel expenses, must be paid by the Forest Service. Additional tests recommended by the examining Physician to determine the new appointee's employee's ability to meet the standards must be approved by the appropriate Forest Service official before any expenditure is incurred. The cost of any corrective action, follow-up treatment, and/or additional medical examination, not authorized by the Forest Service, must be the responsibility of the individual new appointee/employee.

### **5375 – Law Enforcement Health and Fitness Program**

#### **5375.02 – Objectives**

1. To develop and maintain optimal effectiveness and job performance of law enforcement personnel (FSM 5305).

2. To reduce time lost from illness and disability.
3. To increase the ability to absorb emotional and physical stress, increase mental alertness, and reduce tension and fatigue.
4. To promote the morale and personal well-being of law enforcement personnel.
5. To provide a workforce capable of responding to the rapidly changing and increasing physical demands of law enforcement.

### **5375.03 - Policy**

It is Forest Service policy to encourage law enforcement personnel to maintain a level of health and fitness commensurate with the physical and mental demands of their law enforcement responsibilities.

### **5375.04 – Responsibility**

#### **5375.04a - Washington Office, Director of Law Enforcement and Investigations**

It is the responsibility of the Washington Office, Director of LEI to:

1. Ensure that all law enforcement personnel are encouraged to maintain an adequate degree of personal fitness by a combination of life-style management and exercise.
2. Assign a National Health and Fitness Coordinator to promote health and fitness. Law enforcement personnel may assume these duties on a collateral basis.
3. Develop and update an annual National Health and Fitness Report.

#### **5375.04b - Special Agents in Charge**

It is the responsibility of the Special Agents in Charge to:

1. Ensure that all law enforcement personnel are encouraged to maintain an adequate degree of personal fitness by a combination of life-style management and exercise.
2. Assign a Regional Health and Fitness Coordinator to promote health and fitness. Law enforcement personnel may assume these duties on a collateral basis.
3. Ensure that an adequate number of Health and Fitness Coordinators are available within their units to conduct risk assessments and physical fitness testing. Law enforcement personnel may assume these duties on a collateral basis.

#### **5375.04c - National Health and Fitness Coordinator**

It is the responsibility of the National Health and Fitness Coordinator to:

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1. Develop National Health and Fitness Standards and a National Health and Fitness Report.
2. Provide general information on physical and mental fitness to law enforcement personnel in cooperation with Regional Health and Fitness Coordinators.
3. Coordinate health and fitness management activities with Forest Service health and safety personnel, the Federal Law Enforcement Training Center, and other agencies and organizations as appropriate.
4. Coordinate program direction regarding health and fitness with Regional Health and Fitness Coordinators.

**5375.04d - Regional Health and Fitness Coordinator**

It is the responsibility of the Regional Health and Fitness Coordinator to:

1. Analyze and determine regional health and fitness needs.
2. Coordinate program direction regarding health and fitness with Health and Fitness Coordinators.
3. Develop and update an annual Regional Health and Fitness Report.
4. Provide exercise and nutrition guidance for program participants, which includes goal setting, motivation, and fitness educational material.
5. Secure and maintain the Physical Efficiency Battery (PEB) test results and a Letter of Clearance from a Physician for each employee that obtains medical clearance to participate in the PEB. All other medical forms that are viewed by the Regional Health and Fitness Coordinator must be returned to the employee upon review.

**5375.04e - Local Health and Fitness Coordinators**

It is the responsibility of local Health and Fitness Coordinators to:

1. Provide exercise, nutrition, and lifestyle guidance for program participants.
2. Administer the Physical Efficiency Battery (PEB) to law enforcement personnel. Forward test scores to the Regional Health and Fitness Coordinator for secure storage and use in identifying the Region's overall fitness levels.
3. Review health screening questionnaires for program participants prior to their participation in the annual fitness assessment.
4. Maintain fitness records for law enforcement personnel.

5. Coordinate program direction regarding health and fitness with the Regional Health and Fitness Coordinator.

#### **5375.04f - Law Enforcement Personnel**

It is the responsibility of all law enforcement personnel to maintain a level of physical fitness necessary to fulfill their responsibilities in the law enforcement program.

#### **5375.05 – Definitions**

**Health and Fitness Coordinators.** Law enforcement personnel who meet the requirements of FSM 5372.73 and are certified by the Director, LEI to coordinate authorized health and fitness program activities at a National, Regional, or local level.

**Health and Fitness Report.** A comprehensive document, updated annually by the National and Regional Health and Fitness Coordinators. The report identifies the overall health and fitness status within the unit, areas needing improvement, and discusses strategies to improve deficiencies.

**Health Screening.** A medical assessment performed by a licensed Physician to determine if an individual is cleared medically to participate in the mandatory annual fitness assessment.

**Health Screening Questionnaire (HSQ).** A self-assessment form filled out by the employee and reviewed by the Health and Fitness Coordinator prior to participating in the annual fitness assessment. The questions were designed, in consultation with occupational health Physicians, to identify individuals who may be at risk when taking the annual fitness assessment. The HSQ is not a medical examination.

**Mandatory Annual Fitness Assessment.** A Physical Efficiency Battery (PEB) test that is administered to Forest Service law enforcement personnel. This test includes the following specific areas: body composition (measured by skinfold calipers), flexibility (measured by a sit and reach test), speed and agility (measured by the Illinois Agility Test), strength (measured by one maximal repetition chest press), and cardiovascular endurance (measured by a 1.5-mile run/walk). A score of the 25th percentile for each component of the PEB is considered the minimum fitness goal.

#### **5375.1 - Program Participation**

Law enforcement personnel are strongly encouraged to participate in a voluntary exercise program in accordance with program guidelines (FSM 5375.11).

#### **5375.11 - Voluntary Exercise Program Guidelines**

1. Law enforcement personnel shall be granted up to 5 hours of official time per week to participate in a voluntary exercise program, not to exceed 1 hour per day. Health and fitness time must not be carried over past any given work week and shall not be utilized while in leave status or on a regularly scheduled day off.

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2. To participate in a voluntary exercise program, law enforcement personnel shall prepare a written request to their immediate Supervisor for approval, to include proposed time frames and location for participation.
3. Authorized physical fitness activities include stretching, brisk walking, jogging, running, bicycling, aerobic dancing, aerobic fitness exercises, calisthenics, swimming, and strength training. Competitive sports such as tennis, golf, basketball, football, softball, handball, racquetball, or any other activity not stated herein are not permitted activities.
4. Injuries and occupational diseases arising from participation in the Health and Fitness Program are compensable under the Federal Employees Compensation Act (FECA). Coverage includes duty-time activities. The primary requisite for this coverage is that the employee be in a formal approved program and participate in authorized fitness activities.
5. The purchase, establishment, and installation of physical fitness equipment at a government facility to be used by employees is authorized. Coordination must occur between the unit Line Officer and the Supervisory Law Enforcement Officer or Supervisory Special Agent.
6. Reimbursable agreements made with private fitness centers should be made in the name of the Forest Service. If the business requires the membership to be in the name of an individual, Law Enforcement and Investigations (LEI) employees may enter into such agreements if their immediate Supervisor concurs that the membership is beneficial to the accomplishment of Forest Service goals and objectives and is in compliance with this section. The Government may pay up to one-half of the costs associated with private fitness center memberships for employees within the voluntary exercise program, not to exceed \$30 per month in Government expenditures. The Special Agent in Charge and Director, LEI retain authority to re-determine the necessity and availability of funding for Agency or employee private fitness center memberships.

**5375.12 - Time and Attendance for Health and Fitness Activities**

1. Law Enforcement Officers. Health and fitness time may be used during official base work hours on regularly scheduled workdays in accordance with the normal tour established between the employee and the employee's immediate Supervisor. Health and fitness time must not to be coded on time and attendance reports as Administratively Uncontrolled Overtime (AUO) hours.
2. Special Agents. Health and fitness time may be:
  - a. Performed as law enforcement availability pay (LEAP), however, LEAP must not be claimed for fitness time during the employee's scheduled day off or while in leave status.
  - b. Used during official base work hours on regularly scheduled workdays.



## **5375.2 - Mandatory Annual Fitness Assessment**

Law enforcement personnel (FSM 5305) are required to take an annual fitness assessment on a calendar year basis. The results and/or documentation will be used to monitor and encourage overall fitness and must not be used or reviewed to determine an employee's fitness for duty.

The Physical Efficiency Battery (PEB) developed by the Federal Law Enforcement Training Center must be used as the basis for the annual fitness assessment (ex. 02). First-aid and CPR equipment will be on site when the PEB is administered. Only law enforcement personnel whose first-aid and CPR qualifications are current may provide medical assistance unless an exigent circumstance exists.

Functional fitness can be determined by measuring muscular strength, muscular flexibility, body composition, cardiovascular endurance, and agility. The PEB standards are adjusted to account for differences in age and gender. A score of the 25th percentile is considered the minimum desired fitness level for each component of the PEB.

### **5375.21 - Health Assessment and Mandatory Health Screening**

1. Law enforcement personnel shall complete the LEI Health Screening Questionnaire (HSQ) prior to participating in the annual fitness assessment, form FS-5300-53. Based upon responses to HSQ questions, an employee will either proceed with the annual fitness assessment or be referred for a health screening by a licensed Physician.
2. Law enforcement personnel who are over the age of 40 shall receive an annual mandatory health screening prior to participating in the annual fitness assessment. The health screening must be conducted by a licensed Physician and must occur no more than 90 days prior to the administration of the annual fitness assessment.
3. Participants shall provide the examining Physician with a copy of the "Fitness Assessment Letter to Physician" (ex. 01), a copy of the "PEB Information Sheet" (ex. 02) and a copy of the "Physician's Response Sheet" (ex. 03). Participants shall instruct the examining Physician to indicate their status to participate in the annual fitness assessment on the "Physician's Response Sheet."
4. The participant shall present the signed original copy of the "Physician's Response Sheet" (ex. 03) to the Health and Fitness Coordinator prior to the administration of the annual fitness assessment.
5. The Forest Service assumes the responsibility for costs associated with the health screening.

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**5375.21 - Exhibit 01**

**Sample Fitness Assessment Letter to Physician**



United States Forest  
Department of Service  
Agriculture

Washington Office

1400 Independence Ave., SW  
Washington, DC 20250-0003

Date:

Dear Dr. \_\_\_\_\_  
Examining Physician

I am requesting a medical clearance to participate in the Forest Service Law Enforcement and Investigations annual fitness assessment. Please determine if I am able to safely participate in an annual physical fitness assessment that evaluates cardiovascular and respiratory endurance, muscular strength, flexibility, and speed and agility.

The annual fitness assessment requires the employee complete the following:

1. A 1.5-mile run/walk.
2. One maximal repetition chest press.
3. A sit and reach flexibility test.
4. The Illinois Agility Speed and Agility Test.
5. A body composition measurement

I have included a Physical Efficiency Battery (PEB) informational sheet for your review (ex. 02).

Please indicate your findings on the enclosed "Physician's Response Sheet (ex. 03)." If you have any questions concerning our program, please contact our Health and Fitness Coordinator \_\_\_\_\_, who can be reached at the following telephone number: \_

Your assistance and cooperation is appreciated.

Sincerely,

John Doe  
Law Enforcement Officer/Special Agent

Enclosure

"Physical Efficiency Battery (PEB) Informational Sheet  
"Physician's Response Sheet"

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**Physical Efficiency Battery (PEB) Informational Sheet**

The PEB is a fitness test consisting of five different components to measure the fitness level of law enforcement personnel. Law Enforcement and Investigations personnel are required to participate in all five categories. The Body Composition and Sit and Reach categories will be used for fitness indicators only. The Illinois Agility Run, Bench Press, and 1.5 Mile Run/Walk will be used as the primary categories for the annual fitness assessment. A score of the 25th percentile is considered the minimum desired fitness level for each component of the PEB.

For a complete description of each of the fitness goals and what is required to meet the 25th percentile for age and gender, employees are encouraged to view the Federal Law Enforcement Training Center website at: [www.fletc.gov](http://www.fletc.gov), key word search “PEB.”

**Body Composition**

The test consists of measuring body fat at three different sites with skinfold calipers. These are then entered into a computer program and percentage of body fat is calculated. The following sites are measured depending on the gender:

Males: Chest, Abdomen, and Thigh

Females: Triceps, Hip, and Thigh

**Illinois Agility Run**

This test measures the Officer/Agent’s ability to get up from the ground and sprint while changing directions. The Officer/Agent will lie on the floor in a prone position. They will then get up and sprint 30 feet and return. They will then negotiate 4 obstacles covering a 30 foot area and return through the obstacles. The test concludes with another 30 foot sprint and return. The test is measured in the hundreds of seconds.

**Sit and Reach**

This test measures the Officer/Agent’s flexibility in the lower back, legs, and shoulders. The Officer/Agent will sit on the floor in front of the measuring device. They will bend at the waist pushing a block down the device. The stretch must be a static stretch and the Officer/Agent’s calves shall remain in contact with the floor. The test is measured to the quarter inch.

**Bench Press**

This test measures the Officer/Agent’s upper body strength for one repetition. The test is conducted on a single fulcrum bench for safety purposes. The Officer/Agent is to press the weight straight up until they have locked out their arms. This test is measured in 5 pound increments

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1.5 Mile Run/Walk

This test measures the cardio/respiratory fitness of the Officer/Agent. It is normally conducted on a measured track whereby 1.5 miles can be attained. The Officer/Agent runs or walks appropriate number of laps. The test is measured in minutes and seconds.

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**5375.21 - Exhibit 03**

**Sample Physician's Response**

**USDA Forest Service, Law Enforcement and Investigations**

I have examined           (name of employee)           and he/she:

Please check the appropriate box

May engage in your annual fitness assessment (PEB) without restriction. There are no contraindications to the individual: 1) being capable of performing the essential  
\_\_\_\_\_ physical tasks and 2) being capable of undergoing the physical fitness test items.

May not engage in your annual fitness assessment (PEB). There are contraindications and it is not recommended that the individual participate in the physical fitness  
\_\_\_\_\_ testing at this time.

(Please do not provide any additional comments)

(signature of Physician)  
Name of Examining Physician

\_\_\_\_\_  
Date

Title:

Address:

Phone number:

## **5375.22 - Failure to Meet Health Screening Requirements**

Law enforcement personnel shall not participate in the annual fitness assessment until they have completed the Health Screening Questionnaire (HSQ) and/or received the proper medical clearance.

Personnel who have not received a clearance to participate in the annual fitness assessment, after review of the HSQ and/or examination by a licensed Physician, will be excused from participation until such time as the Physician determines the employee can safely participate.

## **5375.3 - Maintenance and Storage of Health Screening Records**

Health and Fitness Coordinators shall complete a Confidentiality Agreement (FS-5300-54) prior to administering the fitness assessment program; the purpose of this is to ensure the confidentiality of employees' personal medical information.

Health and Fitness Coordinators shall forward the Confidentiality Agreements, and Physician's Response Sheet (5375.21, ex. 03) to the National Health and Fitness Coordinator for employees assigned to the Washington Office or to the Regional Health and Fitness Coordinator for employees assigned to a Region. Once the Health Screening Questionnaire (FS-5300-53) has been reviewed by the Health and Fitness Coordinator, they will be returned to the employee to prevent unauthorized access or release.

## **5375.4 - Awards**

Awards may be granted by the Washington Office, Director of LEI or Special Agents in Charge as an incentive for law enforcement personnel maintaining a fitness program and participating in the fitness assessment. Awards must be given in accordance with established Agency guidelines (FSM 6140).

## **5376 – Field Training for Law Enforcement Personnel**

### **5376.02 – Objectives**

1. To provide the necessary training and guidance to law enforcement trainees to ensure they are fully qualified for assigned law enforcement duties.
2. To provide a method to monitor and evaluate law enforcement trainees to determine their ability to successfully perform law enforcement duties.

### **5376.03 - Policy**

It is the policy of the Forest Service to develop and maintain a professional law enforcement organization. The development of law enforcement personnel begins at basic law enforcement training and continues throughout their career. It is essential that law enforcement trainees receive the proper training and orientation to be fully successful in their law enforcement positions.

## **5376.04 – Responsibility**

### **5376.04a - Washington Office, Director of Law Enforcement and Investigations**

It is the responsibility of the Washington Office, Director, LEI to:

1. Ensure that all law enforcement trainees receive professional law enforcement career development.
2. Certify completion of the Field Training and Evaluation Program (FTEP) for all 12- or 6-week Law Enforcement Officer Trainees. This authority may be delegated to the LEI AD, Training. Certificates of completion may be issued upon the recommendation of the LEI AD, Training (for personnel assigned to the Washington Office), and upon recommendation of the Special Agent in Charge (SAC) (for personnel assigned to a Region).
3. Certify appropriate Field training Officers upon recommendation from the SAC (FSM 5370.41). This authority may be delegated to the Assistant Director, Training.
4. Initiate appropriate personnel action when law enforcement personnel trainees assigned to the Washington Office fail to meet field training standards.
5. Grant waivers for law enforcement personnel from meeting the field training requirements if they meet the requirements in FSM 5376.11.

### **5376.04b - Special Agents in Charge**

It is the responsibility of the Special Agents in Charge to:

1. Ensure that all law enforcement trainees receive FTEP or AFTEP, unless waived from attendance by the Director, LEI.
2. Shall certify the Trainee's completion of FTEP or AFTEP by signing the FS-5300-42 form, FTEP Final Certification.
3. Submit requests for waiver of the Field Training Evaluation Program to the Director, LEI if the established waiver criteria have been met (FSM 5376.11).
4. Recommend law enforcement personnel to perform the duties of a Field Training Officer to the Director, LEI upon meeting established training requirements.
5. Initiate appropriate personnel action for law enforcement personnel failing to meet the field training requirements through the Director, LEI.

## **5376.05 – Definitions**

**Accelerated Field Training and Evaluation Program (AFTEP).** A 6-week, two phase, field training program authorized in lieu of the FTEP program.

**Field Training Officer.** Law enforcement personnel certified as Field Training Officers by the Director, LEI (FSM 5372.75, 5370.41).

**Field Training and Evaluation Program (FTEP).** A 12-week, three phase field training program.

**Trainee.** A person who has been hired as a Law Enforcement Officer, Reserve Law Enforcement Officer or Special Agent who has not yet completed all basic law enforcement training requirements.

**Recruit.** A person who has been hired as a Law Enforcement Officer, regardless of experience who has not started FTEP.

**New Special Agent.** Any SA, new to the Forest Service, regardless of previous experience or training, who has not completed the SAMP.

### **5376.1 - Field Training and Evaluation Program**

The Field Training and Evaluation Program must commence within 30 days after completion of the basic Land Management Police Training Program conducted at the Federal Law Enforcement Training Center. The regional Special Agent in Charge may, after consultation with the AD- Training, authorize a 30-day extension for FTEP commencement when current FTOs are not available, or an exigent circumstance exists that would reasonably preclude the recruit from beginning the FTEP. Recruits hired from other agencies, whose attendance at LMPT has been waived, shall begin FTEP or AFTEP within 30 calendar days of receiving their Government issued equipment and credentials. Recruits shall complete FTEP within 16 weeks of starting and AFTEP within 8 weeks of starting (FSH 5309.11, chapter 70).

#### **5376.11 Waiver of Field Training and Evaluation Program Requirements**

The Director, LEI may waive Field Training and Evaluation Program procedures and/or requirements for full-time Forest Service law enforcement personnel being reassigned to a Law Enforcement Officer or Criminal Investigator position.

### **5376.2 - Field Training and Evaluation Program Procedures**

Implementation of the Field Training and Evaluation Program procedures must comply with direction in FSH 5309.11, chapter 70.

## **5377 – Law Enforcement Uniform and Appearance Standards**

### **5377.02 - Objectives**

1. To present an image of professionalism, neutrality, and competence in dealing with the public and other law enforcement personnel.
2. To help ensure that law enforcement personnel are readily identified as such.



### **5377.03 - Policy**

Law enforcement personnel shall maintain a professional appearance. Law enforcement personnel will normally wear well-fitting business attire or the authorized Forest Service law enforcement uniform. A professional appearance facilitates instant recognition and encourages timely and respectful cooperation from the public. It also assists in projecting a neutral image, thereby minimizing public antagonism in everyday contacts. Law enforcement personnel should recognize that the public often judges the effectiveness of the Agency based upon first impressions.

The various approved uniform components for law enforcement personnel (FSH 6509.11k, sec. 48) may be worn only in conjunction with the approved specified uniform. For example, only authorized law enforcement uniform baseball caps or Stetson hats may be worn with the official law enforcement field uniform. The hat, jacket, and slacks components of the official law enforcement Class A uniform must not be worn with the official law enforcement field uniform (FSM 5377, sec. 12).

All law enforcement personnel regardless of their position and duties shall be issued and shall obtain and maintain a field law enforcement uniform and associated duty equipment (at a minimum).

### **5377.04 – Responsibility**

#### **5377.04a - Washington Office, Director of Law Enforcement and Investigations**

It is the responsibility of the Washington Office, Director of LEI Investigations to ensure that all law enforcement personnel maintain a professional appearance while representing the Forest Service.

#### **5377.04b - Special Agents in Charge**

It is the responsibility of each Special Agent in Charge to ensure that all law enforcement personnel assigned to a Region maintain a professional appearance while representing the Forest Service.

#### **5377.04c - Supervisory Law Enforcement Officers and Supervisory Special Agents**

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

1. Approve the wearing of the appropriate uniform (Class A, Class B, Class C, or Class D) for specific law enforcement activities.
2. Approve the wearing of camouflage appropriate Battle Dress Uniform (BDU) style Field Attire for law enforcement personnel for law enforcement surveillance activities.
3. Ensure that all law enforcement personnel maintain a professional appearance while representing the Forest Service.

## **5377.04d - Law Enforcement Personnel**

It is the responsibility of all law enforcement personnel to be well groomed and clean in appearance, and to adhere to uniform standards set forth in FSM 5377 and FSH 6509.11k, section 48.

### **5377.1 - Law Enforcement Uniform Standards**

#### **5377.10 - Law Enforcement Field Uniform Standards**

Law enforcement personnel shall adhere to the following field uniform standards:

1. Supervisory Law Enforcement Officers, Law Enforcement Officers and Reserve Law Enforcement Officers shall dress in a complete official Class B law enforcement field uniform (FSM 5377.12) unless they are:
  - a. Engaged in approved undercover assignments.
  - b. Conducting an investigation or other duty where wearing the uniform would not be beneficial or appropriate.
  - c. Conducting activities where the official law enforcement Class A uniform may be worn (FSM 5377.11).
  - d. Conducting activities where the official law enforcement Class C uniform may be worn (FSM 5377.13).
  - e. Conducting activities where the official law enforcement Class D uniform may be worn (FSM 5377.14).
2. Special Agents may wear the official law enforcement field uniform at their discretion unless conducting specialized law enforcement operations where the wearing of the official law enforcement field uniform is required by the supervisory personnel.
3. All authorized uniform components and equipment must be worn in a clean and neat condition and must be properly fastened while in public view.
4. Items that detract from a uniform's appearance must not be carried in uniform pockets or worn on the uniform.
5. Law enforcement personnel are highly encouraged to wear their authorized ballistic vest (FSM 5388.22) while on duty. The following standards apply:
  - a. While in uniform and wearing the inner wear ballistic vest, it shall be worn underneath the official law enforcement uniform shirt.
  - b. An authorized outerwear ballistic vest (FSM 5377.11e) may be worn with the official Class B field uniform or Class C tactical uniform.

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6. The wearing of patches, buttons, awards, or other ornaments on official uniforms is prohibited (FSH 6509.11k, sec. 48.26c).
7. Boots or shoes must be dark in color, and to the extent possible, must be kept clean (FSH 6509.11k, sec. 48.7, ex. 05). Boots must be worn during routine law enforcement duties unless specific situations require specialized footwear, for example boat shoes, motorcycle boots, or athletic shoes for mountain biking. Polished black dress shoes or boots shall be worn during court appearances or while attending formal functions.
8. During tactical law enforcement operations, boots must have skid-resistant soles and tops at least 8-inches high.
9. When in uniform and attending court appearances or formal functions, the approved law enforcement Class A or Class B uniform with long-sleeve uniform shirt and solid green clip-on tie must be worn by law enforcement personnel. The black leather basket weave duty belt must be worn with Class A uniform or synthetic leather basket weave or leather basket weave duty belt with the Class B uniform.
10. While wearing the authorized law enforcement uniforms, only the authorized Forest Service law enforcement dark green pants may be worn.
11. Only approved law enforcement outerwear (FSH 6509.11k) must be worn with law enforcement uniforms.
12. Law enforcement personnel shall be identified on gold name plates by their first name initial followed by their last name in all capitalized letters. Underneath the Officer/Agent's name the wording "Law Enforcement Officer" or "Special Agent" should appear in all capitalized letters. No other titles or position identifiers are authorized. Names on authorized outerwear ballistic vests shall be the Officer/Agent's first initial followed by their last name in all capitalized letters.
13. Law enforcement personnel shall be armed when identified as such unless conducting training, meetings, or assignments where being armed would not be appropriate.

#### **5377.11 - Ballistic Vest**

##### **5377.11a - Policy**

Law enforcement personnel authorized to carry firearms as a condition of their employment, and other employees as approved, shall be issued personal protective body armor. The minimum ballistic threat protection level of all new LEI issued body armor shall be Level 3A, in accordance with the standards of the National Institute of Justice. Armor shall be replaced at the recommended manufacturer's replace date, or sooner in the event the body armor becomes unserviceable.

**Soft Body Armor.** A protective garment designed to stop a variety of standard handgun projectiles. The armor is not designed to stop all projectiles, especially those fired from high-

caliber rifles. Unless rated as stab resistant, soft body armor is not designed to prevent injury from sharp, cutting, or piercing type weapons.

1. The wearing of body armor during normal uniformed patrol operations is mandatory for all law enforcement personnel. Otherwise, it is at the discretion of the employee, although LEI strongly encourages the use of body armor at all times while performing law enforcement duties. Managers may mandate the wearing of body armor in a limited number of high-risk situations or during activities as specified in the Mandatory Wear Section of this policy, FSM 5377.11d. Exceptions to the mandatory wear policy may be approved by supervisors on a case-by-case basis. This exception shall be documented by the supervisor.
2. All law enforcement personnel covered under this policy shall be issued torso protection soft body armor. LEI shall provide torso-protecting soft body armor to other eligible LEI personnel, as required. All body armor, associated carriers and accessories shall be replaced as they become unserviceable.
3. When not worn, soft body armor should be readily accessible where the personnel are working and when not required by 5377.11d.

#### **5377.11b - Responsibilities**

1. The Director, LEI, is responsible for development of the LEI Body Armor Policy.
2. All law enforcement personnel are responsible for ensuring that their issued body armor has not exceeded its suggested replacement date. All law enforcement personnel are responsible for checking the body armor suggested replacement date as part of the body armor inventory verification concurrent with firearms inventory verification.
3. All law enforcement personnel are responsible for ensuring that all LEI issued body armor complies with the mandatory requirements for wearing body armor specified in the Procedures Section of this policy (FSM 5377.11c and FSM 5377.11d below).
4. Law enforcement personnel that are issued body armor are responsible for the proper care and inspection of the body armor in accordance with the manufacturer's recommendations and ballistic panel labeling.
5. Law enforcement personnel issued body armor shall notify their supervisor of the need to replace worn, damaged, or ill-fitting armor, should such a need be identified between periodic inspections.
6. LEI is responsible for funding the purchase and replacement of body armor.

### **5377.11c - Procedures**

The following standard operating procedures shall be used for the selection, procurement, issuance, accountability, replacement, and disposal of all Forest Service Law enforcement owned body armor.

1. Law enforcement supervisors shall create a body armor report of transfer record AD-107 when the body armor is issued to law enforcement personnel.
2. Law enforcement personnel changing duty locations or assignments within Forest Service LEI shall retain their assigned body armor providing they are still eligible. Departing law enforcement personnel (transferring to other agencies, separating, or retiring) shall turn in their body armor to their immediate supervisor and complete the appropriate property transfer documents.
3. In the event that body armor is lost or stolen, the employee to whom it was issued shall report it to their supervisor as soon as possible. Responsible officials shall ensure that the Lost/Stolen report is submitted and the stolen body armor information, with serial number, is entered into the National Crime Information Center database within 24 hours of the incident.
4. Body armor that is no longer required shall be transferred to the immediate supervisor for disposal.

### **5377.11d - Mandatory Wear**

The wearing of body armor by all law enforcement personnel is mandatory while performing uniformed patrol operations as well as during the following activities:

1. Firearms training and qualifications.
2. Special Response Team deployments when Officers/Agents are part of an arrest, entry, or perimeter element.
3. Execution of high-risk search or arrest warrants, terrorism related and other high-risk operations, Joint Task Force operations, and other specialty unit operations, as directed by the Special Agent in Charge and/or Director, LEI.
4. Transportation or destruction of large quantities of seized narcotics, currency, or other high-risk or valuable commodities.
5. Emergency situations when management determines that there is an immediate threat to the safety of employees. Affected employees shall be notified that the wearing of body armor is required. Management shall determine the duration of the emergency and, thereby, the length of time that the body armor must be worn.

### **5377.11e - Ballistic Vest Outer Carriers**

Approved ballistic vest outer carriers are authorized to be worn with the Class B or Class C uniform components. The authorized colors and components for the Class B ballistic vest outer carrier, approved by the Director, LEI, can be found on the LEI SharePoint. Ballistic vest outer carriers are authorized to be worn during normal field duty activities/patrols. Ballistic vest outer carriers shall not be worn during courtroom proceedings, funerals, US Attorney meetings, Congressional Representative meetings or when otherwise specified by the supervisor.

### **5377.11f - Training**

It is recommended on an annual basis, that as part of the firearms qualifications safety discussions, Firearms Instructors should review the following with each employee that is issued body armor.

1. Circumstances and situations when body armor should be worn;
2. Type of body armor that is necessary during various types of situations;
3. Procedures to properly put on, take off, adjust and wear body armor;
4. Limitations of body armor;
5. Proper care, maintenance, and suggested replacement of the body armor; and
6. Use of firearms while wearing body armor.

### **5377.11g - Measurement**

Employees authorized to wear body armor shall be measured and fitted as per manufacture's recommendation.

### **5377.12 - Law Enforcement Class A Uniform (Dress)**

Law enforcement personnel may wear the official law enforcement dress or "Class A" uniform during official functions, including but not limited to attendance at law enforcement graduations, attendance at funerals, court appearances, dignitary protection, or other special events where wearing a dress uniform is appropriate. The authorized official law enforcement Class A uniform components of hat, jacket, and slacks must be worn with the authorized official law enforcement field uniform components of long sleeve field shirt, men's green clip-on tie, and duty belt to comprise the full Class A uniform. Black dress shoes and matching socks must be worn with the Class A uniform (FSH 6509.11k, sec. 48), except when the wearing of black boots is authorized by supervisory law enforcement personnel.

Wearing of the Class A for ceremonial purposes shall consist of a duty belt holding firearm, holster, handcuff case, magazine case, and 4 belt keepers. All items must be black basket weave leather/synthetic belt and gear with brass buckle. Additional equipment may be authorized by supervisory law enforcement personnel.

For court room appearances and semi-formal functions, law enforcement personnel may wear the following uniform components together: Class A pants, long sleeve Class B shirt, green clip-on tie, black shined dress shoes and Class A duty belt with authorized accessories.

The hat, jacket, and slacks components of the official law enforcement Class A uniform must not be worn when wearing the official law enforcement field uniform (FSM 5377.13).

#### **5377.13 - Law Enforcement Class B Uniform (Field)**

Supervisory Law Enforcement Officers, Law Enforcement Officers, and Reserve Law Enforcement Officers shall wear the official law enforcement Class B uniform when conducting law enforcement duties in accordance with the following standards:

1. Only official Class B uniform components may be worn (FSH 6509.11k).
2. A black leather basket weave or synthetic leather and accessories with gold, black, or concealable hardware designed for police use.
3. Undershirts must be plain white or black in color.
4. Mock turtlenecks or turtlenecks must be plain black in color.
5. When wearing a short-sleeve law enforcement shirt, undershirt sleeves must not be visible.
6. Ties will only be worn with long sleeve shirts.
7. Trousers must be worn outside of the boots and not be bloused.
8. Baseball cap – snapback or flex style baseball cap with “Enforcement” badge patch (for Law Enforcement Officers) or the “Special Agent” badge patch (for Special Agents). Only uniform vendor baseball caps are authorized.
9. Boots or shoes must be dark in color, and to the extent possible, must be kept clean (FSH 6509.11k, sec. 48). Boots must be worn during routine law enforcement duties unless specific situations require specialized footwear; for example, boat shoes, motorcycle boots, or athletic shoes for mountain biking. Dress shoes should be worn during court appearances or while attending formal functions.

#### **5377.14 - Law Enforcement Class C Uniform (Tactical)**

Law enforcement personnel may wear the official law enforcement Class C uniform during tactical or specialized operations, or training upon approval of a Supervisory Law Enforcement Officer, Supervisory Special Agent, or Incident Commander in accordance with the following standards:

1. Only approved official Class C uniform components with proper insignia may be worn.

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2. Class C uniform components include the following:
  - a. Olive drab colored tactical shirt or blouse. The shirt must have the subdued Agency patch affixed on the left upper shoulder and the subdued “Enforcement patch” affixed on the right upper shoulder. A 3½-inch subdued badge patch “Enforcement” (for Law Enforcement Officers) and “Special Agent” (for Special Agents) must be affixed above the left front pocket. The Officer/Agent’s first name initial and last name will be affixed on an olive green name tag above the right front pocket in black colored 3/8-inch tall capitalized letters.
  - b. Cargo trousers with side pockets, olive drab in color.
  - c. Baseball cap – snapback or flex style baseball cap with subdued “Enforcement” badge patch (for Law Enforcement Officers) or the subdued “Special Agent” badge patch (for Special Agents). Only uniform vendor baseball caps are authorized.
  - d. Boonie hat - olive drab in color with subdued “Enforcement” badge patch (for Law Enforcement Officers) or the subdued “Special Agent” badge patch (for Special Agents).
  - e. T-shirt - olive drab in color, short sleeve, with an “Enforcement” or “Special Agent” badge patch silk screened in black on the left upper chest area and the words “Police, Federal Officer” or “Police, Federal Agent” silk screened in large black letters on the back.
3. Boots must be kept clean to the extent possible.
4. Nylon duty belts may be worn with this uniform.
5. Additional shoulder and badge patches may be obtained from the uniform vendor only.

**5377.15 - Law Enforcement Class D Uniform (Casual)**

Law enforcement personnel may wear the official law enforcement Class D uniform while conducting the following authorized activities upon direction and approval of their immediate Supervisor.

1. Only official Class D uniform components must be worn (FSH 6509.11k).
2. The Class D uniform may only be worn while conducting the following activities.
  - a. Attendance at training and qualifications.
  - b. Attendance at meetings or conferences.
  - c. While in per diem travel status.



3. Class D uniform components.
  - a. Short or long sleeve colored polo shirt with embroidered gold badge on left chest, available from uniform vendor. Modifications beyond vendor issue product is not authorized.
  - b. Class B uniform trousers.
  - c. At a minimum, personnel shall wear a black colored belt with the firearm in an approved holster, an extra magazine and handcuffs or other restraint device.
  - d. Class B uniform baseball cap (optional). Only uniform vendor baseball caps are authorized.
  - e. Boots or shoes must be dark in color, and to the extent possible, must be kept clean (FSH 6509.11k).

#### **5377.16 - Special Agent Wear (Reserved)**

#### **5377.2 - Camouflage Clothing and Equipment**

With the approval of the Supervisory Law Enforcement Officers or Special Agents, or Incident Commanders when assigned to an incident, law enforcement personnel are authorized to wear camouflage clothing and equipment during law enforcement operations requiring the concealment of law enforcement personnel. Officers should have a means readily available to identify themselves as law enforcement personnel while conducting surveillance operations.

#### **5377.3 - Tactical and/or Specialized Law Enforcement Operations**

With the approval of the Supervisory Law Enforcement Officers or Special Agents, or Incident Commanders when assigned to an incident, law enforcement personnel may wear specialized tactical apparel while conducting tactical and/or specialized law enforcement operations. Class C is the standard uniform for tactical and most specialized law enforcement operations.

#### **5377.4 - Undercover Assignments**

Law enforcement personnel conducting undercover assignments are not required to conform to appearance or equipment standards.

### **5378 – Standards of Conduct for Law Enforcement**

#### **5378.03 - Policy**

It is the policy of the Forest Service and the Law Enforcement and Investigations program to provide the highest quality service to the public and employees. In carrying out their duties, law enforcement personnel are expected to exercise sound judgment and discretion.

#### **5378.04 - Responsibility**

Individuals charged with the law enforcement authority are delegated immense power to restrict the liberties of others and shall use that power judiciously.

##### **5378.04a - Washington Office, Director of Law Enforcement and Investigations**

It is the responsibility of the Director, LEI, to:

1. Ensure that all law enforcement personnel maintain the highest standard of integrity and conduct in the performance of their assigned duties.
2. Ensure that all law enforcement personnel receive appropriate conduct and ethics training.

##### **5378.04b - Special Agents in Charge and Assistant Directors**

It is the responsibility of each Special Agent in Charge and Assistant Directors to:

1. Ensure that all law enforcement personnel maintain the highest standard of integrity and conduct in the performance of their assigned duties.
2. Ensure that all law enforcement personnel receive appropriate conduct and ethics training.

##### **5378.04c - Supervisory Law Enforcement Officers or Supervisory Special Agents**

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

1. Ensure that all law enforcement personnel maintain the highest standard of integrity and conduct in the performance of their assigned duties.
2. Ensure that all law enforcement personnel receive appropriate conduct and ethics training.

##### **5378.04d - Law Enforcement Personnel**

It is the responsibility of all law enforcement personnel to maintain the highest level of integrity and conduct. It is the responsibility of all law enforcement personnel to attend required conduct and ethics training.

#### **5378.1 - General Rules of Conduct**

Law enforcement personnel shall adhere to U.S. Department of Agriculture regulations governing employee responsibilities and conduct and the Standards of Ethical Conduct for Employees of the Executive Branch.