

Reporting Violation by Non-LEI Personnel

The level to which various personnel within the USFS can exercise law enforcement activities is regulated by FSM 5300. All employees have the responsibility to "take appropriate action" and "report" criminal activity. The "appropriateness" of the action an employee can take is based on their levels of training and authority. The authority to write warnings and tickets is managed by the Regional Special Agent In-Charge.

FSM 5304.7 - All Employees

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

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

Employees who are not specifically trained and authorized may, and should document violations they observe and should do so using the FS-5300-1(pg. 2), but may not physically issue a Warning Notice or Violation Notice to violators.

Forest Protection Officers are USFS employees who have received specific training and authorization to conduct limited enforcement activities. In specific instances they may issue Warning Notices and Violation Notices.

FSM 5304.6 - Forest Protection Officers

Forest Protection Officers (FPOs) have the authority and responsibility to:

1. Observe and report in a timely manner violation of Federal laws and regulations to Special Agents or Law Enforcement Officers.
2. Attempt to gain voluntary compliance by informing and educating persons who appear to be in violation of rules and regulations.
3. Serve as a Security Specialist Level 2 (SEC2) in incident camps (FSM 5354.03), if qualified.
4. Issue Form FS-5300-4, Violation Notice, subject to the following conditions:

- a. Complete and submit Form FS-5300-9, Forest Protection Officer Background Check, to the Forest Supervisor when requested (FSM 5303.7, para. 6 and FSM 5304.33b, para. 1).
 - b. Receive written authorization from the Special Agent in Charge (FSM 5304.41, para. 7a(8)), subject to the limitations set forth in FSM 5304.61.
5. Issue violation notices for any violation of Title 36, Code of Federal Regulations, Parts 242 and 261, subject to the requirements and limitations described in FSM 5304.6 and FSM 5304.61.

Due to training and safety limitations, the authority of Forest Protection Officers is limited.

FSM 5304.61 - Limitations on Forest Protection Officers

Forest Protection Officers authorities and responsibilities are limited by the following:

1. Issue violation notices only during daylight hours, unless there are two or more Forest Protection Officers, law enforcement personnel, or law enforcement personnel from another agency present at the time the notices are issued.
2. Make vehicle stops only when conducting compliance activities involving off highway vehicles (OHV) during actual OHV operation on National Forest System lands.
3. Conduct a want or warrant check only when outside hearing range or vision of a violator.
4. Terminate contact with a violator when firearms or other lethal devices that were not observed during the initial contact are determined to be present.
5. Take no direct enforcement action, but attempt to record vehicle license numbers, vehicle descriptions, and physical descriptions of individuals involved if they are able to do so safely, and request immediate assistance from law enforcement personnel in the following situations:
 - a. Crimes such as homicide, rape, robbery, assault, burglary, and drug related offenses, domestic disputes, or other offenses that have a high probability for violence.
 - b. Violations involving the use or abuse of alcohol and/or drugs.
 - c. Suspicious individuals or individuals exhibiting strange behavior.

- d. Violations involving large groups, street gangs, outlaw motorcycle groups, satanic cults, or extremist organizations.
- e. Violations of 36 CFR 261.3 (interfering with a Forest officer, volunteer, or human resource program enrollee or giving a false report to a forest officer) and 36 CFR 261.4 (disorderly conduct).
- f. Violations involving verbally abusive or threatening subject(s).

When it comes to Volunteers in the USFS, they may not conduct law enforcement activities. This does not preclude volunteers from making visitor contacts for the purpose of imparting information, including the explanation of regulations, but they may not initiate or threaten legal action beyond what any citizen could do. In many areas volunteers are trained and expected to report violations they observe (as can any citizen) and have been trained to fill out the FS-5300-1(pg. 2) Incident Report form as a means of reporting their observations to FS personnel. This form should never be filled out in the presence of a suspected violator as it would give the appearance of initiating some sort of legal action, thus potentially impacting the safety of the Volunteer.

1830.3 – Policy (Volunteers)

[Paragraph 3]

Volunteers may assist in all Forest Service programs or activities **except law enforcement.**