

RM-9



LAW ENFORCEMENT REFERENCE MANUAL

Approved:

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Associate Director, Visitor and Resource Protection

May 2009

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RM-9



National Park Service
Law Enforcement Reference Manual

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TABLE OF CONTENTS

Acronyms and Abbreviations	ix
--------------------------------------	----

Introduction

CHAPTER 1 – LAW ENFORCEMENT PROGRAM	1
-----------------------------------------------	---

Jurisdiction and Authority

CHAPTER 2 – LAW ENFORCEMENT AUTHORITY	13
CHAPTER 3 – JURISDICTION	19
CHAPTER 4 – ETHICS AND CONDUCT	25

Personnel Qualifications and Training Standards

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES	37
CHAPTER 6 – BOARDS OF INQUIRY AND REVIEW	65
CHAPTER 7 – COMMISSIONED EMPLOYEE TRAINING	75
CHAPTER 8 – FIREARMS TRAINING, QUALIFICATIONS, STANDARD CARRY	81
CHAPTER 9 – INTERMEDIATE DEFENSIVE EQUIPMENT – IN-SERVICE TRAINING REQUIREMENTS	105

Law Enforcement Operations

CHAPTER 10 – USE OF FORCE	107
CHAPTER 11 – MANAGEMENT OF USE OF DEADLY FORCE INCIDENTS	113
CHAPTER 12 – RESTRAINT AND PRISONER TRANSPORT	137
CHAPTER 13 – EVIDENCE MANAGEMENT	139
CHAPTER 14 – IMPOUNDMENT OF PROPERTY	143
CHAPTER 15 – INVESTIGATIONS MANAGEMENT	145
CHAPTER 16 – INTERNAL INVESTIGATIONS	153

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

CHAPTER 17 – SELECTIVE TRAFFIC ENFORCEMENT	183
CHAPTER 18 – EMERGENCY RESPONSE, PURSUIT, AND ROADBLOCKS	187
CHAPTER 19 – VIOLATION NOTICES	195
CHAPTER 20 – COLLISION REPORTS	199
CHAPTER 21 – FLYING WHILE ARMED	207
CHAPTER 22 – JUVENILES	217
CHAPTER 23 – WARRANTS	227
CHAPTER 24 – COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES	229
CHAPTER 25 – FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY	241
CHAPTER 26 – PHYSICAL SECURITY	253
CHAPTER 27 – DESTRUCTION OF ANIMALS BY COMMISSIONED PERSONNEL	259
CHAPTER 28 – VICTIM AND WITNESS ASSISTANCE	261

Law Enforcement Equipment

CHAPTER 29 – UNIFORM AND APPEARANCE STANDARDS . .	271
CHAPTER 30 – FIREARMS	279
CHAPTER 31 – INTERMEDIATE DEFENSIVE EQUIPMENT . . .	299
CHAPTER 32 – ELECTRONIC CONTROL DEVICE (ECD) PROGRAMS	303
CHAPTER 33 – RESTRAINING DEVICES	313
CHAPTER 34 – LAW ENFORCEMENT VEHICLES	315
CHAPTER 35 – LAW ENFORCEMENT VESSELS	323

Law Enforcement Services

CHAPTER 36 – INCIDENT NOTIFICATION REQUIREMENTS AND PROCEDURES	325
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TABLE OF CONTENTS

CHAPTER 37 – RECORDS MANAGEMENT SYSTEM 331

**CHAPTER 38 – FINANCIAL MANAGEMENT OF LAW
ENFORCEMENT EMERGENCIES 341**

**CHAPTER 39 – PUBLIC INFORMATION AND MEDIA
RELATIONS. 347**

**CHAPTER 40 – DISPATCH SERVICES AND COMPUTERIZED
INFORMATION SYSTEMS. 353**

CHAPTER 41 – EMPLOYEE HEALTH. 363

Index. 367

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ACRONYMS AND ABBREVIATIONS

ADVPR: Associate Director, Visitor and Resource Protection

ALI: Automatic Location Identification

ANACI: Access National Agency Check and Inquiries

ANI: Automatic Number Identification

BI: Background Investigation is conducted for all permanent law enforcement officers.

With a favorably adjudicated BI, the commissioned officer is eligible for a Secret Clearance.

BOI: Board of Inquiry

BOR: Board of Review

CAD: Computer Aided Dispatch

CCTV: Closed Circuit Television

CFR: Code of Federal Regulations

CI: Criminal Investigator

CLESES: Chief, Law Enforcement, Security, and Emergency Services

CVB: Central Violations Bureau

DADVPR: Deputy Associate Director, Visitor and Resource Protection

DCISB: Deputy Chief, LESES, Investigative Services Branch

DCOP: Deputy Chief, LESES, Operations and Policy

DOI: Department of the Interior

DOJ: United States Department of Justice

ECD: Electronic Control Device

EICC: Emergency Incident Coordination Center

FAA: Federal Aviation Administration

FAM: Federal Air Marshal

FBI: Federal Bureau of Investigation

FEMA: Federal Emergency Management Agency

FLETC: Federal Law Enforcement Training Center

FOIA: Freedom of Information Act

FTEP: Field Training and Evaluation Program

GPO: Government Printing Office

GSC: Ground Security Coordinator

IA: Interagency Agreement

IAA: Interagency Acquisition Agreement

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

ICE: Immigration and Customs Enforcement

IRG: Investigative Resources Group

ISB: Investigative Services Branch

LBI: Limited Background Investigation

LENA: Law Enforcement Needs Assessment

LEO: Law Enforcement Officer

LES: Law Enforcement Specialist

LESEM: Office of Law Enforcement, Security and Emergency Management

LESES: Law Enforcement, Security and Emergency Services

MDT: Mobile Data Terminal

MOA: Memorandum of Agreement

MOU: Memorandum of Understanding

MVAR: Mobile Audio/Video Recording Equipment

NCIC: National Crime Information Center

NHTSA: National Highway Traffic Safety Administration

NLETS: National Law Enforcement Telecommunication System

NLTA: Non-Lethal Training Ammunition

NPS: National Park Service

OEM: Original Equipment Manufacturer

OIG: Office of the Inspector General

OPR: Office of Professional Responsibility

ORI: Originating Agency Identifier number

PSAP: Public Safety Answering Point

RCR: Regional Chief Ranger

RHI: Rigid Hull Inflatable Vessel

RMS: Records Management System

RSA: Reimbursable Service Agreement

RSLEO: Regional Senior Law Enforcement Official

RSSA: Reimbursable Service and Support Agreement

SAC: (1) Special Agent in Charge; (2) Special Agreement Check

SAIT: Serious Accident Investigation Team

SHRO: Servicing Human Resource Office

SIRS: Serious Incident Reporting System

SLEO: Senior Law Enforcement Official/Officer

SOP: Standard Operating Procedure

ACRONYMS AND ABBREVIATIONS

SSBI: Single Scope Background Investigation is conducted for all Chief Park Rangers and Park Law Enforcement Specialists of Border and Icon Parks, Regional Chief Rangers and LE staff, LESES LE staff, Regional Law Enforcement Specialists and Special Agents. With a favorably adjudicated SSBI, the LEO is eligible for either a Secret or Top Secret Clearance.

STARS: Servicewide Traffic Accident Reporting System

TSA: Transportation Security Administration

USC: United States Code

USPP: United States Park Police

VAP: Victim Assistance Program

VRAP: Visitor Management-Resource Protection Assessment Program

VWPA: Victim and Witness Protection Act of 1982

WASO: Washington Administrative Service Organization

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CHAPTER 1 – LAW ENFORCEMENT PROGRAM

1. Background and Objectives
2. Key Definitions
3. Policy
4. Law Enforcement Needs Assessment
5. Role and Functions

Appendix 1-A. NPS Headquarters Organization Chart

Appendix 1-B. Law Enforcement, Security, and Emergency Services Organization Chart

1. BACKGROUND AND OBJECTIVES

RM-9 applies to all employees involved in the NPS law enforcement program, except the U.S. Park Police, who are covered by General Orders.

- 1.1 The Organic Act establishing the National Park Service (NPS) directs the NPS to “... promote and regulate the use of Federal areas known as national parks, monuments, and reservations ... by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (16 U.S.C. 1).

To fulfill its Congressional mission and mandate, the NPS will strive to administer areas under its care in such manner that they are free of criminal activity that threatens or compromises the ecological health and integrity of protected natural and cultural resources and/or disrupts an atmosphere conducive to public safety and enjoyment.

NPS Management Policies (2006, Chapter 8.3.1) state, “The law enforcement program is an important tool in carrying out the NPS mission.”

Congress has authorized the Secretary of the Interior to designate certain employees of the Department of the Interior as law enforcement officers, with the responsibility to “... maintain law and order and protect persons and property within areas of the National Park System ...” (16 U.S.C. 1a-6(b)).

These are the commissioned employees of the NPS law enforcement program.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

The National Park Service's law enforcement program may best be described by the congressional discussion leading to the landmark General Authorities Act. House Report, September 16, 1976 (H.R. 11887) states:

“The Committee intends that the clear and specific enforcement authority contained in this subsection, while necessary for the protection of the Federal employees so involved, will be implemented by the Secretary, to ensure that law enforcement activities in our National Park System will continue to be viewed as one function of a broad program of visitor and resource protection.”

The NPS adopts this Congressional intent as policy.

The objectives of the law enforcement program are 1) the detection and investigation of criminal activity and the apprehension and successful prosecution of criminal violators, and 2) the prevention of criminal activities through resource education, public safety efforts, and deterrence.

Therefore, the primary duty of commissioned employees is to meet the objective of the law enforcement program by detecting and investigating offenses against the United States, apprehending, and detaining those suspected of such offenses.

The NPS requires that its law enforcement personnel meet suitability requirements; satisfy special and continuing training requirements; participate in physically and emotionally demanding activities; carry firearms and other defensive equipment; and make instantaneous decisions pertaining to the appropriate use of varying levels of force—including deadly force—in the performance of their duties.

Individuals assigned law enforcement duties must use that authority judiciously. Commissioned employees must appreciate and understand both the spirit and the letter of the law.

In carrying out their law enforcement duties, the NPS requires that its commissioned personnel exercise sound judgment and discretion, striving to maintain the sensitivity called for in achieving the overall goal of professional resource and visitor protection consistent with the NPS mission. Significant efforts should be directed at safeguarding human life and the protection of natural and cultural resources. NPS law enforcement programs should promote education and deterrence, as well as professional and effective investigation, apprehension, and prosecution. A comprehensive law enforcement program should incorporate modern policing practices and community policing concepts to improve resource protection and public safety.

2. KEY DEFINITIONS

2.1 Law Enforcement

“Law enforcement” is the means by which the government seeks to ensure compliance with, compels obedience to, or identifies and apprehends individuals who violate the laws and regulations enacted for the protection of life, resources, property, public peace, and societal well-being.

2.2 Law Enforcement Program

The objectives of the law enforcement program are primarily the detection and investigation of criminal activity, the apprehension and successful prosecution of criminal violators and the prevention of criminal activities through resource education, public safety efforts, and deterrence.

The National Park Service’s program provides law enforcement in a consistent, efficient, and effective manner to both serve and protect the public and protect resources. The program is directed toward the preservation of public order, safety, education, protection of resources, and tranquility.

2.3 Defensive Equipment

Commissioned employees require certain specialized equipment to perform law enforcement duties. These tools of the trade provide commissioned employees with the equipment necessary to protect the public and themselves from the criminal element in parks.

2.4 Park

As used in RM-9, this term applies to all units of the National Park System.

2.5 “6c”

Throughout this document, the term “6c” refers to either a CSRS or FERS (special) enhanced annuity retirement system for law enforcement officers, established pursuant to the provisions of 5 U.S.C. 8336(c) and 5 U.S.C. 8412(d) and (e); the regulations for which are found beginning at 5 C.F.R. 831.901 (CSRS) and 5 C.F.R. 842.801 (FERS). Positions that carry this coverage are “6c-designated,” while individuals participating in this retirement system are “6c-covered.”

3. POLICY

3.1 The Department of the Interior *Law Enforcement Handbook* (Departmental Manual [DM] 446) prescribes policies and procedures for administering and

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

implementing the law enforcement programs in the Department of the Interior. DO-9 provides direction on how law enforcement will be accomplished.

The policies, directives, procedures and standards in DO-9/RM-9 are to be implemented uniformly throughout the NPS. Regional Directors and Park Superintendents may issue clarifying standards and procedures that are not in conflict with national policy.

Authority and responsibility to manage the law enforcement program flow from the Director to the Regional Directors, to the Park Superintendents. Park Superintendents are responsible and accountable for the management of law enforcement programs within their respective parks. Authority to administer and provide policy oversight of the NPS law enforcement program has been delegated to the Deputy Chief, Division of Law Enforcement, Security and Emergency Services, Operations and Policy (DCOP).

4. LAW ENFORCEMENT NEEDS ASSESSMENT

Each Park Superintendent will prepare a Law Enforcement Needs Assessment that utilizes the Visitor Management-Resource Protection Assessment Program (VRAP) or its successor staffing model. VRAP is a computerized program designed to consider all of the elements necessary in making an accurate assessment and determination of personnel requirements for the protection program. The assessment will be updated at least every three years.

Staffing models will be incorporated that reflect current industry standards.

The following should also be considered by a park manager when determining law enforcement program needs and in developing a law enforcement needs assessment.

4.1 Servicewide and Park Specific Statutory and Program Direction

The laws governing the administration of the National Park System, as well as a park's enabling legislation, provide program direction. Documents such as the general management plan, regional management plan, RM-9, and statement for management provide additional program direction.

4.2 Elements of the Needs Assessment

The Park Superintendent employs the results of the assessment as the basis for determining the level and scope of a park's law enforcement program. This assessment is in writing. A copy of each park's law enforcement needs assessment is retained and available in the office of the Chief Ranger.

4.2.1 *Protection of People*

Threats to visitors and residents will be identified and maximum efforts and attention should be devoted to mitigating these threats.

4.2.2 *Protection of Resources*

Resources should be inventoried and priorities assigned to their protection based on an assessment of their vulnerability.

4.2.3 *Protection of Property*

The protection of property may be accomplished in a variety of ways, some of which involve a significant commitment of personal services.

4.2.4 *Type of Jurisdiction*

The type of jurisdiction exercised by the NPS has a direct bearing on the scope of a park's law enforcement program:

Under exclusive jurisdiction, law enforcement activities and investigations must be conducted by the United States. The State has no legal obligation or authority to enforce criminal law in the park.

Partial legislative jurisdiction is very similar to exclusive jurisdiction, except that the State has reserved the right to exercise certain authority, such as the right to tax or to sell fishing licenses.

Under concurrent jurisdiction, the NPS and the State jointly exercise law enforcement authority.

Under proprietary jurisdiction, the NPS has the authority to enforce all federal laws with the exception of federal laws requiring special maritime and territorial jurisdiction (exclusive and concurrent) within the park. In addition, the NPS may also adopt State law where authorized by 36 C.F.R..

Under the Supremacy Clause, Federal laws and regulations take precedence on NPS administered lands, while the state has the legal authority to enforce state criminal laws in the park, in deference to the NPS.

4.2.5 *Cooperative Assistance*

Qualified law enforcement assistance may be used to supplement, but not replace, capabilities in a park. Conversely, mutual aid commitments outside the park may place increased demands on a park's law enforcement program.

4.2.6 *Visitation Patterns and Trends*

The numbers of visitors, visitor demographics, average length of stay, length of season, seasonal variations, and visitation trends all greatly affect the amount and type of law enforcement services required.

4.2.7 *Public Use*

The variety and impact of public use and special events are major influences on the scope of the park's law enforcement program.

4.2.8 *Criminal Activity*

The frequency, severity, and complexity of criminal activity and other law enforcement incidents and the duration of individual incidents are significant elements to be considered in determining a park's law enforcement workload. Decisions as to the level of deterrence and response desired will significantly impact overall program costs.

4.2.9 *Access and Circulation Patterns*

Access and circulation patterns and transportation methods all have significant impact on a park's law enforcement program.

4.2.10 *Community Expectations*

Political, sociological, geographical, and environmental factors influence the scope and profile of the law enforcement program.

4.2.11 *Communications and Technology*

Communications, including voice and data, wireless technology, dispatch functions, conformity to 911 standards, as well as certification standards factors directly affect law enforcement programs.

4.2.12 *Special Needs*

One-time or infrequent events and incidents that occur within or adjacent to the park may require selectively increasing law enforcement efforts.

5. ROLE AND FUNCTIONS

5.1 Departmental Law Enforcement Official

The designated official in the Office of the Secretary is responsible for promulgation of policy, procedures, standards, coordination and

responsibilities within the Department. This official also coordinates and monitors implementation of all Departmental law enforcement programs through a standardized inspection program. The Deputy Assistant Secretary (DAS), Office of Law Enforcement, Security and Emergency Management (LESEM) is the Departmental Law Enforcement Official. Candidates for National Park Service Law Enforcement Administrator positions are reviewed and approved by LESEM prior to appointment. LESEM managers so delegated by the DAS serve as the official departmental law enforcement representative when meeting with other departmental level law enforcement representatives. They coordinate activities among law enforcement units and monitor the law enforcement programs of each bureau or office for compliance with policies and standards.

The DAS, Law Enforcement, Security, and Emergency Management serves as the Department of the Interior Law Enforcement Administrator.

5.2 Director

The Director of the National Park Service establishes and approves Servicewide law enforcement program policies and standards.

5.3 Associate Director, Visitor and Resource Protection, WASO

The Associate Director, Visitor and Resource Protection, acting through the Chief, LESES has authority to administer and provide policy oversight of the NPS law enforcement program and develops policies and standards for the Director’s review. In addition to the law enforcement program, the AD oversees the FLETC, Fire and Aviation, Public Health, Wilderness Stewardship and Recreation Programs, Risk Management, and Regulations & Special Park Uses, and as such is the National Chief Ranger.

5.4 Deputy Associate Director, Visitor and Resource Protection, WASO

The Deputy Associate Director, Visitor and Resource Protection, has full operational authority of the Associate Director, Visitor and Resource Protection, WASO, under the direction of that office.

5.5 Chief, Division of Law Enforcement, Security and Emergency Services, WASO

The Chief, Law Enforcement, Security and Emergency Services (CLESES), is responsible for several Servicewide NPS programs. The Chief oversees mission-oriented policy, procedures, and standards, and provides oversight to Division-related programs within the Service. The CLESES delegates Law Enforcement Administration functions for the National Park Service to the DCOP.

5.6 **Deputy Chief, Law Enforcement, Security and Emergency Services, Operations and Policy, WASO**

The Deputy Chief, LESES, Operations and Policy (DCOP) is the designated Law Enforcement Administrator for the NPS and has authority for *all* law enforcement policy oversight, developing national law enforcement policies, directives, procedures and standards for approval by the Director, and implementation by the Regional Directors. The DCOP oversees the NPS law enforcement program. The responsibilities of the Law Enforcement Administrator cannot be re-delegated.

5.7 **Regional Director**

Regional Directors are responsible for implementation and management of the law enforcement program for their regions through Park Superintendents. The authority and responsibility to manage the NPS Commissioned Park Ranger program flow from the Director to the Regional Directors to Park Superintendents.

5.8 **Park Superintendent**

The Park Superintendent has overall responsibility for management of park operations, including management of the law enforcement program. The Park Superintendent exercises control of the park law enforcement programs through supervision of the Chief Ranger/senior law enforcement official. The Park Superintendent has responsibility for ensuring that law enforcement programs are managed in full compliance with directives, policies, and law.

5.9 **Regional Chief Ranger**

As the Region's Senior Law Enforcement Official, this commissioned supervisory park ranger ensures that law enforcement operational activities are uniformly implemented in compliance with directives, policies and law. The Regional Chief Ranger is trained and experienced in the supervision of law enforcement programs. This official is thoroughly knowledgeable of directives, laws, standards and practices that govern applicable Federal law enforcement programs.

5.10 **Regional Law Enforcement Specialist**

Under the supervision of the Regional Chief Ranger, the Regional Law Enforcement Specialist assists in the coordination and review of the law enforcement program within the region.

5.11 Chief Ranger/Senior Law Enforcement Officer

As the Park Superintendent's senior law enforcement officer, this commissioned LEO ensures that law enforcement operational activities are in compliance with directives, policies and law. They are trained and experienced in the supervision of law enforcement programs. This official is thoroughly knowledgeable of directives, laws, standards and practices that govern applicable Federal law enforcement programs. Throughout this document, Chief Ranger/SLEO refers to these individuals and/or their designee.

5.12 Park Ranger – Law Enforcement (GL-025, GS-025, GL-099, GS-099)

Commissioned Park Rangers perform law enforcement duties that include enforcing the criminal laws of the United States, apprehending criminal suspects, and conducting criminal and internal investigations. In addition they are responsible for resource stewardship, education and visitor use management. These positions are frontline field "law enforcement officers" as defined in DM446. By reducing criminal activity and enforcing NPS regulations, commissioned rangers provide for tranquil, sustainable use and enjoyment of park resources while simultaneously protecting these resources from all forms of degradation.

5.13 Deputy Chief, LESES, Investigative Services Branch (GS-1811) (Formerly National Special Agent in Charge)

The Deputy Chief, LESES, Investigative Services Branch (DCISB) works directly for the NPS Chief of LESES and is responsible for management and oversight of the National Park Service cadre of Special Agents assigned throughout the country. This oversight is accomplished through Special Agents in Charge and Special Agents. This branch is responsible for complex and long-term criminal and administrative investigations as well as the provision of investigative and law enforcement expertise to parks and central offices.

5.14 Branch Chief, Office of Professional Responsibility

The Branch Chief, Office of Professional Responsibility (OPR) works directly for the NPS Chief of LESES and is responsible for oversight of all investigations that relate to allegations of misconduct by commissioned and non-commissioned personnel with law enforcement responsibilities throughout the agency. The Branch Chief, OPR is responsible for receiving, classifying, tracking, assigning, investigating, and reviewing misconduct allegations/investigations at the national level.

5.15 **Special Agent in Charge (GS-1811)**

The Special Agent in Charge (SAC) reports directly to the Chief of Investigative Services. A deputy, known as Assistant Special Agent in Charge and a group of direct report Special Agents are assigned to the SAC. The SAC provides leadership and guidance to his/her work group that is loosely geographically assigned.

5.16 **Special Agent (GS-1811)**

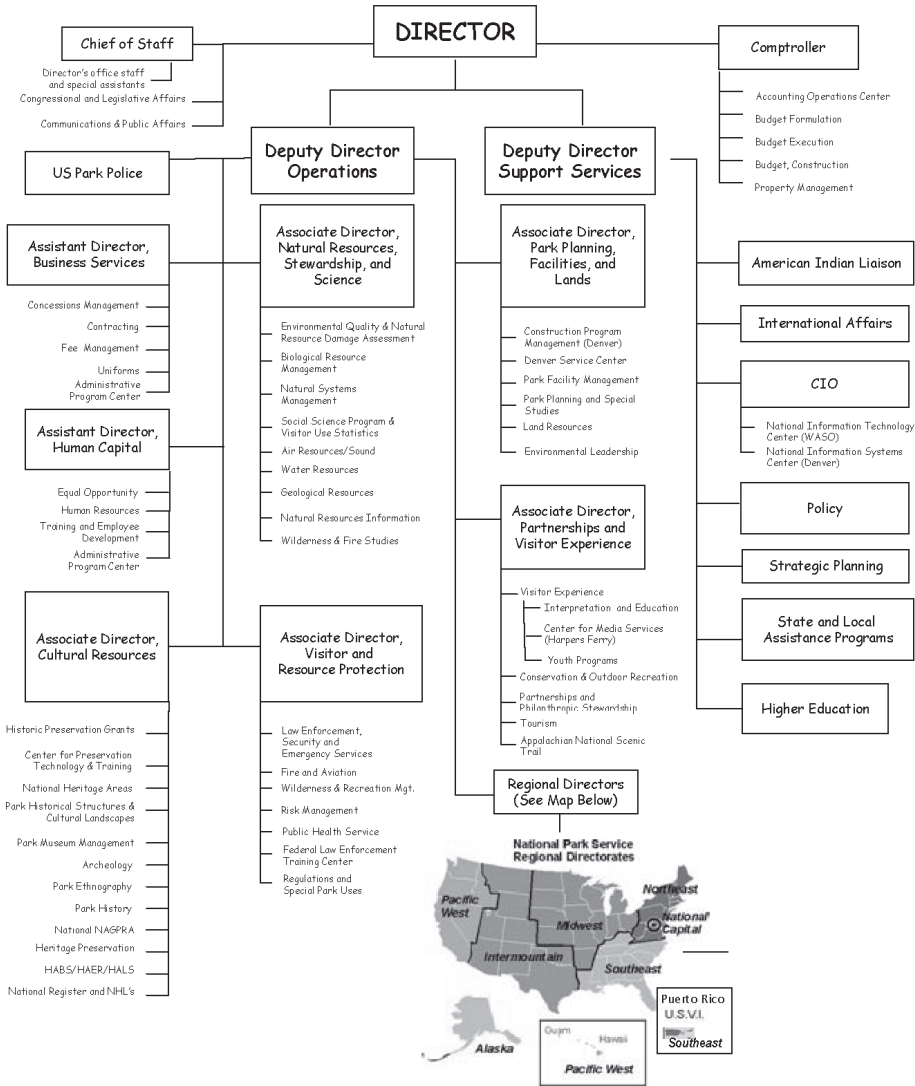
Special Agents are commissioned law enforcement officers within the NPS who assist parks in conducting/coordinating complex criminal investigations, sensitive internal investigations and conducting/coordinating other specialized Servicewide law enforcement functions in parks and regions. Agents also provide investigative expertise and law enforcement assistance to parks and cooperating law enforcement agencies.

5.17 **Superintendent NPS-FLETC**

The Superintendent of the National Park Service Law Enforcement Training Center at FLETC is responsible for the development and management of basic and advanced training Servicewide. This official is also responsible for developing policy and guidelines for Servicewide training and certification.

APPENDIX 1-A. NPS HEADQUARTERS ORGANIZATION CHART

National Park Service Headquarters Organization

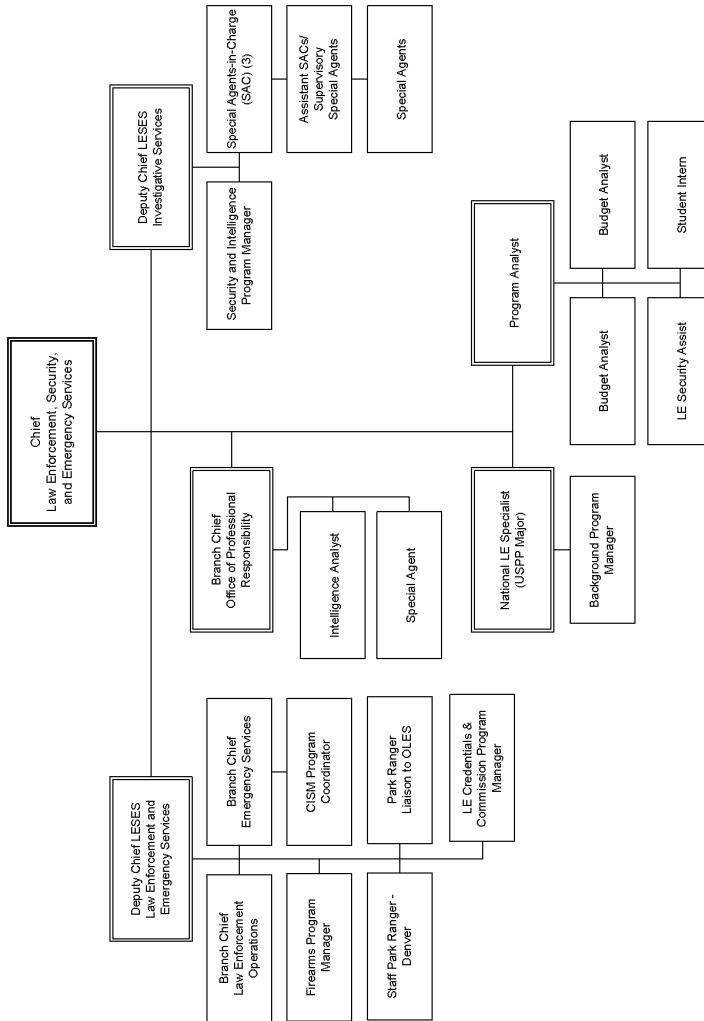


Introduction – Ch. 1

APPENDIX 1-B. LAW ENFORCEMENT, SECURITY, AND EMERGENCY SERVICES ORGANIZATION CHART



*National Park Service
Visitor and Resource Protection*
LAW ENFORCEMENT, SECURITY, AND EMERGENCY SERVICES



April 15, 2009

CHAPTER 2 – LAW ENFORCEMENT AUTHORITY

1. Authority
 2. Commissioned Employees
 3. Application of Authority
 4. Non-Commissioned Employees
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1. AUTHORITY

1.1 Source of Authority

The General Authorities Act (16 U.S.C. 1a-6) states that “the Secretary of Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of Interior who shall maintain law and order and protect persons and property within areas of the National Park System.” Authority for the designation of officers has further been delegated to the NPS by the Secretary in accordance with DM 205. The Director is the final authority for designation of all NPS law enforcement officers. This authority is implemented by the DCOP as the Law Enforcement Administrator. The Director has delegated the authority to designate some officers with Type II commissions to Park Superintendents under the conditions and provisions of this document.

1.2 Intent of Authorities Act

In passing the 1976 amendments to the General Authorities Act, Congress provided the National Park Service “... with a single clear mandate authorizing designated employees performing law enforcement functions within the National Park System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses ...” The Congressional Record further clarifies that the General Authorities Act “... is intended to eliminate possible uncertainties relating to law enforcement activities in the National Park System [by granting authority] consistent with the authority exercised by other Federal personnel having law enforcement responsibilities, such as agents of the Federal Bureau of Investigation and United States Marshals, and specifically would not restrict their investigative jurisdictions.”

The Authorities Bill of 1976 specified “that the clear and specific enforcement authority ... while necessary for the protection of [commissioned NPS] employees, will be implemented ... to ensure that law enforcement activities in our National Park System will be continued to be viewed as a function of a broad program of visitor and resource protection. Law enforcement duties should be a function of the National Park Ranger, along with a diversity

of other protection concerns. National Park Rangers should maintain the appearance of ... representatives of a people-serving agency, and not as members of an organization whose only function is law enforcement.” H.R. Rep. No. 1569, 94th Cong., 2nd Sess. at 9 (1976).

1.3 **Scope of Authority**

1.3.1 *16 U.S.C. 1a-6(b)*

The General Authorities Act (16 U.S.C. 1a-6(b)) states that “a person designated as a law enforcement employee by the Secretary of the Interior” may:

- “Carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing there from to avoid arrest.”
- “Execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system, or where the person subject to the warrant or process is in that system in connection with any Federal offense.”
- “Conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.”

1.3.2 *16 U.S.C. 1a-6(c)*

Elsewhere in the General Authorities Act (16 U.S.C. 1a-6(c)), the Secretary of the Interior (through their designated employees) is authorized to:

- “Designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest, and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to

CHAPTER 2 – LAW ENFORCEMENT AUTHORITY

exercise the powers and authority (delegated to rangers and special agents) ...”

- “Cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of the laws or ordinances of that State or subdivision.”
- “Provide limited reimbursement, to a State or its political subdivision...where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred ...”
- “The authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.”

2. COMMISSIONED EMPLOYEES

Only commissioned employees may perform law enforcement duties. The two types of commissions are the Type I law enforcement commission and the Type II law enforcement commission. The type of commission issued will be based on training received.

2.1 Type I Law Enforcement Commissions

Type I commissions are held primarily by permanent NPS law enforcement personnel whose primary field, supervisory, administrative or management duties are the investigation, apprehension, and detention of individuals suspected or convicted of violating the criminal laws of the United States. These positions are designated and the incumbents are typically covered under the enhanced law enforcement retirement provisions of 5 U.S.C. 8336(c) or 5 U.S.C. 8412(d). These personnel are empowered with law enforcement authorities, as specified in Title 16 U.S.C. 1a-6 and 1b.

2.2 Type II Law Enforcement Commissions

2.2.1 *Authorized Use*

Type II commissions are issued to:

- Seasonals – These personnel are empowered with law enforcement authorities, as specified in Title 16 U.S.C. 1a-6 and 1b.
- Permanents – Those law enforcement rangers awaiting to attend FLETC, but meeting the commissioning requirements for a Type

II commission. FLETC refers to the Federal Law Enforcement Training Center Basic Land Management course, or equivalent National Park Service course.

2.2.2 *Authorities and Responsibilities*

Employees with Type II commissions have the law enforcement authority to investigate crimes, detain suspects, and apprehend offenders against the laws of the United States. Persons issued Type II commissions may:

- Carry and use firearms in the performance of duties.
- Carry firearms when off-duty within the park to which they are assigned. (See Chapter 30, Firearms).
- Provide initial response to both misdemeanor and felony incidents. Initial response includes arrest, where appropriate.
- Independently conduct complete investigations into misdemeanor violations.
- Under supervision of Type I commissioned personnel, investigate felony violations and fatalities.
- Participate in the execution of arrest and search warrants, and other process, both inside and outside of park boundaries, when under the on-scene direction of a Type I commissioned employee.

Type II commissioned employees deputized by other law enforcement organizations or entities cannot exceed the authority invested upon Type II commissions and must be specifically authorized under a MOU.

Type II commissioned employees will not manage law enforcement programs. All Commissioned Law Enforcement Personnel must be supervised by a Commissioned LE Ranger up through the Chief Ranger level.

3. **APPLICATION OF AUTHORITY**

3.1 **On Duty Status**

When in duty status, commissioned employees have an obligation to exercise their full authorities by taking affirmative and definitive action in response to violations of criminal law or NPS regulations and other situations that involve serious threats to public safety or park resources.

CHAPTER 2 – LAW ENFORCEMENT AUTHORITY

3.2. **Off Duty Status**

When in non-duty status, commissioned employees within their jurisdiction may still exercise their law enforcement authority. If such need arises, judgment and discretion must be employed in formulating a response.

4. **NON-COMMISSIONED EMPLOYEES**

Non-commissioned employees have no law enforcement authority and will not be assigned to enforcement duties. All non-commissioned employees should be trained and encouraged to observe, recognize and record illegal activities. Their observations should then be brought to the attention of commissioned employees for appropriate action.

Non-commissioned technical or scientific specialists who provide technical investigative support, and park managers who review law enforcement activities, will be subject to an appropriate background investigation.

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CHAPTER 3 – JURISDICTION

1. Introduction
 2. Definitions
 3. General
 4. Elements of Proprietary and Concurrent Jurisdiction
 5. Title 36 Code of Federal Regulations
 6. Jurisdictional Inventory (previously called Jurisdictional Compendium)
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1. INTRODUCTION

When Congress passed the General Authorities Act in 1976, it recognized that the National Park Service needed new administrative authority to meet the mandates of the 1916 Organic Act. This law represented an effort to bring the 1916 Organic Act into line with current operational realities. Increased visitor use, changes in the types of uses, and new conservation concepts and techniques all combined to indicate that more appropriate administrative mechanisms were needed if unit employees were to provide effective protection to unit resources, property, and unit visitors.

The purpose of this section is to guide the administration of NPS law enforcement programs as they relate to the jurisdictional status of the park area.

2. DEFINITIONS

The following definitions apply to this and other chapters of this manual.

2.1 Authority

The lawful grant of specific powers.

2.2 Jurisdiction

The term “jurisdiction” defines the sphere of authority and outlines the territorial limits within which any particular authority may be exercised. Units of the NPS are concerned with the administrative enforcement and judicial and investigative jurisdiction pertaining to both civil and criminal matters, and the authority to make, declare, enforce, and interpret law.

2.3 Legislative Jurisdiction

The authority of a sovereign to make and enforce laws of general applicability.

3. GENERAL

3.1 Jurisdictional Status

3.1.1 Responsibilities of NPS

The ability of the United States to accept responsibility for law enforcement activities occurring on Federal lands or within park boundaries is directly related to the jurisdictional status of that land.

3.1.2 Criteria

Law enforcement authority on Federal land is directly related to:

- The authority bestowed by Congress.
- The laws applicable to an area.
- The type of legislative jurisdiction exercised by the Federal government.
- Any jurisdiction ceded by the state.

3.2 Types of Jurisdiction

3.2.1 Exclusive Legislative Jurisdiction

The Federal government possesses all the authority of the State, subject only to the right of the State to serve criminal and civil process for actions occurring outside the unit. Law enforcement must be provided by the United States since State law may not be enforced by a State officer.

3.2.2 Partial Legislative Jurisdiction

This type of jurisdiction is very similar to exclusive jurisdiction, except that the State has reserved the right to exercise certain authority, such as the right to tax or to sell fishing licenses.

3.2.3 Concurrent Legislative Jurisdiction

The United States and the States jointly hold and exercise all rights accorded a sovereign, with the broad qualification that such authority is held concurrently. The United States, however, has the superior right under the Supremacy Clause of the Constitution to carry out Federal functions unimpeded by State regulation.

CHAPTER 3 – JURISDICTION

Insofar as possible, NPS will seek to acquire concurrent legislative jurisdiction for all units of the National Park System (16 U.S.C. 1a-3).

3.2.4 *Proprietary Jurisdiction*

The United States has no legislative jurisdiction or measure of the State's authority over Federal land, but exercises all the rights of a property owner. The United States, however, has certain other constitutional powers that a private individual does not hold. Congress has delegated a measure of that constitutional authority to the NPS to make and enforce regulations (36 C.F.R. Chapter 1) in all NPS areas (see 16 U.S.C. §§ 1a-2(h), 1c and 3). A State may exercise its legislative jurisdiction (police power) over the acts of private persons in park areas to the same extent as on privately owned lands. The State may exercise its full civil and criminal jurisdiction over private activities on Federal lands held under proprietary status. The State may not impose its regulatory power directly upon the United States without specific congressional consent, nor may it tax Federal land. Neither may the State regulate in the Federal area in any way that might directly interfere with the performance of a United States function, law or regulation.

4. ELEMENTS OF PROPRIETARY AND CONCURRENT JURISDICTION

4.1 Proprietary Jurisdiction

4.1.1 *NPS Regulations and Certain Federal Laws*

Under proprietary jurisdiction, NPS rules and regulations and certain Federal statutory laws are enforced by commissioned employees. Federal laws, such as destruction of government property, assault on a Federal officer, Federal drug, firearms, finance and environmental laws describe crimes against the United States and are offenses wherever they are committed. Commissioned employees can enforce only CFR offenses inside park boundaries.

4.1.2 *Criminal Statutes*

Federal criminal statutes that define crimes such as murder, assault, maiming, rape, robbery, and theft do not apply to Federal land unless it is held under exclusive or concurrent legislative jurisdiction. Consequently, in areas of proprietary jurisdiction, only individuals delegated law enforcement authority by the State (or any of its political subdivisions) have authority to enforce State criminal statutes that address such crimes. The major disadvantages of proprietary jurisdiction are that commissioned employees: (1) cannot enforce those laws pertaining to crimes against persons found in the U.S. Code because Congress has restricted the use of these statutes to areas of exclusive and concurrent jurisdiction, and (2) cannot use a section of the U.S. Code

commonly called the Assimilated Crimes Act (18 U.S.C. 13). This law makes acts or omissions punishable under State law also punishable under Federal law where there is no applicable Federal statute to cover an offense. Laws enacted by a State would become Federal law within the park and could be tried in the Federal court system. This statute may be used by commissioned employees *only* in areas of exclusive or concurrent legislative jurisdiction.

4.2 **Concurrent Jurisdiction**

4.2.1 *Objective*

The desired objective of concurrent jurisdiction is to establish a partnership between the United States and a State or local government in the administration and management of Federal lands.

4.2.2 *Principles*

The following principles generally apply to areas of concurrent legislative jurisdiction:

- The United States and a State jointly hold and exercise all the rights accorded a sovereign, with the broad qualification that such authority is held concurrently. Both State and Federal criminal codes, including county and city ordinances, apply to Federal lands and both State and Federal officials may enforce their respective codes.
- The State and the Federal governments each have the right to legislate with respect to such land and persons residing or present on it. Federal interests are protected by the Supremacy Clause of the Constitution.
- Cession of concurrent jurisdiction in no way limits the right of the State to exercise its jurisdiction within any unit of the National Park System. It allows the NPS to enforce additional Federal criminal statutes and also to assimilate State law under Title 18 U.S.C. 13, when no applicable Federal law or regulation exists. The result allows for more efficient conduct of both State and Federal law enforcement functions within the parks.

4.2.3 *Benefits*

There are several advantages of concurrent jurisdiction to the Federal government and the States.

- Acts and omissions punishable under State law are likewise punishable under Federal law (Title 18 U.S.C. sections 7 and 13) where no applicable Federal law exists.

CHAPTER 3 – JURISDICTION

- Local, State, and county courts do not have to bear the cost of trials unilaterally.
- The Federal government may use the U.S. Marshals Service to return a person for whom a Federal warrant has been issued or for those who have eluded bail. There are no extradition costs or paperwork for the State or county for a person returned to stand trial in Federal court.
- Subpoena costs are borne by the Federal government when the case is taken to Federal court by the NPS. The state or county is not required to bear unilaterally the expense of returning witnesses from out of State. Witnesses can also be subpoenaed from anywhere within the United States.
- Concurrent jurisdiction does not affect the status of either the State's or the NPS's traditional legal prerogatives, responsibilities, and functions within the parks.

5. TITLE 36 CODE OF FEDERAL REGULATIONS

5.1 Applicability

Regulations contained in 36 C.F.R. Chapter 1 apply to all persons entering, using, visiting or otherwise within:

- The boundaries of Federally owned lands and waters administered by the NPS;
- The boundaries of lands and waters administered by the NPS for public-use purposes pursuant to the terms of a written instrument;
- Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands or lowlands;
- Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the NPS administered interest and compatible with the non-Federal interest.

Further clarification can be found in 36 C.F.R. 1.2 and 1.4, and in specified 36 C.F.R. sections that are applicable to non-federally owned lands located within NPS boundaries that are under the legislative jurisdiction of the United

States (see e.g., § 2.2(g)) and in Volume 61 Federal Register, pages 35133-37, July 5, 1996. (See also 36 C.F.R. Parts 6, 7, 9, 12 and 13).

5.2 Jurisdiction Over Non-Federal Lands

Because of differences in terminology used in individual State statutes ceding legislative jurisdiction to the United States, unit staffs should consult with the field solicitor for clarification of the extent of Federal jurisdiction exercised over non-Federal lands. Further, enforcement on lands for which NPS has less-than-fee interest should not be initiated unless concurred with by the field solicitor and the U.S. Attorney's Office.

Agencies having jurisdiction are responsible for investigating crimes against government property occurring outside NPS boundaries.

6. JURISDICTIONAL INVENTORY (PREVIOUSLY CALLED JURISDICTIONAL COMPENDIUM)

Each park must compile a jurisdictional inventory that lists and explains applicable State and local statutes, General Agreements, lands within the specific park area and related local or regional issues that impact law enforcement authority. Each commissioned employee assigned or detailed to a park unit must be given access to this inventory for review.

CHAPTER 4 – ETHICS AND CONDUCT

1. Policy
2. Principles
3. Goals
4. Law Enforcement Standards

Appendix 4-A. Domestic Violence Statement

Appendix 4-B. Law Enforcement Code of Conduct

Appendix 4-C. Law Enforcement Administrator Code of Conduct

1. POLICY

Commissioned NPS employees are required to adhere to the Departmental law enforcement code of conduct and additional standards for ethics and conduct described in this section. These commissioned employees and law enforcement administrators, *e.g.*, Superintendents, directorate with law enforcement oversight, etc., are Federal employees and must adhere to the regulations and rules that apply to all Federal employees. However, due to the nature of their duties and responsibilities, it is deemed necessary to provide more specific requirements in directing their conduct.

2. PRINCIPLES

2.1 Objectivity

All actions taken by commissioned employees and law enforcement administrators will be directed toward accomplishing the mission of the NPS. Enforcement of the law is one method to achieve this goal, but it is not a goal unto itself. Commissioned employees must appreciate and understand both the spirit and letter of the law.

2.2 Adaptability

Law enforcement operations within the NPS offer as many unique assignments as there are areas within the system. It is essential that every commissioned employee develop the confidence and flexibility necessary to adjust to the different attitudes and procedures that exist from area to area. They should be able to cultivate the support and cooperation of the public in the Service's operations. Citizen approval is essential to an effective program.

2.3 Integrity

Public respect is essential to any law enforcement activity. In order to earn this respect, the commissioned employee must enforce the law impartially. The

employee's private life should be free from scandal and suspicion that would result in public criticism.

2.4 **Versatility**

NPS commissioned employees are much more than just enforcers of the law. They are protectors of park resources and the public welfare. They must possess the ability to perform all other protection duties and they must be adept in all the facets of visitor use management and resource protection required by their current assignment.

2.5 **Compatibility**

The role of the commissioned employee is just one of numerous employee roles, all directed toward accomplishing the same mission. They must have the capacity to understand the purposes and functions of other NPS activities and must be able to work in concert with others in the pursuit of common goals.

3. **GOALS**

The NPS will strive to ensure that its law enforcement programs utilize appropriate contemporary techniques and approaches to crime prevention through resource and public safety education efforts and in conjunction with other traditional active and reactive enforcement methods.

4. **LAW ENFORCEMENT STANDARDS**

4.1 **Conduct**

4.1.1 *Principle*

Because of the nature of their duties and responsibilities and the special public trust they bear, law enforcement personnel and law enforcement administrators are subject to close scrutiny and are held to a high standard of conduct.

4.2 **Ethics**

4.2.1 *Endorsement*

The law enforcement code of conduct will be signed by each commissioned employee annually and becomes part of their official commission folder in accordance with the chapter in this manual on commission procedures.

All non-commissioned law enforcement administrators will sign a law enforcement Code of Conduct oath upon entry into their position which shall be affirmed annually and maintained in their OPF.

CHAPTER 4 – ETHICS AND CONDUCT

Forms for the appropriate entry and annual endorsements are appended to this chapter.

4.2.2 *Law Enforcement Code of Conduct*

1. I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.
2. In my personal and official activities, I will never knowingly violate any local, State, or Federal law or regulation, recognizing that I hold a unique position of public trust that carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.
3. I will not knowingly commit any act in the conduct of official business or in my personal life that subjects the Department of the Interior or the NPS to public censure or adverse criticism.
4. While a law enforcement officer, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or the NPS or that gives the appearance of conflict.
5. As a law enforcement officer of the NPS, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with accuracy.
6. In the investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with the law and established policy.
7. I will accept nothing, even of the slightest value including favored treatment of any kind, from anyone on my own behalf or behalf of another person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or in my effectiveness as a law enforcement officer.
8. I will abide by all rules, regulations, and policies of the Department and the NPS, including those relating to health, safety, and technical expertise requirements of my position.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

9. I will use only the amount of force that is objectively reasonable to accomplish the mission of the Department and the NPS.
10. Supervisors will not give, and law enforcement personnel will not comply with, orders they know to be in violation of criminal laws. Where question or dispute exists over such an order, both the supervisor and subordinate will direct the matter to the next level of supervision for resolution.
11. I understand this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees (43 C.F.R. 20), which I have reviewed, and that a violation of this Code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

4.2.3 *Law Enforcement Administrator Code of Conduct*

1. I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.
2. In my personal and official activities, I will never knowingly violate any local, State, or Federal laws, or regulations, recognizing that I hold a unique position of traditional high public trust which carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.
3. I will not knowingly commit any act in the conduct of official business or in my personal life that subjects the Department of the Interior or the NPS to public censure or adverse criticism.
4. While a law enforcement administrator, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or the NPS or that gives the appearance of conflict.
5. As a law enforcement administrator of the NPS and representative of the Department, I will conduct all law enforcement oversight assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with accuracy.

CHAPTER 4 – ETHICS AND CONDUCT

6. In the investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with law and established policy.
7. I will accept no gift, gratuity, entertainment, or loan except as provided by Departmental regulations and policy. I will not accept favored treatment of any kind, from anyone on my own behalf or on behalf of any other person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or hinder my effectiveness as a law enforcement administrator.
8. I will abide by all rules, regulations, and policies of the Department and the NPS, including those relating to ethics, health, safety, and the law enforcement administration requirements of my position.
9. I will not direct the use of force greater than objectively reasonable to accomplish the mission of the Department and the NPS.
10. Law enforcement administrators will not give, and law enforcement personnel will not comply with, orders they know to be in violation of criminal laws. Where question or dispute exists over such an order, both the supervisor and subordinate will direct the matter to the next level of supervision for resolution.
11. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees (43 C.F.R. 20), which I have reviewed, and that a violation of this Code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

4.2.4 *Outside Employment*

Outside employment is permitted to the extent that it does not prevent a commissioned employee from devoting their primary interests, talents, and energies to the accomplishment of their work for the NPS or create a conflict or apparent conflict between the private interest of the commissioned employee and their official responsibilities.

Employment does not include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless the participation involves the provision of professional services or advice for compensation other than reimbursement for actual expenses.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

A commissioned NPS employee shall not engage in outside employment or activities that are incompatible with the full and proper discharge of the duties and responsibilities of employment with the NPS. Restricted activities include but are not limited to:

1. Any outside employment or activity that requires the exercise of police powers or is of such a nature that it may be reasonably construed by the public to be the official act of the NPS. [5 C.F.R. 2635.502]
2. Outside employment of a sensitive nature for a person or enterprise that has or is seeking to obtain contractual or other business or financial relations with the NPS. [5 C.F.R. 3501.105]
3. Outside employment that is substantively the same as that required by a commissioned employee's regular duties, outside employment that involves the use of Government facilities, equipment and supplies that are not routinely available to the public for similar use, or outside employment that involves the use of official information not available to the public.
4. Outside employment that involves active proprietary management of a business closely related to the official work of the commissioned employee.
5. Outside employment that would tend to influence the exercise of impartial judgment of any matters coming before the ranger/agent in the course of their official duties. [5 C.F.R. 2635.502]
6. Outside employment that would tend to impair the officer's mental or physical capacity to perform their official duties and responsibilities in an acceptable manner.
7. Outside employment that would reflect discredit on the United States or the NPS. [5 C.F.R. 735.203]
8. Generally, a commissioned employee may not receive compensation from a source other than the Government for teaching, speaking or writing activity that relates to the ranger/agent's official duties. Outside employment or activities engaging in speaking, writing or teaching, will be considered on a case-by-case basis. Requests should be submitted to their supervisor for consideration. [5 C.F.R. 2635.807]
9. Outside employment as an expert witness, other than on behalf of the United States, before a Federal court or agency in which the United

CHAPTER 4 – ETHICS AND CONDUCT

States is a party or has a direct and substantial interest requires prior approval by the Designated Agency Ethics Official in the Office of the Solicitor. Requests should be submitted to their supervisor. [5 C.F.R. 2635.805]

A commissioned NPS employee will obtain written ethics approval from their servicing ethics office before engaging in any outside employment from a prohibited source as set forth in 5 C.F.R. 3501.105. The employee will also comply with NPS guidelines, Departmental rules and regulations, and all other Federal requirements with respect to outside employment.

Commissioned employees seeking outside employment with a prohibited source must get ethics approval from the Deputy Ethics Counselor, WASO-Human Resources before starting in accordance with the DOI regulation at 5 C.F.R. 3501.105(b). A prohibited source is any person who:

- Is seeking official action by the NPS;
- Does business or seeks to do business with the NPS;
- Has interests that may be substantially affected by the performance or nonperformance of the employee’s official duties; or
- Is an organization a majority of whose members are described above.

4.3 **Oath of Office**

4.3.1 *Administration*

A Federal judge, magistrate, NPS Director or designee will administer the oath of office. The Chief, LESES, Superintendent, NPS-LETC and Park Superintendents, Deputy Chief, LESES, Investigative Services Branch, and Branch Chief Office of Professional Responsibility are designated as administrators of the oath of office.

4.3.2 *Oath*

“I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

4.4 **Violations of Standards**

4.4.1 *Reporting*

- Whenever a commissioned employee observes any action by another commissioned employee that may constitute misconduct, such activity will be reported to the employee's supervisor.
- If a commissioned employee feels that their performance of duty or appropriate presentation of a court case has been interfered with by another in violation of the provisions of this chapter, the matter will be reported to a supervisor.
- Whenever a commissioned employee physically interferes in the actions of another commissioned employee, or an officer of another organization, they will, as soon as possible, notify their immediate supervisor of the incident and submit a memorandum documenting the incident.
- All administrative complaints alleging interference with commissioned employee's actions or court case will contain only the facts and circumstances of the incident and will not contain any determination of misconduct. Such reports will be submitted following NPS policies and procedures for administrative complaints.

Nothing in this section will be construed to prevent or hinder the legitimate function, duties, responsibility, and relationships of supervisors and subordinates.

CHAPTER 4 – ETHICS AND CONDUCT

APPENDIX 4-A. DOMESTIC VIOLENCE STATEMENT

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

LAUTENBERG CERTIFICATION
FOR OFFICIAL USE ONLY

The Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. § 922) makes it unlawful for any person who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. This prohibition applies to people convicted of such misdemeanors at any time.

A misdemeanor crime of domestic violence includes the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent or guardian of the victim.

Please complete the following certification:

Do you currently have charges pending for or have you ever been convicted of a misdemeanor crime of domestic violence as defined above?

Yes _____ No _____ Initial & Date _____

If you answered “yes” to this question, please provide the following information with respect to your conviction:

Court / Jurisdiction: _____

Docket / Case No.: _____

Statute / Charge: _____

Date of Disposition: _____

If you answered “yes” to this question, was the conviction expunged or set aside or have you been pardoned for the offense or otherwise had your civil rights restored without a continuing prohibition of the use or possession of firearms or ammunition?

Yes _____ No _____ Initial & Date _____

If you answer “yes” to this question, please provide documentation of the expungement, set aside or pardon.

I (print your first name, middle initial, last name), _____, certify that, to the best of my knowledge and belief, all of the information provided by me is true, correct, complete and made in good faith. I understand that any false statement or fraudulent information provided here may result in disciplinary action and/or be punishable under Federal law, including 18 U.S.C. Section 1001.

Signature

date

Jurisdiction & Authority – Ch. 4

APPENDIX 4-B. LAW ENFORCEMENT CODE OF CONDUCT

1. I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.
2. In my personal and official activities, I will never knowingly violate any local, State, or Federal law or regulation, recognizing that I hold a unique position of public trust that carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.
3. I will not knowingly commit any act in the conduct of official business or in my personal life that subjects the Department of the Interior or the NPS to public censure or adverse criticism.
4. While a law enforcement officer, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or the NPS or that gives the appearance of conflict.
5. As a law enforcement officer of the NPS, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with accuracy.
6. In the investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with the law and established policy.
7. I will accept nothing, even of the slightest value including favored treatment of any kind, from anyone on my own behalf or behalf of another person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or in my effectiveness as a law enforcement officer.
8. I will abide by all rules, regulations, and policies of the Department and the NPS, including those relating to health, safety, and technical expertise requirements of my position.
9. I will use only the amount of force that is objectively reasonable to accomplish the mission of the Department and the NPS.
10. Supervisors will not give, and law enforcement personnel will not comply with, orders they know to be in violation of criminal laws. Where question or dispute exists over such an order, both the supervisor and subordinate will direct the matter to the next level of supervision for resolution.
11. I understand this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees (43 C.F.R. 20), which I have reviewed, and that a violation of this Code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

Signature

date

CHAPTER 4 – ETHICS AND CONDUCT

APPENDIX 4-C. LAW ENFORCEMENT ADMINISTRATOR CODE OF CONDUCT

1. I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.
2. In my personal and official activities, I will never knowingly violate any local, State, or Federal laws, or regulations, recognizing that I hold a unique position of traditional high public trust which carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.
3. I will not knowingly commit any act in the conduct of official business or in my personal life that subjects the Department of the Interior or the NPS to public censure or adverse criticism.
4. While a law enforcement administrator, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or the NPS or that gives the appearance of conflict.
5. As a law enforcement administrator of the NPS and representative of the Department, I will conduct all law enforcement oversight assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with accuracy.
6. In the investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with law and established policy.
7. I will accept no gift, gratuity, entertainment, or loan except as provided by Departmental regulations and policy. I will not accept favored treatment of any kind, from anyone on my own behalf or on behalf of any other person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or hinder my effectiveness as a law enforcement administrator.
8. I will abide by all rules, regulations, and policies of the Department and the NPS, including those relating to ethics, health, safety, and the law enforcement administration requirements of my position.
9. I will not direct the use of force greater than objectively reasonable to accomplish the mission of the Department and the NPS.
10. Law enforcement administrators will not give, and law enforcement personnel will not comply with, orders they know to be in violation of criminal laws. Where question or dispute exists over such an order, both the supervisor and subordinate will direct the matter to the next level of supervision for resolution.
11. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees (43 C.F.R. 20), which I have reviewed, and that a violation of this Code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

Signature

date

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CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

1. Commission Application Procedures
2. Lifespan and Jurisdiction of Commissions
3. Commission Retention/Reissuance/Reapplication and Retirement Credentials
4. Accountability for Shields, Commissions
5. Requirements for Commission Records
6. Background Investigation Procedures
7. Status of Law Enforcement Commissions

Appendix 5-A. Type I Flow Chart

Appendix 5-B. Type II Flow Chart – Seasonal

Appendix 5-C. Type II Flow Chart – Permanent

1. COMMISSION APPLICATION PROCEDURES

1.1 Prerequisites for Issuance of Commissions

The selecting official must contact the LESES Commissioning Office at FLETC prior to appointing a candidate to a commissioned position. The LESES Commissioning Office will check records to ensure that the candidate meets commission requirements.

Both Type I or Type II law enforcement commissions will be issued only after an applicant has successfully completed an NPS-approved law enforcement training program, and has successfully passed the appropriate background investigation, medical exam, drug testing, applicable fitness test and/or other requirements.

The minimum age for a commissioned employee is 21 years of age.

1.2 Nominations for Type I commissions

Park Superintendents will nominate qualified individuals who have met the prerequisites as specified above for a Type I law enforcement commission. Nominations will contain certification that the applicant meets all suitability and other requirements for a law enforcement position. Nominations will be sent by the Park Superintendent through the Regional Director to the LESES office at FLETC.

In the case of nominating Special Agents, Regional SACs will send nominations through the DCISB to the LESES Office at FLETC.

1.3 **Type I Commission Standards:**

Type I commissions are issued by the NPS Director. Credentials and shields are processed through the LESES office at FLETC. Candidates selected for initial placement into a position that requires a Type I law enforcement commission will:

- Successfully complete medical and fitness screening (RM-57), and drug testing prior to appointment.
- Successfully complete the Physical Efficiency Battery.
- Have a favorable background adjudication.

All newly hired, permanent law enforcement personnel who have not previously attended an approved NPS FLETC basic training course will be required to complete the NPS basic law enforcement training program at the FLETC.

Park Superintendents (or Regional SACs as applicable) will notify FLETC of the hire and upcoming training needs through the Regional Office as soon as the candidate has a scheduled EOD date.

All newly hired permanent law enforcement personnel (including lateral reinstatements) who have previously completed a FLETC basic academy training program approved and recognized by the NPS and DOI may not be required to repeat basic law enforcement academy training. In these circumstances, parks should expeditiously submit a request for waiver to the DCOP. Waiver approvals will be based on a variety of conditions including training/employment records, time lapsed since attending basic training, and other factors as outlined in RM-9. It is highly recommended that parks submit waiver applications prior to making job offers to ensure employees and parks clearly understand what type of training will be required for commissioning. Employees who receive approval to waive basic training under this section may be required to successfully complete the NPS-specific law enforcement training course at the FLETC.

All newly hired, permanent law enforcement personnel, including lateral reinstatements, who have not previously completed an approved Field Training program will be required to successfully complete the Field Training and Evaluation Program (FTEP) at the location assigned by the FLETC Superintendent.

Type I Commissions may be reissued to employees who previously held an NPS Type I Law Enforcement Commission (in good standing) and transferred

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

back into the NPS per existing RM-9 guidelines. The DCOP may require completion of the FTEP as a condition of re-commissioning.

Exceptions due to unique circumstances will be evaluated on a case-by-case basis and submitted to the DCOP for review and approval.

Once basic training commission requirements have been met, the employee will be sworn in and assigned a “conditional” Type I Commission. The employee will then complete the NPS FTEP. Provided that the employee successfully completes the performance elements of the FTEP, the “conditional” provision of the Type I Commission will be dropped. Failure to pass any portion of the basic law enforcement training program (Academy or FTEP) constitutes due cause for the immediate surrender of the law enforcement commission and does not carry with it any right to a Board of Inquiry to review the circumstances of a removal from training.

No person who has been removed from the NPS basic law enforcement training program for disciplinary reasons can receive any type of NPS law enforcement commission and will not be allowed to re-apply for training at a later date.

Students who have been removed from basic academy training for academic purposes may re-apply for the academy once. The decision to re-admit is at the discretion of the Superintendent, NPS-LETC. After any removal from basic training due to academic failure no student may hold any type of NPS law enforcement commission, except through re-admission and successful completion of training. If a student fails a second time, they may not be re-admitted.

Students who fail the FTEP may not receive any type of NPS law enforcement commission and will not be allowed to re-apply for FTEP.

Temporary/seasonal employees who are subsequently hired into permanent law enforcement positions may continue to work under authority of a Type II law enforcement commission, not to exceed two years. If the employee cannot meet the criteria for a Type I commission within the two year period, a written request for a temporary waiver must be submitted to and approved by the DCOP. If no waiver is issued the Type II commission is no longer valid and must be returned to the LESES office at FLETC.

Transfers into NPS from other federal law enforcement positions must complete an NPS-approved basic training program and/or the Field Training and Evaluation Program (FTEP) prior to obtaining a Type I commission.

1.4 **Type II Commission Standards**

1.4.1 *Temporary/Seasonal Employees*

Type II commissions for seasonal or temporary employees will be issued at the park level by the Park Superintendent. Type II commissions will expire one year from the date of issue or when a seasonal employee is hired to a permanent position. New commission cards will be issued annually. The issue date will appear on the face of the commission card.

Park Superintendents must ensure that the following requirements are met prior to issuance of a Type II commission to a temporary or seasonal employee:

- All prerequisites have been met.
- Document successful completion of an approved NPS seasonal training academy.
- Ensure the applicant has successfully completed applicable screenings (medical, fitness, and drug).
- Document successful completion of approved 40-hour in-service law enforcement training in those instances where the employee graduated from an authorized seasonal law enforcement training academy more than one year prior to appointment.
- Document the successful completion of required firearms qualifications after the employee has entered on duty but before the commission is issued.
- Background investigation requirements for temporary/seasonal commissions: Refer to the background requirements section later in this chapter. [Refer to 6. Background Investigation Procedures.]
- Make written notification to the Commission Office at the FLETC, that the employee is being issued a Type II Law Enforcement Commission.

1.5 **Seasonal Academy Attendance for Permanent Employees**

Permanent employees will not attend a seasonal law enforcement academy on government time without authorization from the DCOP in consultation with the Superintendent, NPS-LETC. Training obtained without such authorization will not qualify an employee for a Type II commission.

2. LIFESPAN AND JURISDICTION OF COMMISSIONS

2.1 Type I Commissions

Type I commissions in good standing are valid throughout the National Park System. A new commission card with a current photograph will be issued every five years based on a renewal background investigation being scheduled.

2.2 Type II Commissions

Type II commissions in good standing are valid throughout the National Park System. Upon conclusion of the seasonal appointment, the Park Superintendent will collect and be accountable for all issued Type II commissions.

Type II commissions for permanent staff:

- Permanent staff may work under the authority of a Type II commission until they can attend training at the FLETC. This training must begin within two years of the permanent appointment.
- Type II commissions for *permanent* employees are not issued at the park level. Park Superintendents will nominate qualified permanent employees for Type II commissions who have met the same prerequisites as specified above for a Type I law enforcement commission. Nominations will contain certification that the applicant meets all suitability and other requirements for a law enforcement position. Nominations will be sent by the Park Superintendent through the Regional Director to the Commission Office at FLETC.
- In the case of nominating Special Agents, Regional SACs will send nominations through the DCISB to the Commission Office at FLETC.
- Lateral reinstatement candidates who have previously completed a basic training academy at the FLETC may be issued a Type II commission upon consultation with the Superintendent at FLETC and the DCOP.
- Permanent Type II, non 6c law enforcement rangers who have attended FLETC will have a new commission issued every five years based on a renewal background investigation being scheduled. NOTE: This commission status has been replaced and future non 6c covered law enforcement officers will be issued a commission based on training. Graduates of FLETC and the FTETP will receive a Type I commission regardless of the retirement system they are in.

Type II commissions for temporary/seasonal staff:

- When an employee transfers or obtains a separate appointment at a different park site, they should be issued a new Type II Commission from the Park Superintendent of that site.
- Temporary/seasonal Type II commissions will be reissued every year.

2.3 **Suitability Disqualification**

An applicant's suitability/eligibility for Federal employment in law enforcement is contingent upon a favorable adjudication of a background investigation, as well as other factors, such as meeting medical and fitness standards. When an investigation indicates any immediate or long-term risk or potential for abuse, the applicant will be disqualified on the grounds that employment may reasonably be expected not to promote the efficiency of the NPS.

The servicing personnel office will be contacted concerning disqualification criteria and procedures. Standards for employment in law enforcement positions are more stringent than those in other Government employment.

The NPS Law Enforcement Security Officer will provide a Certificate of Investigation within 30 days following receipt from OPM investigation results, other than when exceptional issues require additional investigation/documentation. Provisions of 441 DM 5, 5 CFR 731.402 – 731.404, Federal Investigative Notice 07-05, etc. may impact timelines for adjudication.

3. **COMMISSION RETENTION/REISSUANCE/REAPPLICATION AND RETIREMENT CREDENTIALS**

The following rules apply regarding the retention or reissuance of commissions:

- **Seasonal Employees** – When a seasonal employee is rehired following a break in commissioned service of less than three years, a commission may be issued provided all commissioning requirements have been met.
- **Transferring Permanent Employees** – Employees with an NPS commission retain their credentials when transferring between parks without a break in service. The Chief Ranger of the receiving park will notify the Commission Office at FLETC of the transfer in writing, with a copy to the Regional Law Enforcement Specialist.

Where applicable, the park will forward the local commission file to the receiving park.

- **Subject to Furlough** – Providing that all in-service training and firearms qualification requirements are satisfied, subject-to-furlough employees who are placed in non-work/non-pay status are authorized to retain their law enforcement credentials and weapon.
 - The receiving park will notify the Commission Office when a Type II commissioned STF employee who has not yet obtained a Type I commission transfers to a new duty station. The Regional Law Enforcement Specialist must be notified of the transfer.
- **Departure from Law Enforcement Position** – Any employee who leaves an NPS law enforcement position must relinquish their shields, firearm and commission cards to the park’s Chief Ranger. The Chief Ranger will notify the Regional Law Enforcement Specialist and will return the shields, firearm and commission cards to the Commission Office at FLETC.

Special Agents who leave an NPS law enforcement position must relinquish their shield and commission to the appropriate Regional SAC or DCISB, who, in turn, will forward them directly to the Commission Office at FLETC.

3.1. **Reapplication**

A permanent employee whose commission has been suspended for failure to meet annual in-service training requirements for a period less than three years may reapply for a commission in accordance with the provisions of RM-9.

3.2 **Retirement Credentials**

A long-standing tradition of the law enforcement profession is to issue retirement credentials to commissioned employees who honorably retire from active law enforcement service. This practice is in recognition of their years of service and dedication. Retirement law enforcement credentials are proud and prized possessions of these officers.

With the arrival of enhanced law enforcement retirement coverage for most commissioned National Park Service (NPS) Rangers and Agents, the following policy and procedures have been adopted for the NPS, in congruity with provisions of PL108-277, the Law Enforcement Officers Safety Act of 2004.

3.2.1 *Policy*

- When a commissioned Park Ranger or Special Agent retires from active NPS law enforcement duties, he or she may be presented with a retirement shield and commission card, in a credential case. This may occur whether or not they are retiring from Federal service. Retirement credentials will be issued when a ranger or agent no longer has law enforcement authority in the NPS and eligibility requirements are met. This presentation is discretionary on the part of the National Park Service and is considered a part of the Awards and Recognition Program in that it recognizes honorable service as a commissioned officer. It is analogous to the presentation of a Meritorious Service, or other award upon retirement from Federal service.
- Retirement credentials will be issued only to Park Rangers and Special Agents who have at least 15 years of federal law enforcement service (PL 108 277). Exceptions for officers who do not meet the 15 year service requirement will be considered by the DCOP. It may be possible for individuals to receive retirement credentials from more than one federal agency.
- Retirement credentials will not be awarded to individuals who do not retire in good standing.
- Retirement shields will indicate the highest commissioned position achieved. For example, a park ranger who worked as a commissioned Chief Ranger would receive a retired Chief Ranger shield. Shields are available for Park Ranger, Chief Park Ranger, Special Agent and Regional Chief Ranger. The shield will clearly designate “Retired” below the respective title on the shield.
- The Commission Office at FLETC will maintain a supply of retirement shields, commission cards and leather cases, and will coordinate issuance.
- Costs for retirement law enforcement credentials will be borne by the benefiting account. The Commission Office at FLETC will collect these costs through expenditure transfer.

3.2.2 *Procedure*

1. Requests for retirement credentials will be made by the retiring ranger’s park to the respective Regional Law Enforcement Specialist. The Regional Law Enforcement Specialist will verify that the ranger/agent meets eligibility standards and then submit

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

the request to the Commission Office at FLETC using the “Request for Retirement Credentials and Shield” form and the Department of Interior Award Certification form, DI-451. For Special Agents, the request will come from the Regional SAC to the DCISB.

2. Requests for retirement credentials and shields will **ONLY** be accepted from a Regional Chief Ranger, Regional Law Enforcement Specialist, Regional SAC, Chief Investigative Services Branch or the Chief or Deputy Chief, Law Enforcement, Security and Emergency Services. However, WASO reserves the right to make a final determination. The DI-451 should be marked as a *Non-Monetary Recognition* and submitted with the completed and signed request form at least one month prior to the retirement date.
3. Upon receipt of the request and award form, the Commission Office will process the application. The requesting official must provide the retiree’s signature (electronic scan or signature card) and digital passport-type photo of the retiree. (See Commission Photo Appearance Standards, Chapter 5, section 3.3.)
4. The credential package, along with a receipt for property, will be sent to the requesting Regional Office. It is the responsibility of the requesting official to arrange for an appropriate ceremony for presentation of the retirement credentials. The retiree must sign the property receipt and return it to the Commission Office.

LESES will maintain a log of retirement shields and credentials issued and receipts will be included in the employee’s permanent law enforcement commission file.
5. Retirement credentials do not have an expiration date. Retired officers wishing to update their credential photo may submit a new photo and request a new card directly from the Commission Office at FLETC.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

Request for Retirement Law Enforcement Credentials and Shield

Name of retiring Park Ranger (as it is to appear on the Retirement Credentials)

Park Sponsoring the Award _____

Creditable years of National Park Service law enforcement service _____

(From: _____ To: _____ *)

Highest position achieved in law enforcement ** _____

Effective date of retirement from National Park Service law enforcement: _____

Account number for expenditure transfer: _____

Requesting Official's signature and title: _____

Date of this request: _____

Address to mail the card/shield: _____

Approval

Signature/Date:

(Regional Chief Ranger, RLES, DCISB, Chief LESES, or DCOP)

**CHOOSE ONE:
Regional Chief Ranger
Chief Ranger
Special Agent
Park Ranger

Send completed Department of Interior
Award Certification form DI-451 with this
request.

*Attach a work history, with approximate dates, showing 15 years of service, including seasonal LE time.

3.3 **Commission Photo Appearance Standards**

All photos should be submitted in digital format using at a minimum five megapixel camera technology.

3.3.1 *Appearance Standards for Type I and Type II Commission Photos for Uniformed Personnel*

Subjects must be in a service uniform shirt, shield, and name tag. No jackets, hats, visible body armor, lapel pins or other accoutrements will be worn. Hair must be neat and other grooming requirements must be met. Photos will be taken with a neutral facial expression or smile against a white background, showing the top of the shoulders, full face, and facing square to the camera. Photos not meeting these standards will be rejected, and new commissions will be delayed until a proper photo is received.

3.3.2 *Appearance Standards for Special Agents Commission Photos*

Employees must be in appropriate business attire (for example: dress shirt/blouse, tie, and suit coat or blazer). Hair must be neat and other grooming requirements must be met. Photos will be taken with a neutral facial expression or smile against a red background, showing the top of the shoulders, full face, and facing square to the camera.

3.3.3 *Appearance Standards for Retirement Credential Photos*

Subjects must be in appropriate business attire (for example: dress shirt/blouse, tie, and suit coat or blazer). Hair must be neat and other grooming requirements must be met. Photos will be taken with a neutral facial expression or smile against a white background, showing the top of the shoulders, full face, and facing square to the camera. Photos not meeting these standards will be rejected, and credentials will be delayed until a proper photo is received.

4. **ACCOUNTABILITY FOR SHIELDS, COMMISSIONS**

4.1 **Shields**

Law enforcement commissions shields are considered central issue items and will be issued by NPS/FLETC. These shields are directly assigned to the commissioned employee and will be returned to the Commission Office upon resignation, termination or retirement. These shields are accountable, sensitive property and shall not be personally etched, marked on or in any other way defaced. Only shields manufactured by an LESES approved vendor will be considered authentic and approved. Replica shields/badges, unnumbered shields or shields manufactured by unapproved vendors are not to be worn or carried as NPS identification.

4.2 **Procedures for Lost/Stolen Commissions**

A law enforcement commission is accountable property and must receive the same degree of control that is provided other sensitive items of law enforcement equipment. In the event of a lost or stolen commission (including retirement credentials), the employee must immediately notify an appropriate law enforcement supervisor. The supervisor will ensure an investigation is conducted.

When an NPS law enforcement shield or credential is lost or stolen, the following must take place as soon as the loss or theft is noted:

- The loss or theft will be immediately reported to the Emergency Incident Coordination Center (EICC) at Shenandoah National Park. EICC will immediately advise the DCOP and the Commission Office at FLETC.
- The shield number and identifying information from the lost credential and/or shield will be entered into NCIC as soon as practical but not longer than within 24 hours.
- A Board of Inquiry (BOI) may be initiated by the park Superintendent or Regional Senior Law Enforcement Official (RSLEO). If a BOI was conducted, the RSLEO will submit the BOI report to the DCOP through their Regional Office within 30 days of the initial report, including the Survey of Property forms.

5. **REQUIREMENTS FOR COMMISSION RECORDS**

5.1. **Oversight Responsibility**

The Chief Ranger is responsible for ensuring that commissioned employees meet training and qualification standards as set forth in RM-9. Regions are responsible for ensuring parks are meeting this requirement, conducting checks, and overall accountability.

The DCISB is responsible for ensuring that commissioned special agents meet training and qualification standards as set forth in RM-9.

When the performance of law enforcement duties does not reflect full compliance with established Servicewide principles, directives, and policies, managers and supervisors are expected to resolve this situation through training, counseling, imposition of restricted duty, or suspension of a commission, as appropriate.

5.2 Commission/Training Records

The official commission folder will be maintained at the Commission Office at FLETC. The Chief Ranger or Supervisory Special Agent in Charge are responsible for establishing and maintaining an independent commission file for each commissioned employee that will contain at a minimum the following:

- Annual training documentation
- Firearms qualification documentation
- Physical Fitness testing documentation
- Background Investigation status and results
- Medical RM 57 report
- Copy of current commission
- Domestic Violence affidavit (on transfer/reassignment; temporaries annually)
- Code of Conduct signature page (on transfer/reassignment; temporaries annually).

Copies of the commission file information will be sent to the Commission Office at FLETC and the Regional Office as requested. When an employee transfers to a new duty station the commission file will be transferred to the new park. If the employee leaves the Service the file will be sent to the Commission Office at FLETC. This will assure that all training and commissioning records are maintained in a Servicewide database and are readily retrievable by authorized personnel throughout the employee's career.

The commission folder at FLETC and the park/region commission file are restricted documents and are to be kept secure and separate from other files. The contents of the commission folder and file may be audited on a random basis.

6. BACKGROUND INVESTIGATION PROCEDURES

6.1 Type Required

The following types of favorably adjudicated investigations are required for the specified positions:

Chief Rangers, Senior Law Enforcement Officials and Law Enforcement Specialists of *non-Border and non-Icon parks*, and all other Permanent Law Enforcement Positions –

- A Background Investigation (BI) will be initiated and favorably adjudicated prior to initial placement.

New pending permanent employees who have not held a Type II commission within the previous six months, and do not possess a current favorably adjudicated BI from another federal agency may not EOD until they have received a favorable BI.

- A Periodic Re-Investigation with Residence (PRIR) for updating the background investigation must be conducted every five years.
- Chief Rangers and permanent law enforcement staff of non-Icon parks may be submitted for a Single Scope Background Investigation (SSBI) based upon review and approval by the Chief LESES.

Chief Rangers and Park Law Enforcement Specialists of *Border and Icon Parks*, Regional Chief Rangers and LE staff, LESES LE staff, Regional Law Enforcement Specialists and Special Agents –

- A Single Scope Background Investigation (SSBI) will be initiated and favorably adjudicated prior to placement.

New pending permanent employees who have not held a Type II commission within the previous six months, and do not possess a current favorably adjudicated BI from another federal agency may not EOD until they have received a favorable BI.

- Upon completion of required background investigations, Chief Rangers of Border and Icon Parks, Regional Chief Rangers, LESES staff and Special Agents should obtain security clearance at the “top secret” level.
- A Single Scope Background Investigation – Periodic Re-Investigation (SSBI-PR) or Phased Periodic Reinvestigation (PPR) for the background must be conducted every five years.

Managers Overseeing Law Enforcement Programs (Regional Directors, Deputy and Associate Regional Directors) *in Regions with Border and Icon parks*; Border and Icon Park Superintendents and Deputy Superintendents –

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

- A SSBI will be initiated prior to placement. Upon completion of required background investigations these managers should obtain security clearance to “top secret” level, as appropriate.
- A Single Scope Background Investigation – Periodic Re-Investigation (SSBI-PR) or Phased Periodic Reinvestigation (PPR) for the background must be conducted every five years.

Managers Overseeing Law Enforcement Programs (Regional Directors, Deputy and Associate Regional Directors, Park Superintendents and Deputy Superintendents) of non-Border and non-Icon Regions and Parks –

- At a minimum, a Background Investigation (BI) will be initiated and favorably adjudicated prior to initial placement.
- A Single Scope Background Investigation – Periodic Re-Investigation (SSBI-PR) or Phased Periodic Reinvestigation (PPR) for the background must be conducted every five years.
- An SSBI will be initiated as appropriate.

Temporary/Seasonal Law Enforcement Positions –

- New seasonal employee background requirements for commission:
 - A Special Agreement Check (SAC) must be completed and favorably adjudicated prior to the employee’s EOD date.
 - A Limited Background Investigation (LBI) must be initiated prior to placement. It is recommended that the LBI be requested after the SAC is completed.
 - In addition to the SAC and LBI, wants/warrants, local history and DL checks must be completed prior to the employee’s EOD.
- Returning commissioned seasonal employee background requirements:
 - If the applicant has had less than a 60 day break in commissioned service a new SAC is not required, but they must sign an affidavit (SF 86C) certifying they have not been engaged in any disqualifying activities since their last certification.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

- If disqualifying activities are noted or detected through the affidavit or pre-employment checks, suitability for employment must be further investigated. A new SAC must be initiated and employment must be delayed until the new SAC is favorably adjudicated.

Non-Commissioned Law Enforcement Support Personnel (all dispatchers, records clerks, security guards, and other personnel with access to controlled law enforcement materials or communications, including radio or computer technicians – Case Reports, NCIC, etc.) –

- For permanent employees:
 - An Access National Agency Check and Inquiries (ANACI) background investigation must be completed and favorably adjudicated prior to placement.

Temporary/Seasonal Non-Commissioned Personnel –

- A Special Agreement Check (SAC) must be completed and favorably adjudicated prior to the employee's EOD date.
- A National Agency Check and Inquiries (NACI) must be initiated prior to placement.

6.1.1 *Special Agreement Check (SAC) – Form OFI 86C & Credit Information Release Form*

Special Agreement Checks (SACs) allow the NPS to obtain limited background information for certain items while waiting for a full background investigation to be completed. SACs will also enable the NPS to make conditional suitability determinations prior to the applicant's appointment. The SAC will be used in the following circumstances:

Pre-employment initial background check – this applies to all law enforcement employees, managers, support personnel, and trainees.

6.1.2 *FLETC Students*

A BI must be initiated on every employee selected to attend the basic law enforcement training program at FLETC, including Criminal Investigator Training. Students may attend FLETC with a cleared Special Agreement Check (SAC) as long as the BI is initiated.

Prior to attendance at FLETC, all commissioning requirements listed above must be met.

6.1.3 *Updates*

The servicing personnel office or designee will initiate a background investigation update on every permanent commissioned employee, dispatcher, or other law enforcement/support employee, every five years after the original background investigation was completed.

6.2 **Backgrounds from Other Agencies**

If an employee that has a current favorably adjudicated background check at the appropriate level for their position obtained from another Federal agency, meeting NPS suitability requirements, and made available to the NPS from that agency, they may enter into an NPS law enforcement position. An appropriate NPS Background Investigation will be initiated upon entry into duty.

6.3 **Determination of suitability**

The following process will be followed in determining suitability:

- Upon completion of their investigation, OPM will forward its findings to the NPS Law Enforcement Security Officer WASO-LESES.
- The NPS Law Enforcement Security Officer in WASO-LESES will make a final determination as to suitability.

Based upon findings of the investigations, the NPS Law Enforcement Security Officer will certify adjudication, and transmit the signed Certificate of Investigation (favorable or not) to the office of the Commissions and Credentialing Specialist at FLETC and the servicing personnel office for inclusion in the OPF.

The NPS Law Enforcement Security Officer will provide a Certificate of Investigation within 30 days following receipt from OPM investigation results, other than when exceptional issues require additional investigation/documentation. Provisions of 441 DM 5, 5 CFR 731.402 – 731.404, Federal Investigative Notice 07-05, etc. may impact timelines for adjudication.

6.4 **Background Investigation Forms**

All background investigations and upgrades will be processed using OPM's automated system, e-QIP or successor program.

In addition, the following will be submitted:

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

- Two SF-87 fingerprint cards.
- An SF-171, OF-612 or résumé with an original signature.
- An OF 306, Declaration of Federal Employment.

Background Updates Require:

- Two SF-87 fingerprint cards.

Special Agency Checks (SACs) require:

- OFI 86C Form.
- Credit Release Form.
- Two SF-87 fingerprint cards.

NOTE: It is the responsibility of the initiating office to ensure that the paperwork is complete. Submitting two fingerprint cards to OPM may lessen the possibility of the prints being returned as unclassifiable. Consider producing three cards, two for OPM and one for the park work folder.

7. STATUS OF LAW ENFORCEMENT COMMISSIONS

7.1 Active Status

A commission in full force with all authority.

7.2 Good Standing

A commissioned employee is deemed to be “in good standing” when s/he is in full compliance with all provisions of RM-9 that relate to commissioning procedures and requirements (e.g., background investigation status, training, qualification standards, certifications, conduct, and other requirements), and is not the subject of a suspension, revocation, or other restriction or limitation of authority imposed as a result of alleged or confirmed misconduct or unsuitability.

7.3 Duty Status

7.3.1 Normal Duty

Normal duty status (medically qualified, authorized, and ready to perform any and all duties of the position).

7.3.2 *Light Duty*

A temporary medical condition certified by a medical physician (e.g., recovery from surgery, sprain, pregnancy, broken bones) in which the employee is restricted from participating in potentially hazardous or arduous law enforcement activities. As a result, the supervisor may administratively restrict the law enforcement duties and assignments. However, statutory law enforcement authorities are not necessarily restricted or affected. This duty status does not necessarily require the employee to relinquish issued duty equipment. Access to or use of defensive equipment will not be restricted unless the medical condition specifically impacts upon such use or meeting required qualifications. Training and qualifications must be current prior to the employee's return to Normal Duty.

7.3.3 *Pregnancy Light Duty*

Pregnancy is a temporary medical condition. A pregnant commissioned employee may be placed in light duty status as a result of restrictions placed on her duties by her physician. The employee is responsible for consulting with her physician and providing appropriate documentation of her restrictions to her supervisor so that the employee and supervisor can adjust the employee's duties appropriately. A pregnant ranger or agent's commission is active and maintains its full authority.

If a pregnant employee is able to perform the basic functions of the position, she must be permitted to continue doing her job during pregnancy. A pregnant employee shall not be required to take a light duty assignment if she is physically able to safely perform the basic duties of her current assignment. If the ranger's ability to safely perform her basic duties is at issue, clearance by her physician may be requested using the same criteria used with a similar request of any other temporarily disabled employee. The decision to move into a light duty assignment should be made by the supervisor in consultation with the commissioned employee and her physician. If the ranger voluntarily requests a modification of job duties, or a light-duty assignment, the request must be treated the same as other similar requests made by temporarily-disabled employees. Pregnancy, childbirth and related medical conditions must be treated in the same way as other temporary illnesses or conditions. (See Pregnancy Discrimination Act, 42 U.S.C. 2000(e)(k), and Equal Opportunity Commission Guidelines, 29 C.F.R. 1604, Appendix.)

Pregnant employees may be required to participate in mandatory commission-related training if they are performing in normal duty status. Measures should be considered to provide a safe environment for testing consistent with the recommendation of the commissioned employee's physician.

7.3.4 *Restricted Duty*

A temporary assignment in which the supervisor (or review board) restricts a commissioned employee's law enforcement duties and responsibilities, or a temporary restriction on commission status where specific authorities (e.g., authority to carry firearms) are restricted due to issues relating to performance or training. Restricted duty may also be utilized for administrative purposes (e.g., immediately following ranger involved shooting).

7.3.5 *Reinstatable (Inactive)*

Individuals who have been working in a *commissioned law enforcement position in another agency*:

- May be reinstated within five years without having to re-attend basic training or FTEP program.
- Must have met other agency's applicable requirements, including annual in-service training, firearms qualifications, medical examination and background investigation.
- Prior to having their NPS law enforcement commission reinstated, they must meet all current applicable NPS commissioning requirements including FTEP and a commission file check at FLETC.

Individuals who *surrender* their law enforcement commission for any *non-law enforcement* position:

- May be reinstated up to three years without having to re-attend basic training. Attending in-service training does not extend the three year restriction.
- Prior to having their NPS law enforcement commission reinstated, they must meet all current applicable NPS commissioning requirements, including FTEP, and a commission file check at FLETC.
- Individuals who initially received their law enforcement credentials prior to establishment of the FTEP, who return to law enforcement within 3 years must seek a waiver for FTEP from the DCOP.

7.3.6 *Invalid*

The status of a law enforcement commission that is not in another category for any other administrative reason. When an employee's commission is invalid,

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

they may not perform law enforcement duties or exercise law enforcement authority.

7.3.7 *Probationary*

Upon graduation from NPS basic training at FLETC, rangers will be issued a probationary Type I commission for participation in the Field Training and Evaluation Program (FTEP). This probationary period ends upon successful completion of the FTEP. This commission will be revoked upon failure to successfully complete the FTEP. A board of inquiry is not required.

Failure to complete the NPS basic academy and the FTEP prohibits the issuance of any type of NPS law enforcement commission.

7.3.8 *Suspended*

A temporary removal of all law enforcement authorities (e.g., carry firearms, make arrests, conduct investigations, serve warrants, etc.). Persons in this category have no specific law enforcement authority but, for retirement purposes, are temporarily retained in covered 6c positions.

7.3.9 *Revoked*

A permanent revocation of law enforcement authority and law enforcement duties. This action requires removal from a 6c designated law enforcement position.

7.4 **Procedures for “Other Than Active Status” Commissions**

7.4.1 *Restricted Commissions*

An employee who fails to meet annual training requirements effective December 31 of any year must be placed in restricted duty status, through the last day of February or until the training requirements are remediated. An employee may be placed in restricted commission status for other administrative reasons.

7.4.2 *Invalid Commissions*

The affected employee must surrender the commission, shields and all defensive equipment to an appropriate supervisor.

With the exception of an employee on light or restricted duty status resulting from temporary medical conditions, the commission of an employee who fails to meet annual in-service training requirements becomes invalid on March 1. The Park Superintendent, through the Chief Ranger, must remove

law enforcement duties from any ranger whose commission is invalid. The National Special Agent in Charge has the same responsibility for Special Agents. The servicing personnel office will also be notified.

To reinstate an invalid commission, the training or qualification deficiency must be corrected.

7.4.3 *Suspended Commissions*

A suspension is the temporary withdrawal of a law enforcement commission. Disciplinary proceedings may be taken in conjunction with the suspension of a law enforcement commission. Violations that justify suspension of a commission include, but are not limited to:

- Failure to comply with Departmental law enforcement policies or provisions of RM-9.
- Failure to comply with the tenets of the law enforcement code of conduct.
- Insubordination, disobedience, or failure to obey a lawful order.
- Willfully and knowingly making an untruthful statement of any kind in any verbal or written communication pertaining to official duties; deliberately omitting information, or knowingly making an untruthful statement before any court or any government official.
- Excessive use of force.
- Verbal abuse or discourtesy or failure to exercise reasonable and prudent judgment in law enforcement contacts.
- Gross neglect of duty (i.e., any unwarranted action or lack of action that may be injurious to oneself, an employee, or the public).
- Involvement in criminal activity or conviction of any criminal offense; dishonesty, drinking alcoholic beverages on duty, habitual use of intoxicating beverages to excess or illegal use of a drug or other controlled substance.
- Involvement in conduct that impairs the efficiency of the Service or causes the loss of public confidence in the Department or the NPS.
- Conduct or actions suggesting emotional instability.

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

- Determination of psychological or medical unfitness for law enforcement duty, based upon a professional examination, made at the request of the supervisor, pursuant to approval by the Service medical officer.
- Failure to pass a random drug test.

A line supervisor of the commissioned employee may suspend the employee's law enforcement commission for up to 30 calendar days. The person initiating the suspension must immediately notify their own supervisors, as well as the Park Superintendent, Regional Office and the DCOP in writing (including electronic mail) of any commission suspension, with a brief summary explaining the circumstances leading to the suspension.

For Special Agents, notification will follow the chain of command, to include the DCOP.

A suspension must be documented in writing and a copy given to the affected employee within two working days. The next-level supervisor will review the suspension within three working days and either terminate it or allow it to continue in force pending further investigation. The employee whose commission has been suspended must surrender all law enforcement credentials (including credentials issued by other agencies on the basis of the Service's commission) and all defensive equipment to their supervisor. If applicable, the supervisor will also suspend the employee's authorization to carry personally owned defensive equipment. The commission will be retained by the supervisor pending final action.

At the end of 30 calendar days or the suspension, whichever is less, the following courses of action are available:

- Upon successful resolution, the suspension may be lifted by the Park Superintendent and law enforcement authority reinstated. The DCOP will be notified in writing of the reinstatement.
- At the request of the Park Superintendent, the Regional Director or Director (for commissioned rangers) or the DCISB or Chief LESES (for Special Agents) may extend the suspension for an additional 30 calendar days, based upon a determination that additional time is needed for investigation, medical evaluation, and/or treatment, but not for disciplinary purposes.

or

- Proceed with revocation process. **(Exception: Chapter 6, 2.2.4, concerning scheduling of a BOI)**

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

If additional time beyond 60 days is required to consider suspension action or to finalize an internal investigation, the Chief, LESES must be consulted prior to the extension of the suspension. A board of inquiry will be convened if the Service determines that revocation of the commission is required.

When a suspension has been initiated because of an apparent emotional or psychological disorder, a commission may be reinstated, after the employee submits to examination by a medical professional who certifies in writing that the employee is ready to resume law enforcement duties. Whenever actions of this nature are contemplated the servicing personnel office will be notified.

The medical professional will be a physician psychiatrist or PhD psychologist with subject matter expertise in law enforcement and is approved by WASO-LESES as well as the NPS Medical Standards Program Manager.

In the Investigative Services Branch, the defined role of the Park Superintendent in the suspension process will be assumed by the Chief, Investigative Services Branch.

7.4.4 *Revoked Commissions*

Revocation of a law enforcement commission may be proposed by the Park Superintendent, National Special Agent in Charge, Regional Director or the Director through the DCOP.

A Board of Inquiry must be convened to hear evidence in support of a proposed revocation, and to make findings/recommendations for the deciding official (the Regional Director). The Board will not be convened/selected by the authority imposing or recommending a revocation. Selection must be made at least at the next higher level.

The Regional Director or the Director may revoke any law enforcement commission based upon written recommendations of a Board of Inquiry. Revocation of a permanent employee's commission will occur with consultation with the DCOP. A letter permanently revoking the law enforcement commission will be signed by the DCOP and placed in the employee's permanent commission file. This will preclude the employee from being commissioned by any other region. Consult with human resources for concurrent administrative actions.

A board of inquiry is not required to revoke a commission for failure to successfully complete the NPS basic academy and the Field Training and Evaluation Program, if the commissioned employee is terminated for cause, or if an employee leaves federal service before a board of inquiry can be convened.

CHAPTER 5 – COMMISSION AND BACKGROUND INVESTIGATION PROCEDURES

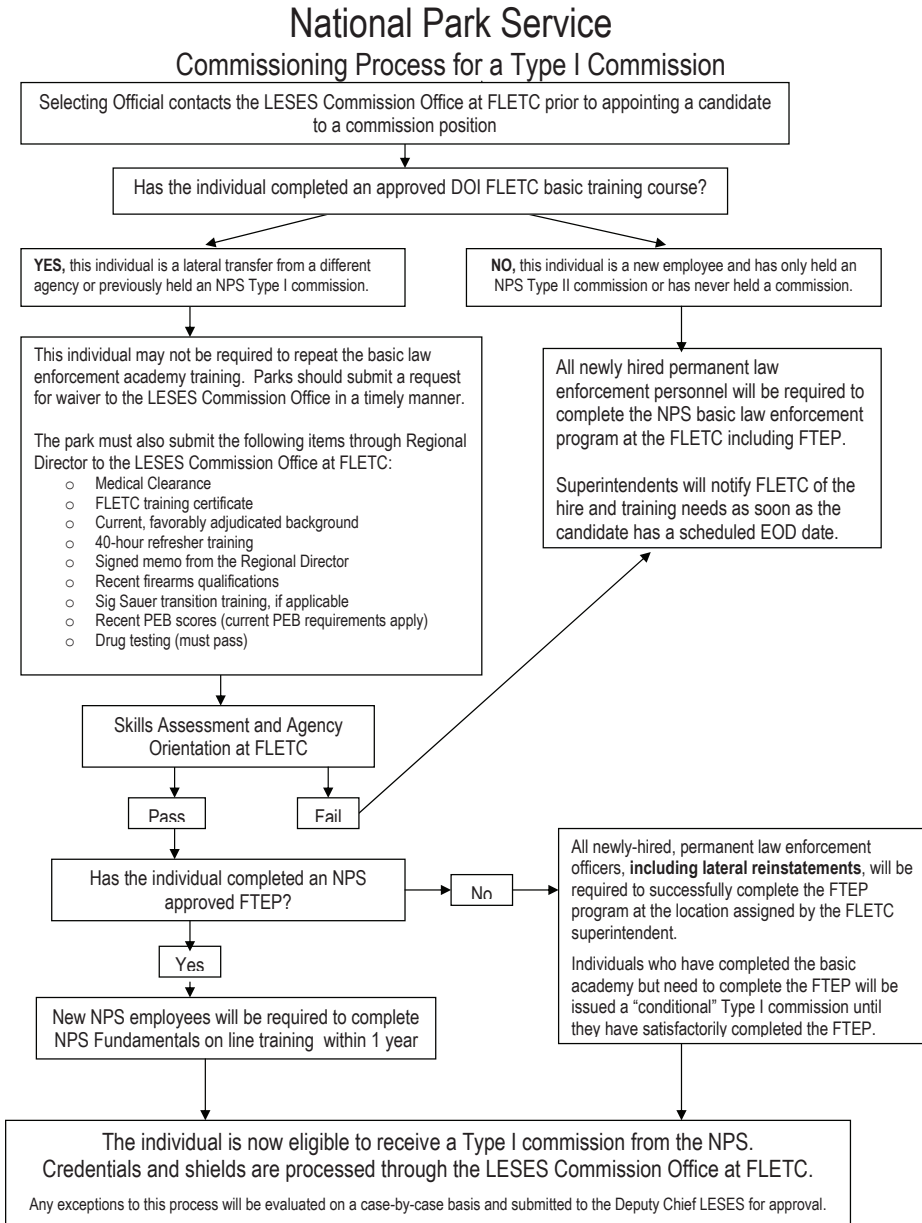
The Park Superintendent may revoke a Type II commission held by a seasonal employee for cause as a result of an investigation. Revocation of a Type II commission may not occur without consultation of the Regional Chief Ranger.

A law enforcement commission may be revoked for the same reasons it may be suspended. A revocation may follow a suspension. The Regional Chief Ranger is responsible for notifying the DCOP in writing of all commission revocations.

The revocation of a law enforcement commission does not require a personnel action, but will lead to the removal of the individual from a law enforcement position. The affected employee may appeal the revocation within 15 days to the Associate Director, Visitor and Resource Protection. Subsequent disciplinary or adverse action may be taken by the supervisor or the Park Superintendent after consultation with the appropriate personnel office.

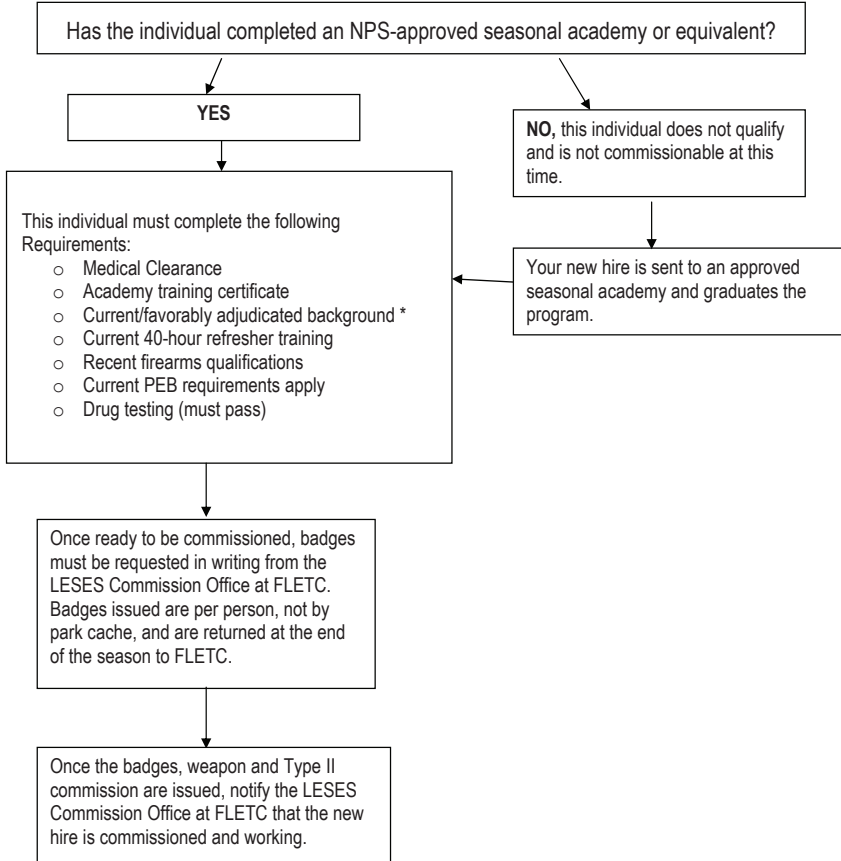
Whenever criminal action is pending or being considered in concert with an internal action (revocation), the appropriate prosecutor's office will be consulted prior to implementation of the final administrative action.

APPENDIX 5-A. TYPE I FLOW CHART



APPENDIX 5-B. TYPE II FLOW CHART – SEASONAL

National Park Service Commissioning Process for a Type II Commission - SEASONAL



Personnel Qualifications & Training
Standards – Ch. 5

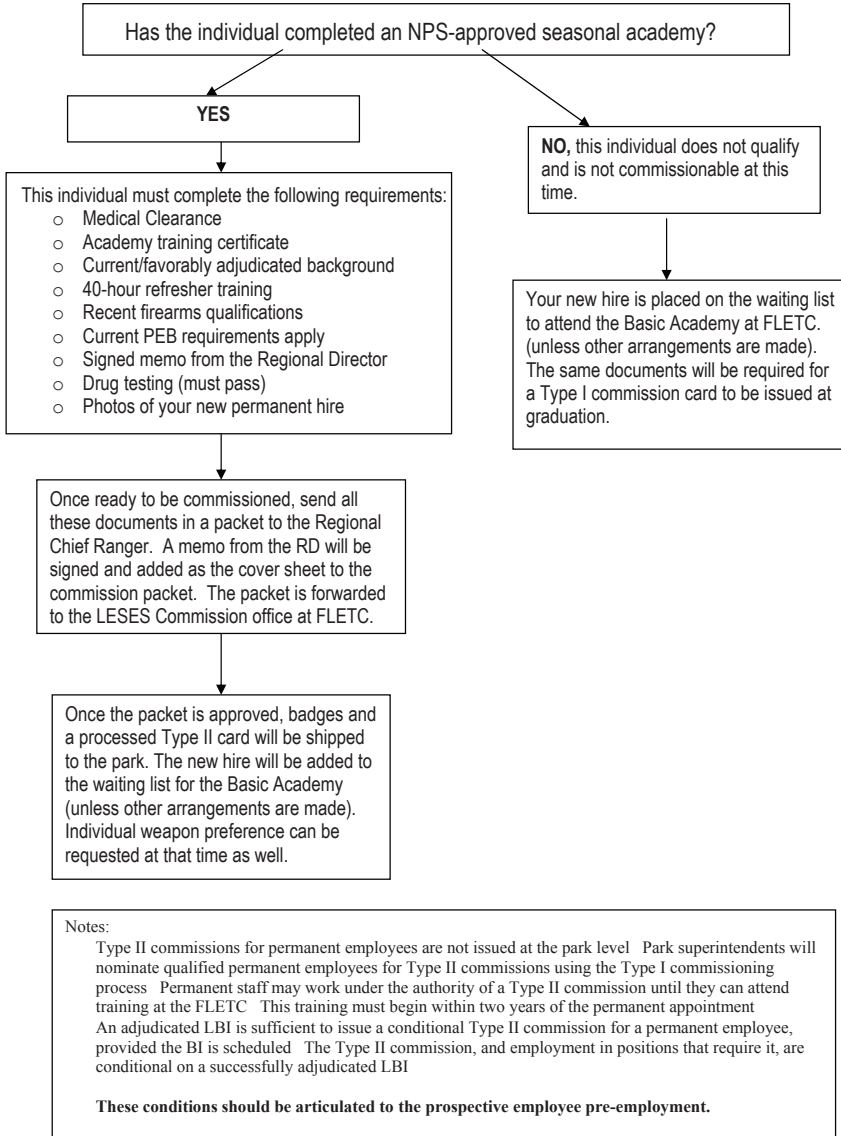
Note:

An adjudicated SAC is sufficient to issue a conditional Type II commission for a seasonal employee, provided the LBI is scheduled. The Type II commission, and employment in positions that require it, are conditional on a successfully adjudicated LBI.

These conditions should be articulated to the prospective employee pre-employment.

APPENDIX 5-C. TYPE II FLOW CHART – PERMANENT

National Park Service
Commissioning Process for a Type II Commission - PERMANENT



CHAPTER 6 – BOARDS OF INQUIRY AND REVIEW

1. Policy
 2. Boards of Inquiry
 3. Boards of Review
-

1. POLICY

Boards of Inquiry and Boards of Review will be conducted in accordance with the procedures specified in this chapter.

1.1 Boards of Inquiry (BOI)

Boards of Inquiry are not investigative bodies, but are convened for the purpose of evaluating the facts related to allegations of misconduct on the part of one or more individuals, or other work-related behavior that impairs operational efficiency or causes the loss of public confidence in the National Park Service.

Findings and recommendations of Boards of Inquiry should be applied, where appropriate, to bring about needed changes or modifications to the NPS law enforcement program, and, where appropriate, should be incorporated into incident summaries and training bulletins disseminated to the field to facilitate learning through the documented experiences of others, as appropriate and to the extent that the information may be provided.

The requirements to conduct such a board, under certain specific circumstances, do not relieve supervisors or managers of their responsibilities to provide ongoing review and evaluation of NPS law enforcement programs and the individual actions of commissioned employees.

Copies of all Boards of Inquiry will be provided to the Associate Director for Visitor and Resource Protection and DCOP.

Boards of Inquiry may proceed during ongoing criminal investigations.

1.2 Boards of Review (BOR)

At a minimum, the role of a BOR is to look at the facts and circumstances of an incident to determine:

- If the policies in play for the incident at the time were effective. Do they need to be added to, deleted from, or new policy developed?

- Was the equipment available utilized effectively, use properly, or even used? Is there better technology (equipment) that may have made handling the incident safer and more effective?
- Was the training, firearms, control tactics, verbal skills, etc., current, and effective? Is additional training needed?

The purpose of the BOR is to make recommendations for the entire bureau. The BOR does not need to agree with the IA investigation or the criminal investigation. The BOR could receive the facts of an incident without identifying involved officers. They need only look at the circumstances as they relate to the effectiveness of the policies, equipment, and training practices of the bureau.

A Board of Review differs from a Board of Inquiry in that it is not a fault-finding exercise and is not focused on the actions or conduct of individuals. A Board of Review is a fact-finding body that objectively reviews significant law enforcement actions or incidents. It serves the same function (and may otherwise be known) as an “incident critique,” “incident review,” or “after-action review.” The primary purpose of the review is to identify organizational strengths and weaknesses, to take corrective program action where appropriate, and to build upon successes.

Boards of Review may proceed during ongoing criminal investigations.

2. BOARDS OF INQUIRY

2.1 Convening a Board of Inquiry

2.1.1 *Authority to Establish*

A Board of Inquiry (BOI) may be convened only upon approval of one of the following:

- Director
- Regional Director
- Associate or Deputy Associate Director, VRP
- Chief or DCOP
- Chief, Investigative Services Branch
- Superintendent

CHAPTER 6 – BOARDS OF INQUIRY AND REVIEW

- Regional Senior Law Enforcement Official (RSLEO)

2.1.2 *Membership*

A Board of Inquiry will consist of five or seven voting members. The immediate supervisor of the employee whose actions are being reviewed will not be included as a member of the board. Board members will be chosen as follows:

- A commissioned chairperson will be selected by the convening official.
- The employee whose actions are being scrutinized may select one other NPS employee as a member of the board. This employee may be anyone who was not involved in the incident. If the employee whose actions are being reviewed declines to select a board member, the convening official will appoint a commissioned employee who is of the same grade and whose duties are similar to those of the employee whose actions are being reviewed.

In addition, the Board will be convened with the following characteristics:

- One member will be a qualified personnelist.
- One member will be a commissioned employee.
- One member may be a recognized training specialist selected by the Superintendent, NPS-LETC.
- One of the members should be an NPS manager.

2.2 **Functions and Procedures of a Board of Inquiry**

2.2.1 *Functions of Board*

At a minimum, the functions of a Board of Inquiry include the following:

- Evaluating the facts and circumstances of the incident, situation, or conduct being reviewed and those that may have contributed to it.
- Identifying legal and policy requirements that apply to the facts of the incident, situation, or conduct and determining compliance with those requirements by all individuals involved.
- Conducting an objective critique of the incident, situation, or conduct, including a review of applicable operational procedures.

- Making written findings to the convening official for the purpose of recommending corrective action. The board's recommendations may address, as appropriate, the areas of policy, procedures, equipment, training, counseling, medical evaluation, the continuation of the suspension of a commission, or the revocation of a commission.
- It is not a function of the board of inquiry to make suitability determinations where suitability issues have been identified. Where determination of unsuitability is made, the case will be referred directly to the Associate Director for Visitor and Resource Protection for further disposition without the need to convene a board of inquiry.

2.2.2 *When to Call a BOI*

Allegations of misconduct on the part of NPS law enforcement personnel should be referred to the Office of Professional Responsibility. A BOI may be called based on the recommendation of the Office of Professional Responsibility.

A BOI may be convened to evaluate the facts related to allegations of misconduct on the part of one or more individuals, or other work-related behavior that impairs operational efficiency or causes the loss of public confidence in the National Park Service.

2.2.3 *Preliminary Arrangements*

The convening official is responsible for coordinating and making all necessary arrangements for the board. This includes ensuring all board assignments are consistent with policy.

2.2.4 *Scheduling*

The convening official is responsible for scheduling the board as soon as practical, considering the circumstances of the incident, situation, or conduct, but no later than 60 days from the date a determination is made that a Board of Inquiry is required.

2.2.5 *Consultation*

In a case where there is a reasonable likelihood of criminal prosecution or tort claim action as a result of the incident, the Regional Solicitor's office and the U.S. Attorney's office will be consulted before the board is convened. The directions of the Solicitor or U.S. Attorney may, as necessary, affect compliance with other sections of this chapter (especially with respect to time lines).

2.2.6 *Record Keeping*

The chairperson is responsible for ensuring that a record is maintained of all information gathering proceedings of the board, including all testimony presented and all written material reviewed by the board. Oral testimony will be recorded for the board’s later use in its deliberations and for the record. Recording may be audio, digital, or transcription. Internal discussions and deliberations of the board that occur after all relevant information has been presented *may* be off the record. The record must reflect the issues, findings, rationale for findings, and recommendations of the board.

2.2.7 *Notification to Employee*

The chairperson will inform the employee, whose actions are being reviewed, in writing, of the specific allegations being made against them, including citation of relevant sections of RM-9, specific incidents, or patterns of behavior. This notification will occur as soon as possible, but no fewer than two weeks before the board holds its first meeting.

2.2.8 *Employee Rights*

The employee whose actions are being reviewed has the following rights:

- The employee may be present during board fact finding meetings but not during deliberations.
- The employee may be accompanied by an attorney, provided at the employee’s expense, during all meetings of the board. The attorney’s role, however, is limited to that of an observer and an advisor to their client. The attorney may not question witnesses, may address the board only with the consent of the chairperson, and may be present during board fact finding meetings but not during deliberations.
- If the employee is covered by a bargaining unit, a representative of that organization may be present, at the employee’s request, during board fact finding meetings but not during deliberations. The representative’s role, however, is limited to that of an observer and an advisor to the employee. The representative may not question witnesses and may address the board only with the consent of the chairperson.
- The employee may request the testimony before the board of any individual who has knowledge of facts related to the case being reviewed. The chair ordinarily shall accommodate such requests, unless, in the judgment of the chair, the employee fails to demonstrate the relevancy of any testimony a requested witness would be able

to offer to the charges. The board, at the discretion of the chair, may accept affidavits and/or provide for conference call testimony when an employee witness is unable to appear before the board in person.

2.2.9 *Witnesses*

Subject only to other legal precedence, the board is authorized to require the appearance and testimony of any NPS employee who has knowledge of facts related to the case being reviewed. The board is also authorized to bring in subject matter experts to assist in its review.

2.2.10 *Past Record*

When considering the revocation of a commission, the board will consider the employee's past record of performance and professional conduct, including previous performance appraisals, awards, and disciplinary actions received.

2.2.11 *Exigent Circumstances*

Deviation from policies, directives, and other restrictions articulated in RM-9 may be warranted in certain emergency situations. Boards evaluating such actions may exercise reasonable discretion in finding that non-compliant actions on the part of a commissioned employee were, nevertheless, reasonable under existing emergency conditions. Where such a finding is rendered, the involved employee may, at the board's recommendation, be held free from fault and/or disciplinary action.

2.2.12 *Disclosure*

Internal deliberations of a board are confidential, consistent with the Privacy Act and other administrative procedures designed to protect all employees. The board's open record and final report, however, are public documents and should be prepared accordingly. Additionally, the Associate Director, Visitor and Resource Protection may edit and utilize selected materials from the board to develop case summaries for distribution in training applications.

3. BOARDS OF REVIEW

3.1 Convening a Board of Review

3.1.1 *Authorization to Convene*

A Board of Review may be convened by one of the following or their designees:

CHAPTER 6 – BOARDS OF INQUIRY AND REVIEW

- Director
- Associate or Deputy Associate Director, Visitor and Resource Protection
- Chief or DCOP
- Regional Director
- Regional Chief Ranger
- Park Superintendent
- Chief Ranger
- Chief, Investigative Services Branch
- Regional SAC

3.1.2 *Membership*

The convening official will designate the membership of the board. The board will consist of five or seven members.

3.2 **Functions and Proceedings of a Board of Review**

3.2.1 *Functions of a Board*

At a minimum, the functions of a Board of Review include the following:

- Finding the facts and circumstances of the incident, situation, or actions being reviewed and those that may have contributed to it.
- Identifying legal and policy requirements that apply to the facts of the incident, situation, or action and evaluating compliance with those requirements by all individuals involved.
- Conducting an objective critique of the incident, situation, or conduct, including a review of applicable operational procedures.
- Based upon the facts of the incident, situation, or action, making written findings and recommendations to the convening official for the purpose of recommending corrective action. The board's recommendations may address, as appropriate, the areas of policy, procedures, equipment, training, or other general law enforcement program issues.

- When findings of a Board of Review are found to be beyond the scope of the review, the board will report those findings to the convening official in writing for appropriate action. Activities of the Board may proceed while appropriate action is considered by the convening official.

3.2.2 *Incidents Requiring a Board of Review*

1. Incidents involving death or serious injury resulting from:
 - Any use of force resulting in death or serious injury.
 - Any incident, in the performance of official duties, that results in the death or serious injury of NPS law enforcement personnel, including security, guard, and detention personnel.
 - Any incident that involves the death or serious injury to anyone in the custody or detention of NPS law enforcement personnel, including security, guard, and detention personnel.
 - Any vehicle pursuit involving NPS law enforcement personnel, including security, guard, and detention personnel that results in death or serious injury to an individual or significant property damage.
 - The discharge of a firearm or use of force by any NPS law enforcement officer during the course of a multi-agency task force that results in serious injury or death. Only the actions of bureau law enforcement personnel, including security, guard, and detention personnel will be the subject of the BOR.
 - Any intentional or unintentional discharge of a firearm by NPS law enforcement personnel, including security, guard, and detention personnel, either on or off duty. (For the purposes of this policy, the term “firearm” shall include firearms issued and approved by the bureau for use in official capacity or personally owned firearms in the possession of the employee at the time of the incident.)
 - The following exceptions apply to the intentional discharge of a firearm:
 - Training where there is no injury involved.
 - The authorized destruction of animals or other resource management activities, where no human injury is involved.

CHAPTER 6 – BOARDS OF INQUIRY AND REVIEW

- Recreational activities, such as hunting or sport shooting, where there is no human injury involved.
 - The unintentional discharge of a firearm that occurs in an authorized training facility that does not involve an injury need not be the subject of a BOR if the training staff conducts a review of the incident.
2. Any vehicle pursuit involving NPS law enforcement personnel, including security, guard, and detention personnel that results in significant property damage.
 3. Any police canine deployment where a bite occurs.
 4. Any incident deemed appropriate for review by the Chief Ranger, Regional Chief Ranger, or DCOP.

3.2.3 *Preliminary Arrangements*

The convening official of the affected park is responsible for coordinating and making all necessary arrangements for the board.

3.2.4 *Scheduling*

The convening official will schedule the board as soon as practical, considering the circumstances of the incident, situation, or action, but no later than 45 days from the date a determination is made that a Board of Review is called for.

3.2.5 *Consultation*

In a case where there is reasonable likelihood of tort claim or criminal action as a result of the incident, the Solicitor's Office, the U.S. Attorney's Office, and the State prosecuting attorney's office (if that office is to assume jurisdiction) will be consulted before the board is convened.

3.2.6 *Chairperson*

When convening a Board of Review the convening official will appoint a chairperson to lead its deliberations.

3.2.7 *Record Keeping*

The Chairperson is responsible for ensuring that a record is maintained of all information gathering proceedings of the board, including all testimony presented and all written material reviewed by the board. Oral testimony may

be recorded for the board's later use in its deliberations and for the record. At the discretion of the chairperson, internal discussions and deliberations of the board that occur after all relevant information has been presented may be off the record.

3.2.8 *Witnesses*

The board is authorized to require the appearance of any NPS employee who has knowledge of facts related to the case or incident being reviewed. The board is also authorized to bring in subject matter experts to assist in its review.

3.2.9 *Disclosure*

Except where otherwise directed by the Regional Solicitor or the U.S. Attorney's Office, deliberations, conclusions, and records of a board are considered internal documents and confidential during the review. The board's *final report*, at the conclusion of the review, is a public document and should be prepared accordingly.

CHAPTER 7 – COMMISSIONED EMPLOYEE TRAINING

1. Policy
 2. Initial Training
 3. Recommission Training
 4. In-Service/Refresher Training
-

1. POLICY

The NPS will develop a law enforcement training program in conformance with laws and Departmental policy and will ensure that these requirements are met by all employees who hold NPS law enforcement commissions.

2. INITIAL TRAINING

2.1 Type I and Type II Permanent Commissions

2.1.1 *Core Requirements*

Subject to other requirements delineated elsewhere in RM-9 and other policies and directives, a “permanent” NPS employee may qualify for a law enforcement commission upon graduation from the NPS basic law enforcement program at the Federal Law Enforcement Training Center (FLETC).

2.1.2 *Prior Non-FLETC Training*

Nothing in this section will be construed as disqualifying or decertifying current commissioned employees who obtained their law enforcement commissions and positions based upon previously mandated training requirements.

2.2 Type II Seasonal Commission

This commission is valid during times of employment, in a law enforcement commissioned position, including but not limited to full-time, part-time, and intermittent status. The commission is automatically void upon separation from the position. (e.g., resignation, termination, or transfer to another agency.)

2.2.1 *Core Requirements*

A seasonal NPS employee may qualify for an initial Type II law enforcement commission upon graduation within the past three years from a seasonal law enforcement training program or equivalent program approved by the NPS.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

In addition, seasonals must complete park-specific training and orientation, as deemed appropriate by the Chief Ranger.

2.2.2 *Prior Non-FLETC Approved Training*

Nothing in this section is to be construed as disqualifying or decertifying current commissioned employees who obtained their law enforcement commissions based upon a previously approved training program for a law enforcement commission, as long as all the training and other requirements for maintaining those commissions are met.

2.3 **Lateral Reinstatements**

All newly hired permanent law enforcement personnel who have previously completed an NPS-approved FLETC training program *may* not be required to repeat basic law enforcement training. In these circumstances, parks should expeditiously submit a request for waiver to the DCOP. Waiver approvals will be based on a variety of conditions including training/employment records, time lapsed since attending basic training, and other factors as outlined in RM-9. Parks should submit waiver applications prior to making job offers to ensure employees and parks clearly understand what type of training will be required for commissioning. LESES should arrange to process such requests within two weeks of submittal. Employees who receive approval to waive basic training under this section may be required to successfully complete the NPS-specific law enforcement training course at the FLETC.

All newly hired, permanent law enforcement personnel, including lateral reinstatements, will be required to successfully complete the full FTEP at the location assigned by the Superintendent, NPS-LETC. Individuals with prior equivalent FTEP training may obtain a waiver for this requirement through the DCOP, with concurrence from the Superintendent NPS-LETC

Type I Commissions may be reissued to employees who previously held Type I NPS Law Enforcement Commissions in good standing and transferred back into the NPS per RM-9. The DCOP may require completion of the FTEP as a condition of re-commissioning.

Exceptions due to unique circumstances will be evaluated on a case-by-case basis and submitted through the DCOP for review and approval.

2.4 **Special Agents**

2.4.1 *Core Requirements*

Special Agents will successfully complete the NPS basic law enforcement academy or equivalent and satisfactorily complete the FLETC Criminal

CHAPTER 7 – COMMISSIONED EMPLOYEE TRAINING

Investigator (CI) training program or other equivalent training as determined by Superintendent, NPS-LETC, or DCOP. Regardless of initial qualifications, all appointees who have not successfully completed the FLETC Criminal Investigator Training Program or equivalent must attend within 12 months of appointment.

3. RECOMMISSION TRAINING

3.1 Type I and Type II Permanent Commissions

3.1.1 Less Than Three Years

A permanent employee whose commission has been rendered inactive (no longer in NPS commissioned position, see Chapter 5 for commission status definitions) for a period less than three years may regain a commission. The following must be accomplished prior to the reissuance of a law enforcement commission:

- 40-hour in-service training.
- Firearms qualifications as specified in RM-9.
- Successfully complete a medical examination and appropriate background investigation.
- Successfully complete subject matter curriculum the NPS Superintendent at FLETC identifies based upon the individual's need or changes in curriculum that have occurred in the interim.
- Successfully complete the field training and evaluation program if deemed necessary by the DCOP and Superintendent NPS-LETC.
- Successfully complete physical fitness requirements per Chapter 36 and applicable HR findings.

3.1.2 More Than Three Years

A permanent employee whose commission has lapsed for more than three years must successfully complete NPS basic law enforcement training. Individuals who have been working as a law enforcement officer in another federal agency during the time they were away from the NPS may be eligible for a waiver of the three year time frame.

3.2 **Type II Seasonal Commissions**

3.2.1 *Less Than Three Years*

A seasonal employee whose Type II commission has been rendered inactive for a period less than three years, may regain a commission. To requalify for a commission, the applicant must complete requirements in the below-listed areas:

- 40 hour in-service training.
- Firearms qualifications as specified in RM-9.
- Successfully complete a medical examination and appropriate background investigation.
- Any subjects the Superintendent, NPS-LETC identifies based upon curriculum changes that may have occurred in the interim.
- Complete park-specific training and orientation, as deemed appropriate by the Chief Ranger.
- Successfully complete physical fitness requirements per Chapter 36 and applicable HR findings.

3.2.2 *More Than Three Years*

A seasonal employee whose commission has lapsed for three years or more must successfully complete an approved seasonal law enforcement training program. An employee may be considered for waiver of this requirement by the DCOP, if the employee has been employed as a commissioned law enforcement officer in the interim.

4. **IN-SERVICE/REFRESHER TRAINING**

4.1 **General**

4.1.1 *Coordination with FLETC*

Use of instructors and facilities of the Federal Law Enforcement Training Center for NPS training will be coordinated through the Superintendent, NPS-LETC.

CHAPTER 7 – COMMISSIONED EMPLOYEE TRAINING

4.1.2 *Annual Requirement*

Every commissioned employee must successfully complete a minimum of 40 hours of in-service law enforcement training annually. Failure to meet annual requirements is addressed in Chapter 5. In-service training is not required for commissioned employees in the calendar year of the graduation date from Field Training, or from basic or seasonal academy training if Field Training is not required.

4.1.3 *Instructional Media*

No more than 12 hours of non-interactive training utilizing distance learning media may be credited toward the minimum 40-hour annual requirement. Supervisors are responsible to assure the dynamic quality of training in a non-classroom environment.

4.1.4 *Documentation*

The Chief Ranger will maintain a record of law enforcement training for each commissioned employee in their park. At a minimum these records must document completion of 40-hour in-service requirements as prescribed in RM-9. Such records will be retained as per records management guideline. These records will be submitted to the employee's official commission file (see Chapter 5, section 5.2).

4.2 **Content Requirements**

4.2.1 *Time Requirements and Training Plans*

The 40 hours of training may be completed in a single session or in increments throughout the year. Incremental sessions will be documented to ensure compliance with the standard.

4.2.2 *Training Topics – Type I and Type II Commissions*

The following subjects are required in annual training for non-supervisory commissioned employees:

Required Subjects:

- Legal update – Recent changes in the laws affecting the NPS and law enforcement, and recent cases affecting the law enforcement community.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

- Use of deadly force and defensive equipment – A review of NPS policy on the use of deadly force, defensive equipment, and recent case law.
- Review of NPS regulations, policies, and procedures.
- Officer safety and survival – Training in current issues and techniques directly impacting officer safety and survival.
- Specific knowledge and skills – The remainder of the annual training should be targeted at knowledge and skills relevant to NPS law enforcement and criminal investigation. Subjects may include wildlife law enforcement, ARPA violations, wildfire investigation, marijuana cultivation/eradication, drug interdiction, advanced firearms, tactical training, or any law enforcement subject that is a park priority.
- Intermediate control equipment – As indicated in relevant chapters.

Other Topics:

- In-service curricula may include written or practical testing to evaluate competency.
- First aid, CPR, SAR, fire suppression, and other subjects not specifically related to law enforcement may not be credited toward the 40-hour training requirement.
- No more than eight hours of firearms qualifications may be credited toward the 40-hour requirement.

4.2.3 *Training Topics – Supervisory and Administrative Personnel*

Annual in-service courses for personnel occupying supervisory or management positions should include specific law enforcement topics in supervision, management, or leadership skills, in addition to those listed above.

4.2.4 *Training Topics – Special Agents*

In addition to training topics identified in 4.2.2, Special Agents should annually receive advanced training in topics related to criminal investigation or other specialized law enforcement topics.

CHAPTER 8 – FIREARMS TRAINING, QUALIFICATIONS, STANDARD CARRY

1. Policy
2. Directives
3. Standard Carry Modes in Holster or Vehicle Mount

Appendix 8-A. Firearms Qualification Courses

1. POLICY

The NPS will provide progressive and realistic firearms training to all commissioned employees. This training will be relevant to the employees' assignments and include training in all types of firearms the employee is authorized to carry. NPS-approved firearms courses are included as Appendix 8-A at the end of this chapter. Live-fire, down-range firearms training courses may be approved and implemented by certified NPS firearms instructors in park areas to supplement regular firearms qualifications courses. The Chief Ranger is responsible for assuring law enforcement weapons qualifications and compliance.

1.1 Definitions

Training – The acquisition of new skills under the direction of a qualified instructor.

Practice – The use or repetition of skills already acquired for the purpose of improving those skills.

Qualification – Consistent standard agency courses of fire performed by all commissioned personnel on a regular and recurring basis. Standard courses of fire are established for each type of weapon authorized.

2. DIRECTIVES

2.1 General Procedures

2.1.1 *Instructor Qualifications*

All firearms training will be conducted by qualified firearms instructors. NPS firearms instructors will be commissioned employees, trained and certified to standards established and approved by the Superintendent, NPS-LETC.

2.1.2 *Range Master*

Range Masters are responsible for the overall range operations.

- Other firearms instructors may assist in range operations, but the Range Master has final say in all range safety matters.
- Range safety officers may be other commissioned employees designated by the Range Master, or other agency firearms instructors.

2.1.3 *Instructor Requirements*

Instructors must supervise or instruct/co-instruct no fewer than two separate firearms training or qualifications sessions per year in order to maintain their instructor certification. Instructors will also be able to demonstrate their own proficiency with the NPS authorized firearms they instruct. All NPS firearms instructors must attend NPS-LETC approved firearms instructor update/refresher training every five years following initial certification.

2.1.4 *Tactical Course Qualifications*

Shooters participating in tactical courses must first be currently qualified in standard NPS-approved qualification courses.

2.1.5 *Free Movement/Live-Fire Courses*

In all live-fire (vs. simulated fire) courses where the shooter has free movement on the range the instructor/shooter ratio will be 1:1. Only one shooter will be on the course at a time. Any deviation from this policy will be approved by both the DCOP and Superintendent, NPS-LETC.

2.1.6 *Range Rules*

The following rules will apply on all ranges:

- Body armor is required during all firing exercises.
- During all firing exercises, eye and ear protection will be in place. Eye protection designed to protect the eyes from falling brass and other debris should be utilized. A cap with its bill extending over the eye protection should be worn during all firing exercises to deflect hot, ejected brass from falling between the face and eye protection.
- Unless otherwise indicated, all shooting begins with firearms and all magazines fully loaded or charged.

CHAPTER 8 – FIREARMS TRAINING, QUALIFICATIONS, STANDARD CARRY

- Unless otherwise indicated, all shooting begins with firearms and magazines holstered with available safety straps and snaps secured.
- Unless otherwise indicated, all firing is from the two-handed position (that is, from the strong hand, supported by the support hand).
- After each stage/firing string, shooters must de-cock their firearms and assume scan positions before holstering. Firearms will not be immediately reholstered after firing without de-cocking, coming to scan positions, and reevaluating threats/targets.
- Shooters must keep their fingers off triggers until the firearms are on target. All movement with firearms drawn and all firearms manipulation will be accomplished with fingers off triggers.
- Unless otherwise indicated, shooters should perform untimed tactical reloading after every stage/firing string – behind cover, if available. It is the shooter’s responsibility to maintain magazines and firearms loaded throughout the course without prompting from the Range Master.
- Range Masters will ensure that lighting conditions imposed during “reduced light” firing are not so dark as to reasonably preclude target – and, therefore, threat – identification.
- The instructor/range safety officer to student ratio on the line of fire should be no greater than 1:6.

2.2 **Specialized Training**

2.2.1 *Non-NPS Exercises*

Commissioned employees may participate in firearms exercises that are sponsored by approved local, State, or Federal law enforcement agencies or private training facilities.

2.2.2 *Stress and Tactical Courses*

Stress and tactical courses are authorized as a supplement to, but not in lieu of, qualification courses.

2.2.3 *Additional Drills*

Firearms instructors and other individuals responsible for developing and staging training will incorporate drills and exercises that incorporate a range of judgement shooting decisions ranging from verbal compliance to use of

deadly force firing drills and exercises. Qualified instructors are authorized to use available technology and techniques such as non-lethal training ammunition and simulator exercises in addition to live fire to meet these standards.

2.2.4 *Rifles*

Commissioned employees are not authorized to carry a rifle for duty until they have completed an approved training course for that rifle.

2.3 **Qualification Standards**

Commissioned employees must qualify with the same make and model firearms as used in the scope of employment prior to assuming law enforcement duties. This includes all handguns and long guns as required by the Chief Ranger. These qualifications must occur, at least two times a year – once in the first two calendar quarters and once in the second two calendar quarters. The minimum qualification sessions must be held at least three months apart. All qualifications will be conducted on courses of fire approved in this chapter, and by instructors approved in this chapter.

2.3.1 *Qualification on Demand*

Commissioned employees must qualify on demand of their supervisor with all firearms they are authorized to use in Service applications. Qualifying “on demand” means that scores must be attained on demand on any given day or during any range session, without prior warm-up or practice shooting before a qualifications attempt. Only two attempts (one immediately followed by the other) may be made during any one, same-day range session. Refer to “Failure to Qualify” section below. Any shooter unsuccessful in attaining a qualifying score on demand may continue with remedial exercises or practice on any given day, but may not utilize subsequent scores attained during that same range session for purposes of qualification.

2.3.2 *Requalification*

Commissioned employees must qualify prior to resumption of duties whenever they have been in other than active law enforcement duty status for more than four months.

2.3.3 *Failure to Qualify*

Firearms qualifications require passing scores on all NPS-approved courses of fire. Complete qualifications will include both day and reduced-light courses of fire (pistols).

CHAPTER 8 – FIREARMS TRAINING, QUALIFICATIONS, STANDARD CARRY

Individuals failing to qualify after two consecutive attempts with the primary sidearm will not be permitted to perform duties requiring the use of any firearm, and may not perform field law enforcement duties until able to meet the minimum qualification standard. This temporary duty restriction does not in and of itself constitute suspension or revocation of a commission, and the affected individual may continue to perform administrative duties relating to law enforcement, such as appearing in court, preparing reports, etc.

Employees who fail to qualify with a supplemental firearm (shotgun, rifle, or secondary handgun) may not carry or use the affected class of firearm until able to qualify and meet the minimum standard. This may result in a restricted duty status based on the weapon requirements established by the Chief Ranger.

Names of individuals who fail to qualify will be provided to the Chief Ranger immediately.

Parks will develop remedial firearms training plans for employees affected by the above. Failure to remediate and attain a qualifying score within 15 days (of the affected employee's regularly scheduled tour of duty) will result in suspension of the law enforcement commission.

2.3.4 *Qualifying Courses*

Qualification courses of fire must be shot on TRANS-TAR-II targets, unless otherwise specified. Scoring is indicated by the specific course of fire. Scores are recorded as pass or fail only. In the event of an empty firearm occurring during a course of fire, emergency reload is expected without command from the Range Master. An empty firearm is not considered a valid reason for failure to qualify.

2.3.5 *Courses of Fire and Frequency*

Commissioned personnel shall qualify at least two times each calendar year, once during the first two calendar quarters and once during the second two calendar quarters, but not less than three months apart. At least one handgun qualification will be performed using the NPS Qualifications Course and the second handgun qualification using any of the following qualifications courses:

- NPS Qualifications Course
- U.S. Fish and Wildlife Service Qualifications Course
- Bureau of Land Management Qualifications Course

In any instance affecting critical personnel decisions such as new hires or requalification, the NPS Qualifications Course will be used.

Shotgun, rifle and secondary handgun qualifications courses will be the NPS versions.

Commissioned personnel transferring from parks where they have completed an approved qualifications course or have completed the Land Management Training Program qualifications course at FLETC, will enter the park's training cycle and will qualify with their approved weapons at the next scheduled training event.

Day and reduced-light courses of fire comprise a complete handgun qualifications session. Reduced light is defined as a condition that approximates the intensity and sources of illumination that are typically found during nighttime operations in the park area in which the employee is assigned (overhead emergency lights or flashlights may be used). Lighting should be sufficient to allow for target identification. The use of tinted eyewear to simulate low light conditions is not permitted.

2.3.6 *Qualifying Firearms and Holsters*

Qualifications must be conducted using the same make and model handguns and other firearms as used in the employee's scope of employment. Qualifications must be conducted using the holsters or other carrying devices, NPS-approved ammunition (generally non-toxic frangible, as noted in Chapter 40), and reloading devices or methods actually used in the field, both on and off duty.

2.3.7 *Rounds Allowed*

Only the prescribed number of rounds in a given stage of a given qualifications course will be fired. Rounds not fired within authorized and prescribed time limits during one stage will not be made up or fired as extra rounds during subsequent stages of fire.

2.3.8 *Documentation*

All firearms qualifications will be conducted and documented by a qualified firearms instructor. The Chief Ranger/Senior Law Enforcement Official or Supervisory Special Agent in Charge, whichever may be appropriate, will

CHAPTER 8 – FIREARMS TRAINING, QUALIFICATIONS, STANDARD CARRY

maintain a record of all firearms qualifications. Such records will also be retained in the employee’s official commission file.

All training accidental discharges and incidents resulting in injury as well as major malfunctions such as a round exploding within the weapon damaging the weapon will be reported to the Chief Ranger/Supervisory Special Agent in Charge and the Superintendent, NPS-LETC.

3. STANDARD CARRY MODES IN HOLSTER OR VEHICLE MOUNT

3.1 Handgun



3.2 Shotgun – Pump Action



3.3 Rifle



APPENDIX 8-A. FIREARMS QUALIFICATION COURSES

1. RM-9 Handgun Qualification Course





Personnel Qualifications & Training
Standards – Ch. 8

2. **RM-9 Secondary Handgun Qualification Course**



3. **BLM Handgun Qualification Course**





4. **FWS 36-Round Handgun Qualification Course**







Personnel Qualifications & Training
Standards – Ch. 8

5. **FWS Low-Light Handgun Familiarization Course**





Personnel Qualifications & Training
Standards – Ch. 8



6. **RM-9 Rifle Qualification Course**



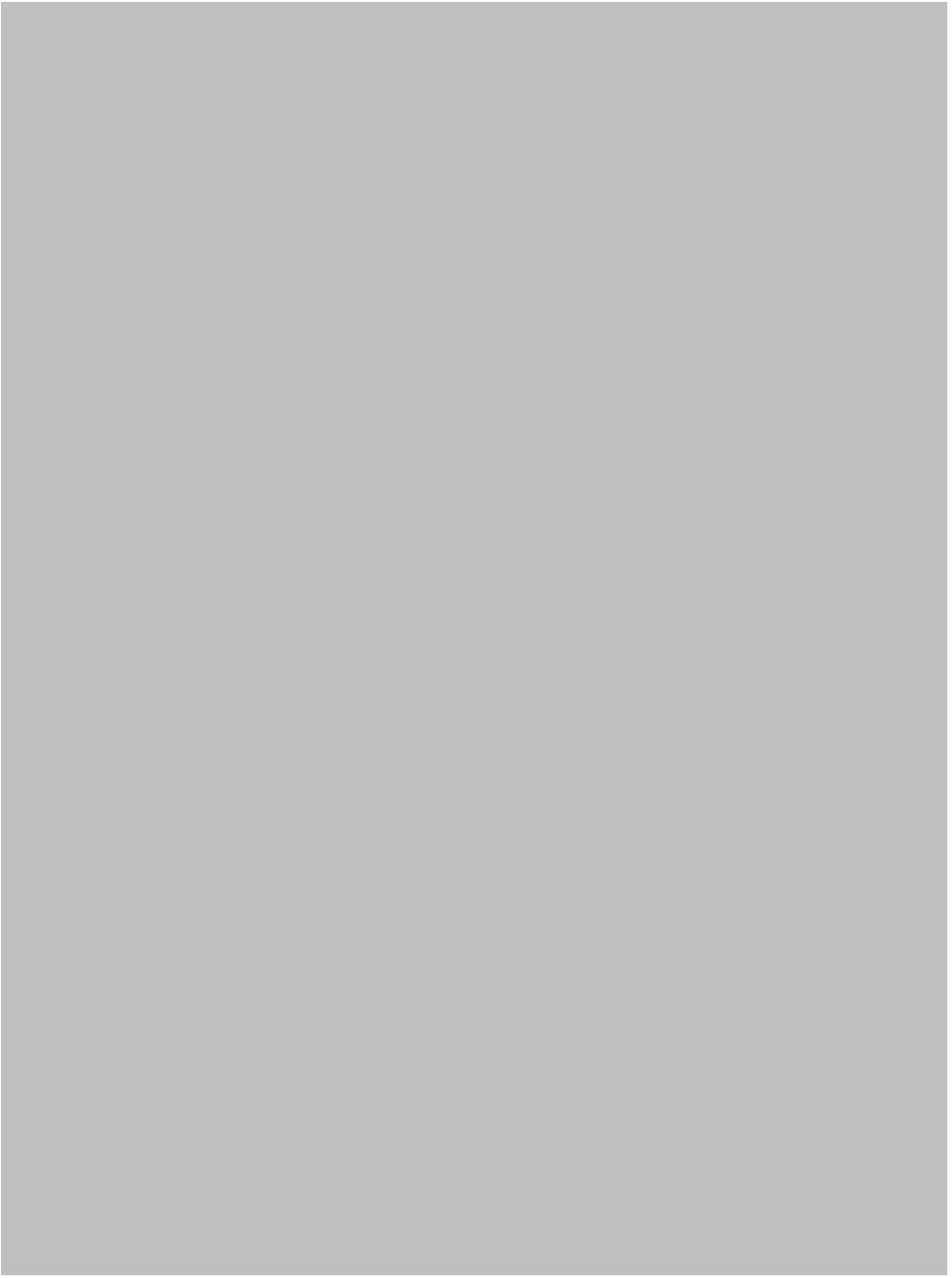
Personnel Qualifications & Training
Standards – Ch. 8

7. **RM-9 Rifle Qualification Course, Including 3 Round Burst**





Personnel Qualifications & Training
Standards – Ch. 8



8. **RM-9 Shotgun Qualification Course**





CHAPTER 9 – INTERMEDIATE DEFENSIVE EQUIPMENT – IN-SERVICE TRAINING REQUIREMENTS

1. Policy
 2. Directives
-

1. POLICY

Commissioned employees will receive in-service training in accordance with prescribed standards for all issued defensive equipment. The NPS will assure that all commissioned employees have ready and immediate access to intermediate defensive equipment (as described in Chapter 31) and techniques in addition to firearms that provide force options between verbal skills and empty-handed techniques and deadly force.

2. DIRECTIVES

2.1 Chemical Agents

2.1.1 *Minimum Training*

Commissioned employees authorized to carry chemical agents will receive training by a qualified instructor in the use and effects of chemical agents, including proper treatment and decontamination procedures.

2.2 Batons and Impact Equipment

2.2.1 *Minimum Training*

Commissioned employees will receive training by a qualified instructor with the baton and other impact equipment.

2.3 Electronic Control Devices (ECD)

See Chapter 32 of this Manual.

2.4 Other Intermediate Defensive Equipment

2.4.1 *Minimum Training*

Parks may choose to utilize other authorized intermediate defensive equipment. Commissioned employees will receive training by a qualified instructor with intermediate defensive equipment at levels specified by the Superintendent, NPS-LETC.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

Minimum Training Requirements:

Training	Minimum Frequency/Duration	Proficiency Exam	Written Exam	Initial Certification
Control Tactics	Annual/2 hours	No	No	No
Chemical Spray	Annual/1 hour	No	Yes	No
Impact Weapon	Annual/1 hour	No	No	Yes
Arrest Techniques	Annual/2 hours	No	No	No
ECD	Annual/2 hours	Yes	Yes	Yes

2.5 **Documentation**

The Chief Ranger/Senior Law Enforcement Official or Supervisory Special Agent will maintain a record of all training of intermediate defensive equipment as per the requirement of RM-9.

CHAPTER 10 – USE OF FORCE

1. Introduction
 2. Definitions
 3. Use of Force Policy
 4. Use of Intermediate Defensive Equipment
 5. Reporting, Supervisory Review, and Investigation
-

1. INTRODUCTION

Commissioned law enforcement personnel are authorized to use a wide variety of defensive equipment and force options in response to various threats and other enforcement situations. These options are provided in order to permit commissioned officers to select the defensive equipment or tactics that are most appropriate for the circumstances. The ability to transition from one type of force to another and stop the use of force is critical.

2. DEFINITIONS

The following definitions apply to this chapter:

2.1 **Deadly Force**

Deadly force is the use of any force (with or without firearms) that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury but unexpectedly results in such death or injury.

2.2 **Display**

The term “display” means the removal of a weapon from its holster, case, locking mount or other normally stored location or position in anticipation of its use in a potential conflict.

2.3 **Physical Control Techniques**

Physical Control Techniques include methods such as come-alongs, touch pressure points, personal weapons (hands, feet, etc.) and the application of restraints.

2.4 **Intermediate Weapons**

Intermediate weapons are weapons that are approved by the NPS that are intended to be unlikely to kill, or to cause great bodily harm. This includes firearms with less-lethal munitions.

2.5 **Objective Reasonableness**

For purposes of this chapter, these terms refer to the facts and circumstances, including the reasonable inferences drawn therefrom, known to a commissioned employee at the time of the use of deadly or other force that would cause a reasonable officer to conclude that the use of force used by the ranger was reasonable based on the totality of circumstances known to the ranger at the point in time the force was used. The reasonableness of a belief or decision must be viewed from the perspective of the commissioned officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving. In the context of this section, reasonableness will not be viewed from the calm vantage point of hindsight.

2.6 **Use of Force**

For purposes of this chapter the term “use of force” is intended to address the physical application of force as opposed to mere officer presence or verbal commands. The use of force may range from physical controls through intermediate/less-lethal weapons, to deadly force.

All incidents involving the **intentional** discharge of a firearm by commissioned employees, either on-duty or off-duty are considered use of force, with the following exceptions:

- Training where no injury occurs.
- Authorized destruction of animals or other resource management activities.
- Legal recreational activities, such as hunting or sport shooting, where there is no human injury involved.

All incidents involving the **unintentional** discharge of a firearm (either on-duty or off-duty) are considered use of force.

3. USE OF FORCE POLICY

3.1 Primary Consideration

The primary consideration in the use of force for commissioned employees is the timely and effective application of an objectively reasonable level of force required to establish and maintain lawful control. Commissioned employees may only use that force which is objectively reasonable in the performance of their duties, based upon the totality of the circumstances confronting them at the time of the incident.

3.2 Use of Force Other Than Deadly Force

If force other than deadly force appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, that is the preferred level of force.

Justifications for the use of less-lethal defensive equipment are:

- to defend self;
- to defend others;
- to effect an arrest or investigatory “Terry” stop when lesser force is or would be insufficient;
- to restrain or control violent, threatening or resistive behavior; **or**
- to disperse an unlawful group.

3.3 Use of Deadly Force

Commissioned employees may use deadly force only when necessary, that is, when the employee has an objectively reasonable belief, in light of the facts and circumstances confronting the employee, that the subject of such force poses an imminent danger of death or serious physical injury to the employee or to another person.

3.4 Fleeting Subject

Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe:

- The subject has committed a crime involving the infliction or threatened infliction of serious physical injury or death;

and

- The escape of the subject would pose an imminent danger of death or serious physical injury to the commissioned employee or to another person.

3.5 **Verbal Warnings**

If feasible and if to do so would not increase the danger to the commissioned employee or others, a verbal warning to submit to the authority of the employee should be given prior to the use of deadly force.

3.6 **Warning Shots**

Warning shots are not permitted.

3.7 **Vehicles**

Firing at or from a moving vehicle is prohibited except in self-defense or in defense of others.

Weapons may be fired at the driver or other occupant of a moving vehicle only when:

- The commissioned employee has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the commissioned employee or to another person;

and

- The public safety benefits of using such force outweigh the risks to the safety of the commissioned employee or other persons.

Weapons may not be fired solely to disable moving vehicles.

4. **USE OF INTERMEDIATE DEFENSIVE EQUIPMENT**

4.1 **Impact Defensive Equipment**



4.2 **Chemical Agents**

The following procedures will be followed:

CHAPTER 10 – USE OF FORCE

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. REPORTING, SUPERVISORY REVIEW, AND INVESTIGATION

5.1 Reporting Requirement

All incidents involving the use of force and the display of weapons must be reported. Any use of force that results in serious injury or death must be reported immediately to a commissioned supervisor. These incidents are to be managed as specified in Chapter 11. Other uses of force or weapon display must be reported within 24 hours.

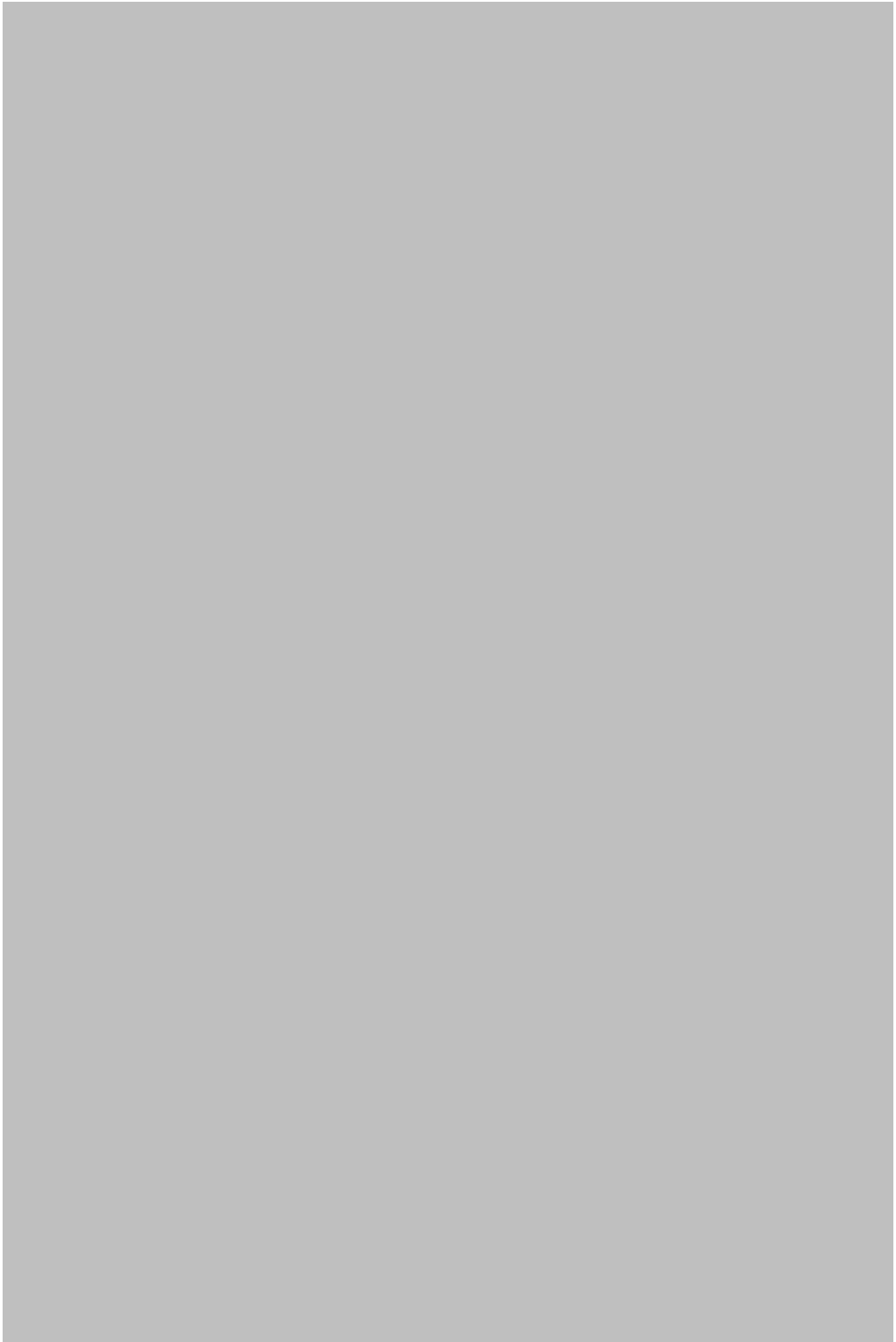
5.2 Supervisory Review Requirement

All use of force incidents will undergo supervisory review and be referred to investigation when appropriate. Investigations are required when use of force causes injuries requiring professional medical care (other than removal of ECD probes), allegations of excessive force, and the application of deadly force.

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**CHAPTER 11 – MANAGEMENT OF USE OF DEADLY FORCE
INCIDENTS**





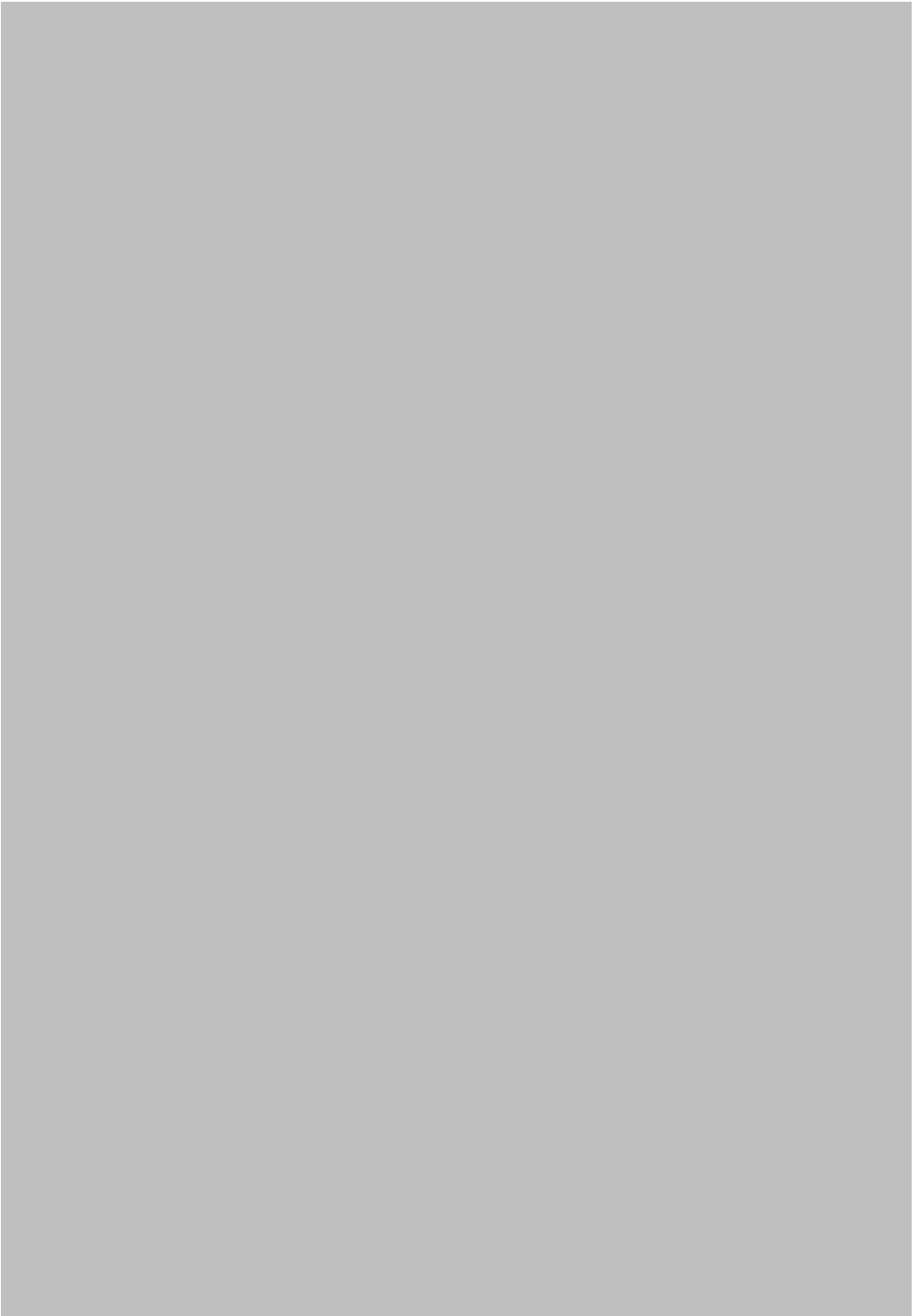






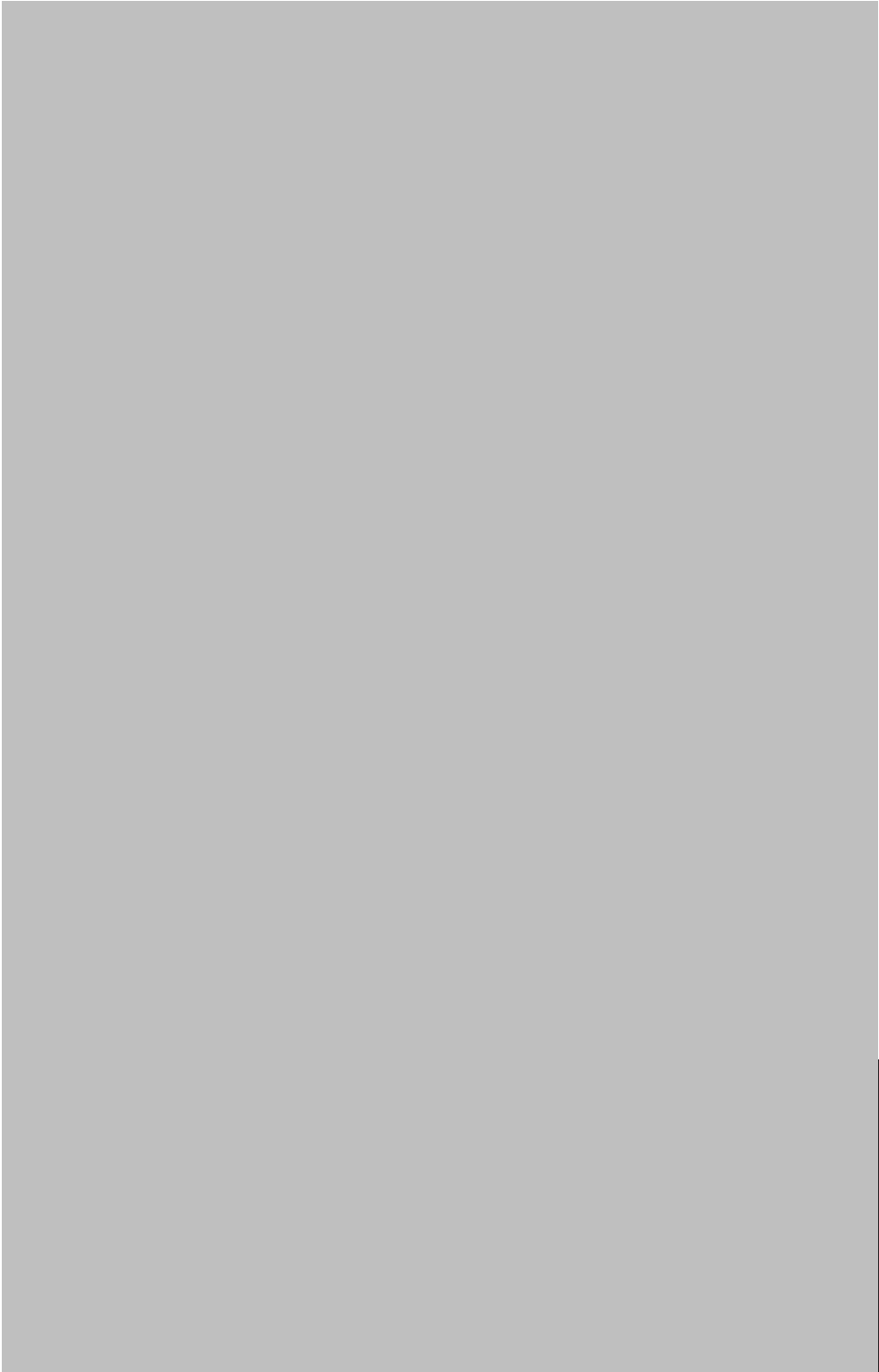














CHAPTER 11 – MANAGEMENT OF USE OF DEADLY FORCE INCIDENTS





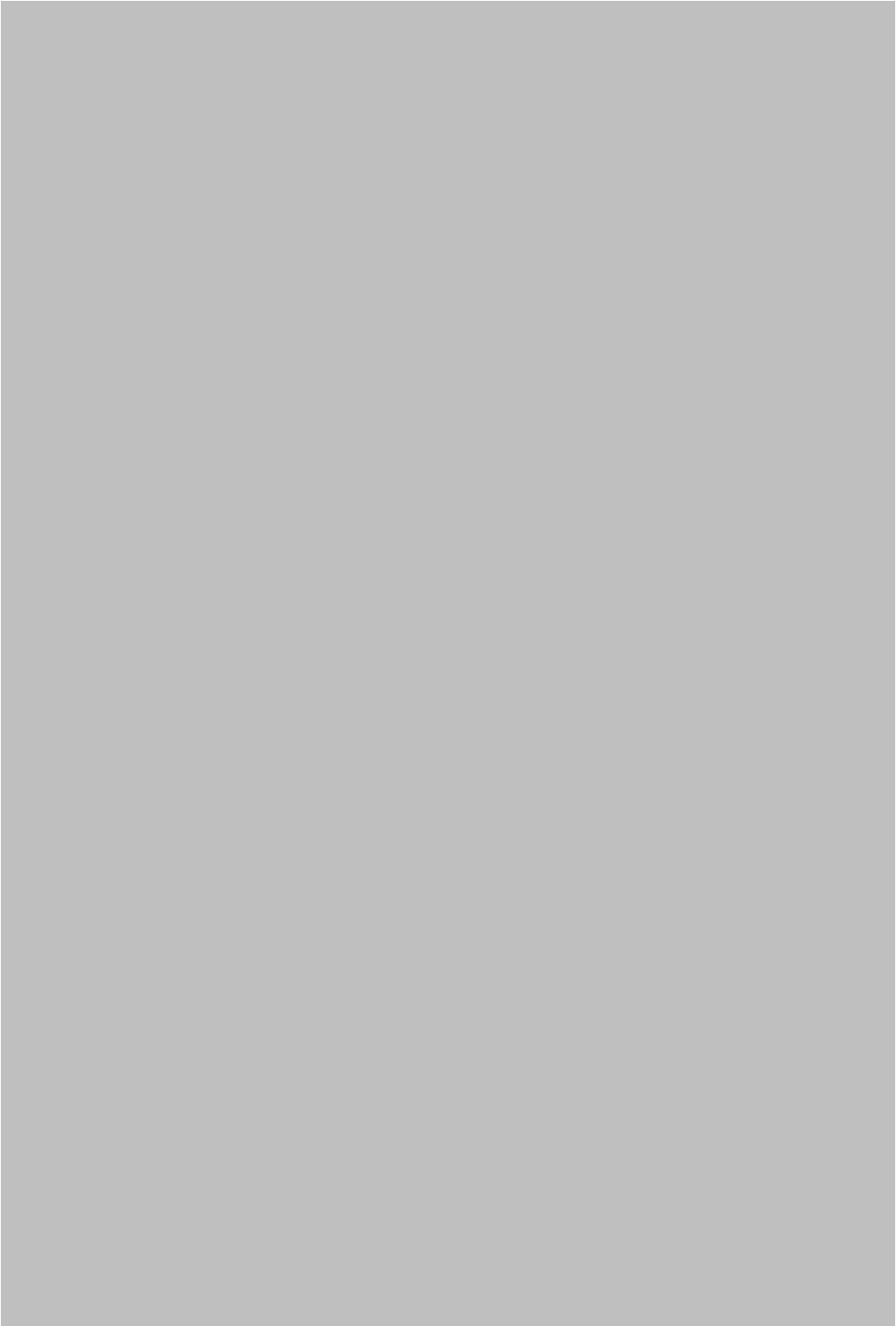






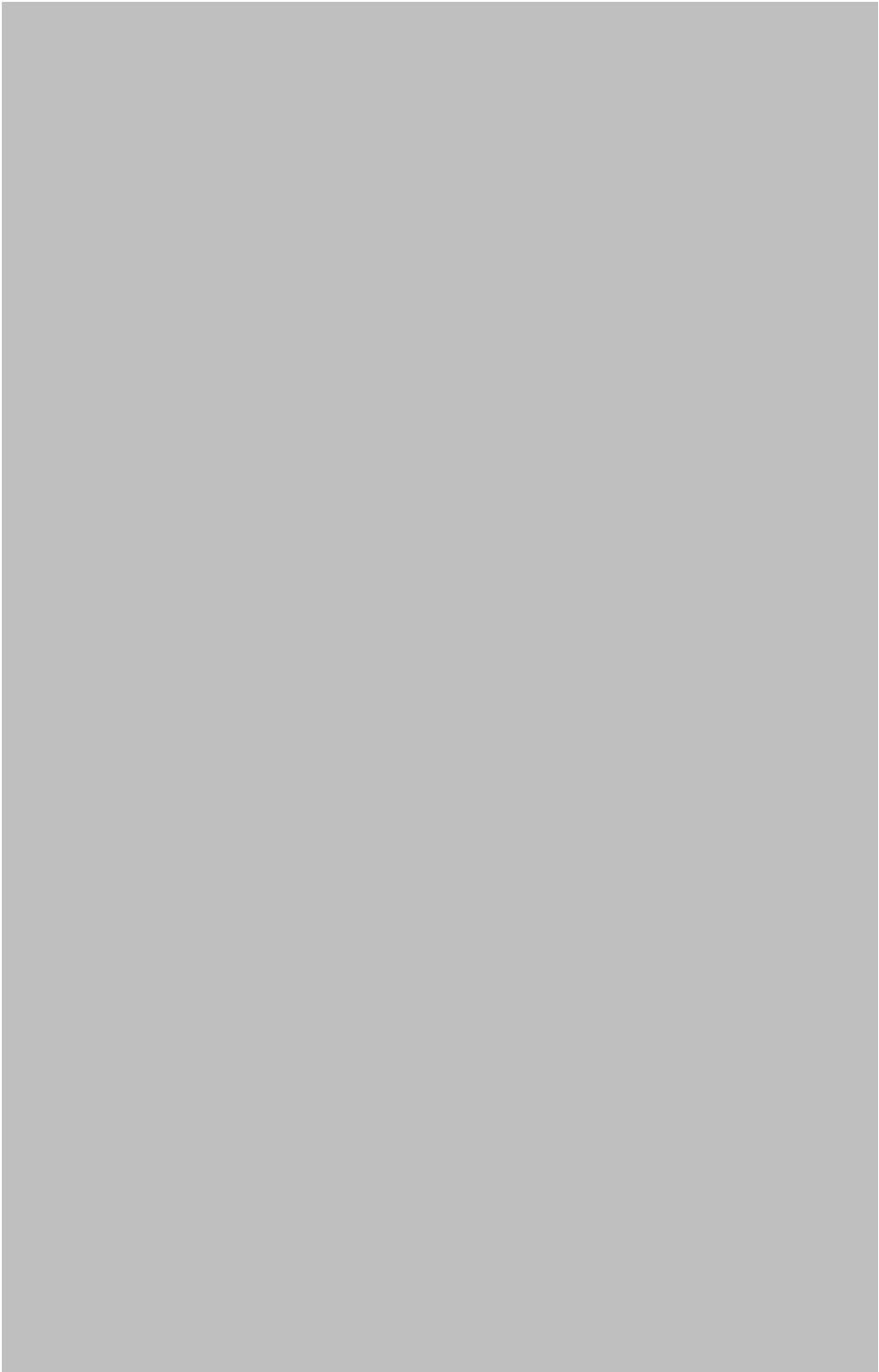














CHAPTER 12 –RESTRAINT AND PRISONER TRANSPORT

1. Restraint
 2. Prisoner Transport
-

In addition to the guidance below, Parks will address park specific issues via local SOP.

1. RESTRAINT

1.1 Arrests

[Redacted]

1.2 Restraint Prior to Search

[Redacted]

1.3 Procedures

The following procedures will be employed when utilizing restraint devices:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

1.4 **Reporting and Investigation**

1.4.1 *Non-Arrest Use*

The use of a restraining device to control or restrain a person in a situation other than an arrest will be immediately reported and documented by the responsible commissioned employee.

1.4.2 *Review and Action*

Review of the incident is the responsibility of the immediate supervisor, who will determine if additional reporting or investigation is needed.

1.5 **Prisoner Transport**

1.5.1 *Procedures*

Whenever possible, prisoner transport should involve NPS law enforcement

[REDACTED]

1.5.2 *Reporting*

Commissioned employees will ensure the beginning and ending mileage for vehicle transports and the beginning and ending time for vehicle, vessel or other types of transports are documented.

1.5.3 *Vehicle Prisoner Cages*

[REDACTED]

1.5.4 *Prisoner Escort on Commercial Airlines*

See Chapter 21, section 3.4, of this Manual.

CHAPTER 13 – EVIDENCE MANAGEMENT

1. Policy
 2. Directives
-

1. POLICY

All evidence will be collected in a manner consistent with applicable law, policy, and established procedures (446 DM 7). Because of the diversity of judicial jurisdictions and of procedures employed by different prosecutors, each park will develop written evidence management procedures that satisfy requirements of the servicing U.S. Attorney's office and/or local prosecuting attorney's office. Procedures will be based on law and regulations and be consistent with the Federal rules of evidence. The evidence management procedures will include proper collection, recording, handling, safeguarding, storage and disposal.

Materials obtained as physical evidence must be treated in a technically correct manner. Evidence not properly handled will lose value in a court of law. Evidence must be protected and custody accounted for from the time obtained, through the judicial process, until proper disposal is made.

The Service is responsible for safeguarding all property taken into custody until it is either released to the rightful owner according to established procedures or, if appropriate, disposed of in accordance with applicable laws and regulations.

2. DIRECTIVES

2.1 Responsibilities

2.1.1 *Certification*

A physical inventory of all evidence will be conducted by [REDACTED] and by [REDACTED] of each year. Such inventories will comply with the provisions outlined in the Personal Property Management Handbook (NO-44), including, but not limited to sections 3.2 and 9.8. Each Chief Ranger or Supervisory Special Agent in Charge will certify and reconcile that an inventory of all evidence and custody property has been completed and that the commissioned employee has complied with approved evidence management procedures. Certification and support documentation (including inventory) will be retained in the park for at least four years. It is the responsibility of the Chief Ranger to notify the Park Superintendent and the Regional Chief

Ranger or the Chief Investigative Services Branch of any items unaccounted for.

2.1.2 *Evidence Custodian*

The Chief Ranger of each park must designate at least one park evidence custodian.

2.1.3 *Secure Facility*

The Park Superintendent must provide an evidence room, safe, locker, or other secured place that serves to limit access to evidence and is sufficient in size and construction to safely accommodate park law enforcement needs. This requirement may be satisfied through use of facilities and personnel maintained by neighboring agencies and utilized by the NPS under cooperative agreements. Standards for storage of evidence must satisfy the requirements found in DM-446.



2.2 **Evidence Management**

2.2.1 *Assumption of Custody*

Property taken into NPS custody will be properly inventoried and documented. Closed containers will be opened, examined, and identified when, in the judgment of the commissioned employee, the contents cannot be determined from outward examination (see also Chapter 14 on impoundment of property). An NCIC check will be conducted on all firearms or serial numbered items of property/evidence.

2.2.2 *Management Procedures*

Each park's evidence management procedures will include instructions for:

- Separate log documenting entry into evidence storage area.
- Chain of custody.
- Measuring and quantifying.
- Marking.

CHAPTER 13 – EVIDENCE MANAGEMENT

- Packaging.
- Tagging.
- Testing and analysis.
- Storage.
- Accessing.
- Retention.
- Disposal.

2.2.3 *Forms*

The standard form used to report and log evidence should be Government Printing Office (GPO) Form #786-527, GPO 1992-686-212/79064, an electronic equivalent, or the subsequent NPS variation, entitled “Evidence Report – USNPS.” Other evidence report forms may be utilized if required by servicing crime labs.

2.3 **Evidence Disposal**

When evidence is ready for disposal, it will be disposed of in one of the following ways:

- 
- 

- 

2.4 **Firearms**



CHAPTER 14 – IMPOUNDMENT OF PROPERTY

1. Policy
 2. Directives
-

1. POLICY

Motor vehicles, vessels, aircraft, or other property that present a hazard to visitor safety, threaten park resources, have been abandoned in excess of legal time limits, or interfere with park operations may be impounded. Property may also be impounded as necessary to preserve evidence of a crime or to safeguard it against theft or damage. The procedures outlined in this chapter will serve as the minimum standards to be followed in the impounding of property.

2. DIRECTIVES

The Chief Ranger will develop local procedures that govern the impoundment of property that will be consistent with applicable State/Federal laws, Federal regulations and taking into consideration local judicial direction and U.S. Attorney guidance. These procedures will include:

- A mandatory requirement to inventory the contents of impounded vehicles, vessels, aircraft, and personal property. Closed containers will be opened and examined when, in the judgment of the commissioned employee, the contents cannot be determined from outward examination. Closed compartments will be opened and examined.
- The use of a standard form or report to record the necessary information concerning the impound.
- A required NCIC check on any vehicle, vessel, or aircraft impounded and a follow-up NCIC check (made as appropriate).
- A required NCIC check on any firearm or serial numbered item of value impounded.
- Methods for securing impounded property and protecting it from damage or theft.
- Procedures for releasing impounded property and a requirement to obtain a signed receipt for released property.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

- Means of disposing of impounded property of all types in accordance with 36 C.F.R., 41 C.F.R., and DO-44, Personal Property Management procedures.

CHAPTER 15 – INVESTIGATIONS MANAGEMENT

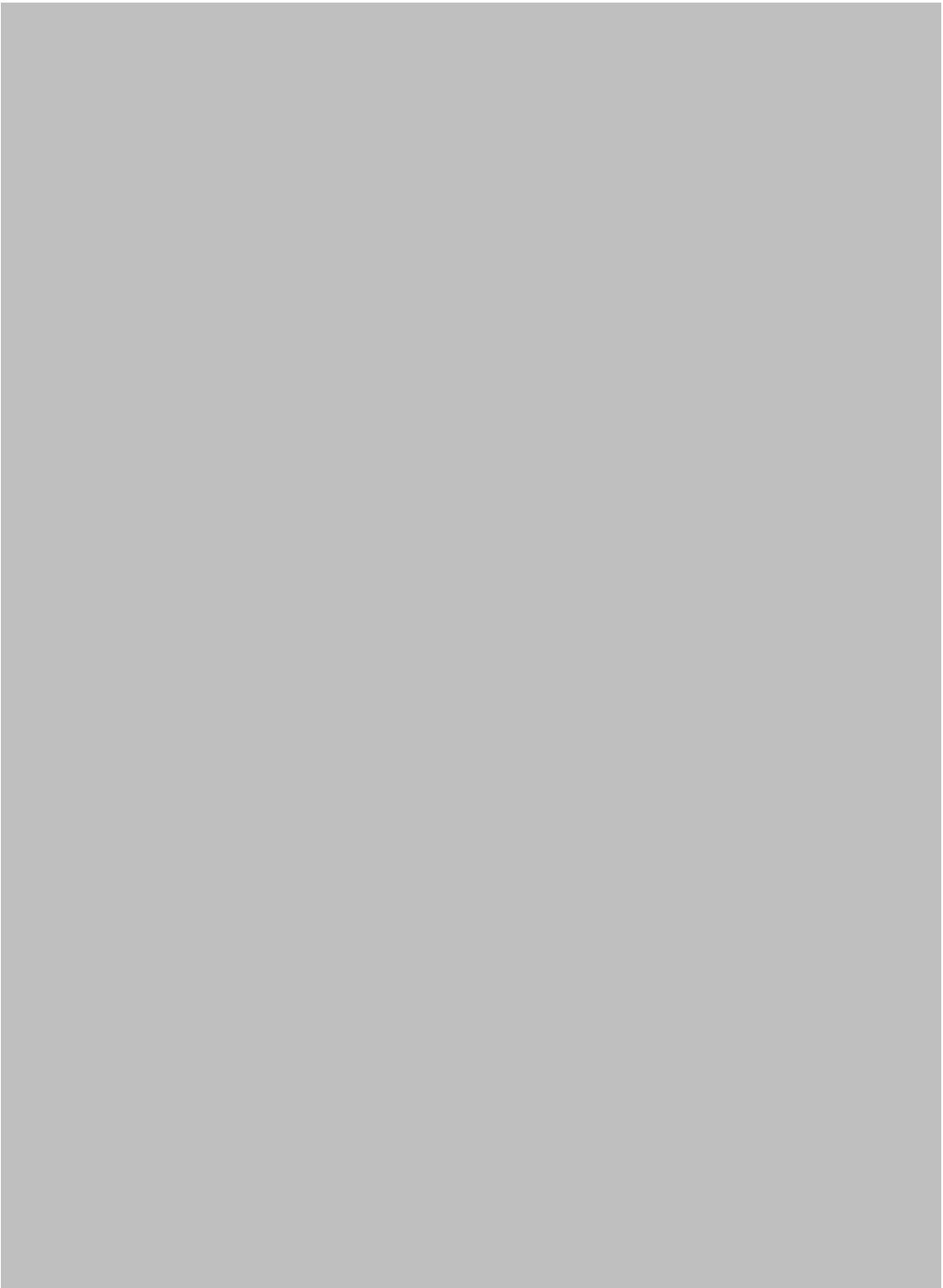




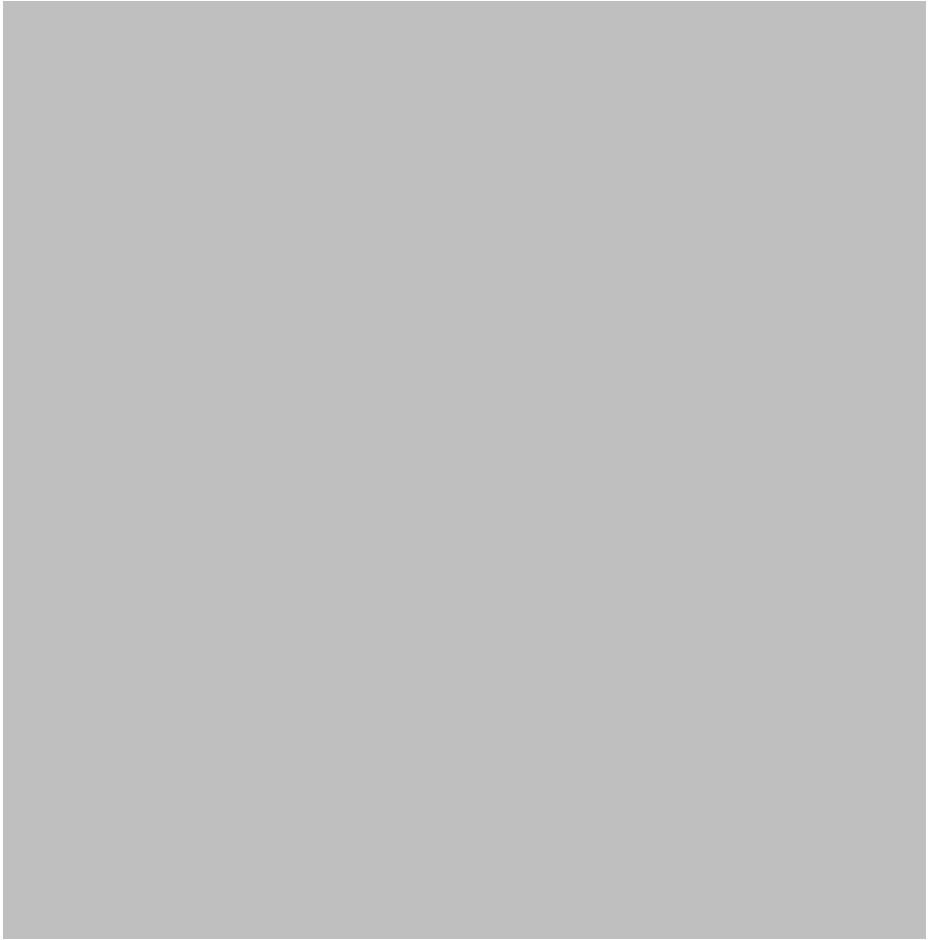








CHAPTER 15 – INVESTIGATIONS MANAGEMENT



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CHAPTER 16 – INTERNAL INVESTIGATIONS

Introduction

1. Purpose
2. Policy
3. Scope
4. Definitions
5. Complaint Process Overview
6. Roles and Responsibilities
7. Classification Determinations/Procedures
8. Receiving Complaints
9. Determining Investigative Responsibility
10. Criminal Offenses
11. Investigative Procedures
12. Review and Approval Process
13. Employee Rights

FILING AND INFORMATION CONTROL PROCEDURES

14. Annual Audits
15. Amending Complaint Investigations
16. Release of Information
17. Complaint Database
18. Records Maintenance
19. Training
20. Funding

Appendix 16-A. Complaint Category Allegation Definitions

INTRODUCTION

In 2002, the Secretary of Interior approved a series of recommendations made by a Law Enforcement Review Panel in a report titled *Law Enforcement at the Department of the Interior – Recommendations to the Secretary for Implementing Law Enforcement Reforms*. As a result of the Secretary's directives, the National Park Service (NPS) established an internal affairs unit in the Washington Office called the Office of Professional Responsibility (OPR). This office provides Servicewide oversight on all internal affairs investigations. This branch, headed by a National Special Agent in Charge (National SAC), is located in the Law Enforcement, Security and Emergency Services division of the Visitor and Resource Protection Directorate.

1. PURPOSE

This policy is intended to provide guidance and direction on the acceptance, classification, investigation, and processing of complaints against National

Park Service (NPS) employees with law enforcement responsibilities. Every effort has been made to make this policy a useful and practical document for the completion of this process. Additional guidance is available from the NPS Office of Professional Responsibility (OPR).

2. POLICY

It is the policy of the NPS that the complaint process, to include formal investigations and mediation, be utilized as a management tool to provide the highest level of integrity and public service. The public rightfully expects only the highest standards from our employees, and must have faith that the NPS accepts and investigates complaints in an unbiased manner.

This will be accomplished by investigating complaints objectively, supporting employees when allegations are proven invalid and taking corrective action when necessary. This process provides a means of monitoring employee conduct towards the public. It also allows for improved operational procedures through the review and analysis of complaint trends.

Application of this policy will allow the NPS to remain in compliance with Department of the Interior (DOI) policy, Secretarial Directive #18, and other laws and procedures pertaining to misconduct investigations.

All investigations conducted by the NPS shall maintain the following standards:

- a. Policies and procedures must allow for due process. All investigations must be conducted in a fair and impartial manner.
- b. Investigative reports and files must contain appropriate documentation to support report findings, conclusions, and investigative accomplishments. Files must be maintained in a secure area with access limited for official purposes.
- c. Investigations must be conducted in a diligent and thorough manner to ensure pertinent issues are resolved and all appropriate criminal, civil, and/or administrative remedies are considered.
- d. Internal investigations shall be performed in accordance with DOI and NPS policies. The NPS shall utilize the DOI case tracking system to include case status reports and justifications. Requests for extensions concerning Office of Inspector General (OIG) referrals will be made directly to the OIG.

CHAPTER 16 – INTERNAL INVESTIGATIONS

- e. The NPS will examine internal investigations and findings for relevant trends and indicators of possible training needs or policy revisions.
- f. All internal investigations will adhere to the President’s Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency, Quality Standards for Investigations. (See www.ignet.gov/pande/standards1.html.)

3. SCOPE

This policy pertains to all commissioned personnel and non-commissioned personnel with law enforcement responsibilities. For the purposes of this policy, the term “employee” relates to those with direct and indirect law enforcement responsibilities including managers.

The following criteria will be used in determining the responsibility for investigating a complaint against an employee of the NPS, with the exception of the U.S. Park Police:

- Non-commissioned personnel who supervise law enforcement personnel.
- Commissioned personnel.
- Support personnel with specific law enforcement responsibilities including communications, records keeping and training.

3.1 Authority/Reference

- DOI: Recommendations to the Secretary for Implementing Law Enforcement Reforms (Directive #18) – Relating to Internal Affairs.
- Department of Interior, Office of Law Enforcement, Security and Emergency Management (OLESEM) Policy Governing Internal Investigations.
- NPS Director’s Orders #68.

4. DEFINITIONS

4.1 Case Agent

Individual assigned to conduct and oversee all aspects of the investigation.

4.2 **Closing Correspondence**

A letter sent to a complainant upon the conclusion of a formal investigation notifying them of the completion of the investigation.

4.3 **Complaint**

An allegation against an employee, perceived by the complainant to be an act or an omission, which if proven true, would be considered employee misconduct.

- Administrative – A non-criminal investigation related to the conduct, actions, or omissions of an employee.
- Criminal – An investigation related to alleged violation of Federal, State, or local laws or regulations.

4.4 **Complaint Categories**

Complaint categories are designed to give general guidance for classification, investigative, and reporting purposes. The level of complaint will determine who oversees the investigation, which type of investigative resource is utilized to conduct the investigation, and will help determine reporting procedures.

- Category I Complaint – These complaints are considered the most serious types of complaints and must be reported/investigated as outlined in this policy. (See the Procedures Section.)
- Category II Complaint – These complaints are less serious in nature in comparison to a Category I, however, they must be investigated as outlined in this policy. (See the Procedures Section.)

4.5 **Compliant Findings/Disposition Classifications**

Sustained	The act (or omission) did occur, and it is deemed improper. The investigation should clearly articulate why the act is improper, e.g., violation of what specific policy, law, etc.
Not Sustained	Used only when the evidence, or lack thereof, precludes the NPS from making a definitive judgment. This finding should be used only in cases where the NPS determines that insufficient evidence exists to make another determination.

CHAPTER 16 – INTERNAL INVESTIGATIONS

Exonerated	The employee committed the act and it is deemed to be proper or within policy.
Unfounded	Incident or allegations are false or not factual or the employee was not involved.
Procedural	When the employee's actions are fully in compliance with policy and procedure, but the policy or procedure itself is found to be erroneous or is the cause of the complainant's concerns.

4.6 **Freedom of Information Act**

The Freedom of Information Act (FOIA), 5 U.S.C. 552, enacted in 1966, generally provides that any person has the right to request access to Federal records or information.

4.7 **Investigative Plan**

A methodical approach to examine the allegations, what issues are to be investigated, a list of what steps will take place and in what order. It normally contains a list of witnesses, a plan for interviewing them, and a list of available documentation and specific details surrounding the allegations.

4.8 **Investigative Resources Group**

The Investigative Resources Group (IRG) functions as the primary resource pool for conducting internal investigations.

4.9 **Mandatory Reporting**

Involves the procedures agency managers must follow relating to notification of misconduct allegations. All complaints received at the park level must be reported to the Regional Chief Ranger (RCR). Category I complaints must be reported to the OPR by the RCR. If the category is uncertain, consensus between RCR and OPR will determine the classification.

4.10 **Misconduct**

An act or omission by an employee which could result in disciplinary or adverse action as fully defined in RM-9.

4.11 **Office of the Inspector General (OIG)**

The DOI office responsible for conducting or arranging for the conduct of investigations regarding the appearance of fraud, waste, abuse, or mismanagement in Departmental programs or operations.

4.12 **Office of Law Enforcement, Security and Emergency Management**

The DOI office responsible for all policy aspects of Departmental law enforcement functions.

4.13 **Office of Professional Responsibility**

The OPR is the central NPS office responsible for receiving, classifying, tracking, assigning, investigating, and reviewing misconduct investigations at the national level as outlined in this policy. The unit functions under the Associate Director, Visitor and Resource Protection (ADVPRP), and is designed to conduct complex/sensitive investigations and provide investigative assistance to regions and parks.

4.14 **Public Information Office**

The public information office is responsible for disseminating information relative to investigations that generate public or media interest. The office utilized will be determined by the OPR and RCR as a component of the initial investigation planning process.

4.15 **Regional Chief Ranger**

The RCR is the senior law enforcement officer for their respective region and functions as the delegate for the Regional Director on matters concerning law enforcement investigations.

4.16 **Rescinded Complaint**

A complaint is considered to be rescinded if the complainant, after having initiated a formal complaint, later requests to withdraw all of the allegations. The rescinding of a complaint by a complainant does not necessarily mean the NPS will terminate an investigation into the original complaint. The NPS may elect to continue to further investigate a complaint if it is in the best interest of the NPS.

CHAPTER 16 – INTERNAL INVESTIGATIONS

4.17 **Senior Law Enforcement Officer**

The Senior Law Enforcement Officer (SLEO) is the senior law enforcement officer for their respective park and functions as the delegate for the Park Superintendent on matters concerning law enforcement investigations.

4.18 **Supervisor**

Any law enforcement or non-law enforcement employee of the agency who has direct line authority over law enforcement personnel or programs.

4.19 **Third-Party Complaint**

A complaint filed by any person or group, who is not a witness or party to an alleged act of misconduct or neglect of duty, but who reports such conduct to the NPS (or other entity) on behalf of the potentially aggrieved person.

5. **COMPLAINT PROCESS OVERVIEW**

5.1 **Acceptance/Notification**

When a complaint is lodged against an employee, either verbally, in writing, or in person, the complaint will be acknowledged in a timely manner and an investigation will be initiated. Managers and supervisors receiving complaints must follow the classification and reporting procedures outlined in this policy and report accordingly. The affected employees will be notified at the appropriate time and with the approval of the case supervisor.

5.2 **Investigation**

A thorough, fair, and impartial investigation shall be conducted into complaints including those received anonymously by the NPS. This shall be accomplished by gathering sufficient information and evidence to reach a logical conclusion. The investigation will then be documented in a standardized format.

5.3 **Processing**

Completed investigations will be approved, filed, and maintained as outlined in this policy.

5.4 **Closing**

All complainants will be notified of the conclusion of the investigation and the affected employees will be notified of the investigative findings.

6. ROLE AND RESPONSIBILITIES

It is the responsibility of all park, regional, and OPR staff to protect the confidentiality of all complainants, including NPS employees, by not discussing the identity of complainants or their allegations with anyone not directly involved in the investigative process. This includes securing all investigative materials in such a way as to prevent unauthorized access by persons not involved in the investigation.

6.1 Associate Director, Visitor and Resource Protection (ADVRP)

The ADVRP has the ultimate oversight responsibility over the OPR. This oversight is delegated to the NPS Chief, Law Enforcement, Security, and Emergency Services (CLESES). The ADVRP and the CLESES have responsibility for ensuring that the OPR functions within the parameters of this policy.

Any deviation from this policy on the part of the OPR must be approved by the ADVRP. The DOI-OIG will be responsible for investigating any allegations of misconduct by any NPS employee assigned to the OPR to conduct investigations.

6.2 Servicing Human Resource Office (SHRO)

The Servicing Human Resource Office (SHRO) at the park, regional, or Washington Office level will be consulted at the appropriate time, either by or after direct consultation with the case supervisor. The purpose of this consultation is to assist in providing guidance and advice to the case supervisor and case agent to ensure the investigative plan and the investigation meet the standards required to properly process any personnel action that may be generated by the investigation.

Which SHRO will be utilized for the investigation will be decided upon by each region and included in the investigative plan.

6.3 Investigative Resources Group (IRG)

Selections for the IRG will be based on qualifications, geographic proximity, and overall abilities to conduct internal investigations. Resources may include, but are not limited to special agents, law enforcement rangers, U.S. Park Police, and other qualified resources. Selections for investigative assignments from this group will be approved by the supervisor of the OPR with consultation with the RCR.

6.4 **OPR Responsibility**

The OPR has the responsibility for the receipt, management, and referral of complaints as outlined in this policy. The OPR is responsible for ensuring that Category I complaints are properly classified, assigned, investigated, tracked, and reviewed for accuracy and completeness. The OPR is responsible for classifying any allegations directly received by the office (from the OIG, etc.), Category I complaint information from regions/parks, making final determinations, and consulting with the appropriate RCR (or Regional SAC) on issues such as case agent assignment. The OPR will consult with the regional and park management regarding the appropriate actions to be taken, if necessary, once the investigation is initiated (as facts are developed) or the investigation is completed. OPR will receive, maintain, and file all investigative materials concerning Category I investigations.

The OPR is responsible for notifying the ADVRP of investigations addressed in this policy.

6.5 **Park Responsibility**

Each SLEO is responsible for appropriately classifying and reporting Category I and Category II allegations to their respective RCR. The SLEO is responsible for notifying the Park/Unit Superintendent of all Category I and II investigations.

If the RCR remands the investigation to the park, the SLEO will be responsible for ensuring investigative procedures are followed and that all notifications are completed with approval of the case supervisor (RCR).

The Park/Unit Superintendent has responsibility for ensuring that the SLEO functions within the parameters of this policy.

6.6 **Regional Responsibility**

The RCR for each NPS region has the responsibility for the receipt, supervision and referral of complaints as outlined in this policy. These responsibilities include ensuring complaints are properly classified, assigned, tracked, and completed throughout their respective region. Each RCR is responsible for tracking of all Category II investigations, reporting Category I information to the OPR, and consulting with the OPR on issues such as investigator assignment. The RCR is responsible for notifying the Regional Director of all Category I and II investigations reported to the RCR. The RCR will consult with the Regional Director and park management regarding the appropriate actions to be taken, if necessary, once the investigation is initiated (as facts are developed) or the investigation is completed.

The Regional Directors have the responsibility for ensuring that Park Superintendents and RCRs function within the parameters of this policy.

6.7 Case Supervisor (RCR or OPR)

The primary responsibility of the case supervisor is general oversight of the investigation including approval of the investigative plan, the facilitation of consultation with personnel, and the approval of reports generated by the case agent. Category I investigations will be supervised by OPR. Category II investigations will be supervised by the RCR. In the event of parallel criminal and administrative investigations, two case supervisors will be identified.

6.8 Case Agent

The primary responsibility of the case agent is to gather facts pertaining to the allegations and to generate investigative reports. The case agent will report to the case supervisor.

7. CLASSIFICATION DETERMINATIONS/PROCEDURES

7.1 General

A formal complaint is an allegation in which the complainant requests that an issue be addressed through the process outlined in this policy or if the receiving official perceives the complaint to be of significant concern and/or requires additional investigation to ascertain the facts to take corrective action.

Complaints are classified as either Category I or II. The classification of a complaint is determined by two factors: the severity of the allegation and the circumstances surrounding the allegation. Because each circumstance is unique, consultation between the parks, region, and the OPR may be required to classify an allegation.

Certain complaints deemed high in profile or very serious in nature will be offered to the OIG for first right of refusal. (See DOI-OIG policy on accepting complaints.)

7.2 Category I Complaint

Category I complaints are considered the most serious types of complaints and must be reported and investigated as outlined in this policy. Category I complaints include, but are not limited to, allegations concerning violations of criminal statutes, excessive use of force with injury, sexual harassment, waste, fraud, abuse, and any allegations involving dishonesty, falsification of statements and documents, unauthorized dissemination of information,

CHAPTER 16 – INTERNAL INVESTIGATIONS

unethical conduct, or any other types of misconduct deemed to be serious in nature.

7.3 **Category II Complaint**

Category II complaints are considered less serious than a Category I, however, they must be investigated as outlined in this policy. Category II complaints include allegations of verbal misconduct, non-verbal misconduct (excluding assault), discourtesy, unprofessionalism, or complaints alleging problems with performance of duty, refusal or failure to follow procedures, or other matters related to an employee's conduct not covered in Category I. (See Appendix 16-A: Complaint Category Allegation Definitions for examples of Category I and II descriptions.)

Complaints containing both Category I and II allegations will be classified and investigated as Category I complaints.

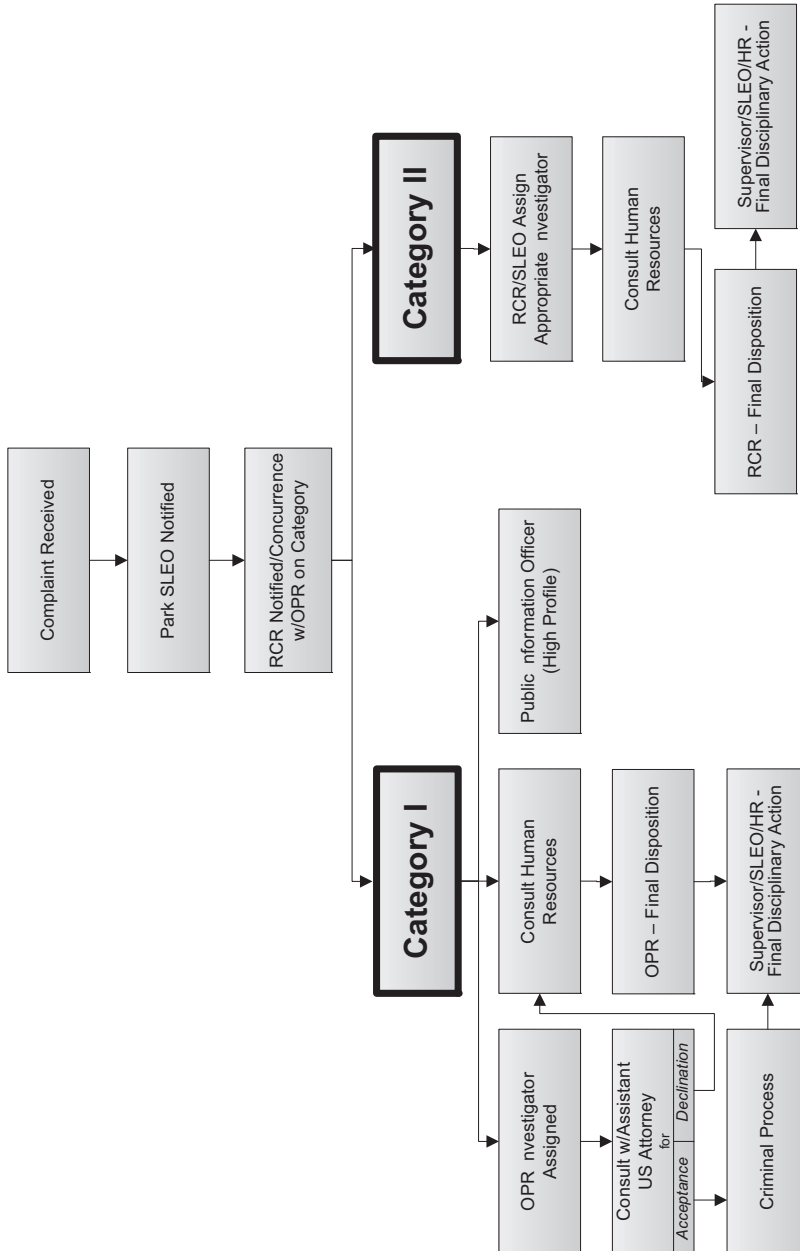
8. **RECEIVING COMPLAINTS**

8.1 **General**

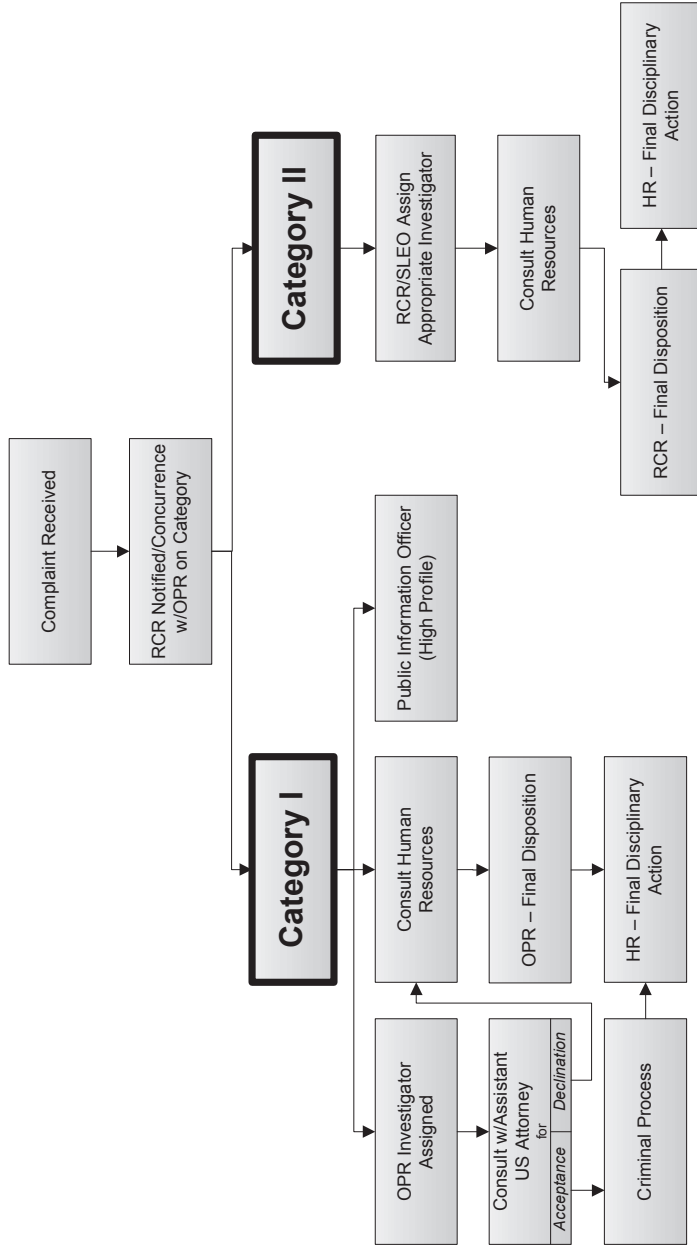
The NPS receives complaints through many sources: telephone, mail, legislative, in person, OIG, OLESEM, or others. The overall process for the receiving and initial processing of complaints is outlined on the following pages. Not all steps may be applicable in all circumstances or completed in the given order. The following section outlines the specific steps a park, region, or OPR supervisor will take when receiving complaint information. This section cannot cover every type of situation. Questions regarding proper procedure should be directed to the OPR or appropriate RCR.

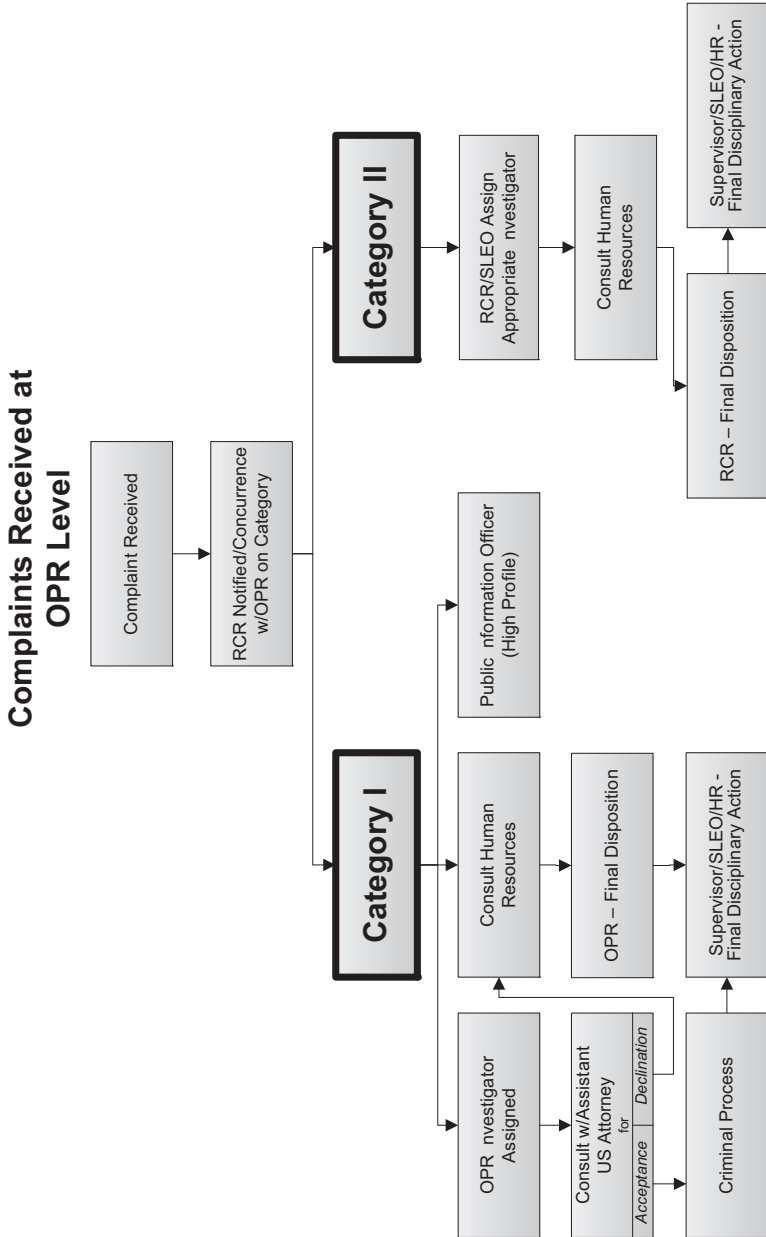
The following flow charts illustrate the required exchange of information and the actions to be taken when a complaint is received.

Complaints Received at Park Level



Complaints Received at Regional Level





9. DETERMINING INVESTIGATIVE RESPONSIBILITY

9.1 General

A thorough, fair, and impartial investigation will be conducted into complaints received by the NPS. All case agents investigating Category I and II complaints will have the investigative expertise and training necessary to conduct a thorough and impartial investigation. The investigation will then be documented in a standardized format.

Whenever possible, the assigned case agent should be at least one grade level higher than the involved employee and shall not be a party or witness to the incident in question. The case agent may utilize other NPS personnel to assist with an investigation, including lower ranking personnel with specific qualifications such as control tactics instructors, use of force instructors, etc., to provide expert opinion or analysis. If utilizing additional NPS personnel, the case agent has responsibility for coordinating such actions with the case supervisor.

9.2 Category I Responsibilities

For Category I, an appropriately trained investigator will be assigned to investigate the circumstances surrounding the allegations. It is the responsibility of the OPR and RCRs to ensure that Category I allegations are investigated. Oversight for Category I allegations is the responsibility of the OPR. Investigations overseen by the OPR will be conducted in close communication with the affected RCR/SLEO unless circumstances dictate otherwise.

9.3 Category II Responsibilities

For Category II, an appropriately trained field supervisor or manager will be assigned to investigate the circumstances surrounding the allegations. It is the responsibility of the RCR/SLEO to ensure that Category II allegations are investigated. Oversight for Category II investigations is the responsibility of the RCR. Investigations overseen by the RCR will be conducted in close communication with the affected SLEO unless circumstances dictate otherwise.

10. CRIMINAL OFFENSES

10.1 Outside NPS Jurisdiction

Alleged misconduct of an employee which reveals a criminal offense may have been committed shall be discussed with the applicable authorities (police

department, sheriff's department, and prosecuting attorney) to develop an appropriate course of action.

In most instances, the allied agency will conduct the criminal investigation and their report may be used by the NPS as a starting point in the administrative investigation. If prosecution is anticipated, and dependent upon the complexity of the criminal investigation, the NPS may either coordinate the internal investigation with the allied agency or wait for the completed criminal report. The NPS will ensure that criminal prosecution is not jeopardized.

Although the criminal investigation does take precedence over the administrative investigation, an administrative investigation will be conducted when appropriate. If prosecution is intended, an administrative interrogation may not be required unless additional information is needed to reach a proper conclusion. In those circumstances where it is decided an administrative interrogation of the involved employee is necessary, the investigating and prosecuting authorities shall be consulted.

When the investigating or prosecuting attorney requests a NPS investigation or interrogation not be conducted, advice shall be requested immediately from the OPR, who will then coordinate a final decision with the Solicitor's Office and/or OIG.

10.2 **NPS Jurisdiction**

Irrespective of any future administrative issues, any alleged violation of the criminal statutes shall be investigated thoroughly and expeditiously. The final decision on prosecution will be made by the U.S. Attorney's Office.

When alleged misconduct of an employee reveals a criminal offense may have been committed and the crime is within the investigative responsibility of the NPS, separate criminal and administrative case files shall be maintained.

Reports or information developed from the criminal investigation shall be included as exhibits in the administrative case file.

If there are to be concurrent separate criminal and administrative investigations, there must be two separate investigators (criminal and administrative) to maintain case integrity.

During the criminal investigation, the employee who is a suspect may be subject to the appropriate criminal interrogation admonishments. If the employee exercises their right of refusal, an administrative interview of the suspect employee should not be conducted until after consulting with the office prosecuting the criminal case and with NPS supervisory approval. If

CHAPTER 16 – INTERNAL INVESTIGATIONS

criminal charges are possible, the investigator shall contact the case supervisor for guidance before proceeding with the investigation.

The decision whether criminal charges are filed or rejected by the prosecuting authority shall be documented in the administrative investigation file, together with the name of the person authorizing or rejecting criminal prosecution and the date and time of the decision.

10.3 **Civil Rights Violations**

Civil rights violations are identified in Federal statutes and are criminal in nature. Investigations are normally conducted by the Federal Bureau of Investigation (FBI), U.S. Department of Justice (DOJ). The RCR and the OPR should coordinate with the FBI under these circumstances to ensure they have all available information relative to the particular incident. The refusal of the FBI to investigate a complaint does not preclude the NPS from conducting an investigation into these complaints.

11. **INVESTIGATIVE PROCEDURES**

11.1 **Investigation**

The investigation is comprised of several components or phases. An investigation is not considered completed until all phases are closed or completed.

- Receipt of complaint/evaluation;
- Investigative assignment;
- Park/Regional/WASO Management/HR review and determination;
- Criminal/Administrative Legal review as needed.

11.2 **Investigation Documentation**

All investigations will be documented in writing. Case files will be maintained separate from other investigative files at the Park, Regional, or OPR level based upon the type or level of investigation and management needs. All original Category I case files will be forwarded to and secured in the OPR.

12. REVIEW AND APPROVAL PROCESS

12.1 General

Once an investigation has been completed and documented by the investigator, the case investigative file shall be approved according to the procedures outlined below. Case supervisors are responsible for review and approval of case investigative reports.

12.2 Category I Complaint Case Investigations

All completed Category I case investigations will be sent to the OPR for final review and approval. A copy of the completed case investigative file will be sent to the responsible RCR.

Bilateral communication between the OPR Chief and affected RCR/SLEO will occur during the course of the investigation including periodic investigative updates.

12.3 Category II Complaint Case Investigations

Case Agents for Category II can be assigned at the park level at the discretion of the RCR based on the circumstances of the case.

Category II investigations will be sent to the RCR for final review and approval. Delegation of the approval process may be given to the park at the RCR discretion.

If a Category II complaint is received through the Office of the Inspector General (OIG) or OPR, the OPR Chief will assign a case number to the case and the RCR will ensure that the OPR Chief receives a copy of the investigative report. The OPR Chief will then report the findings to the OIG.

13. EMPLOYEE RIGHTS

13.1 General

During the formal interview process, prior to being questioned, the employee has the right to be informed of their involvement concerning an investigation and to be given the appropriate notification of rights, if applicable. (See “Uniform Advice of Rights.”) The employee has a right to a timely notification of the complaint and to as expeditious a resolution as possible.

The employee should be informed that they may obtain access to information regarding the investigation by filing a request under FOIA, 5 U.S.C. 552, and/or the Privacy Act of 1974, 5 U.S.C. 552a. Disclosure of information

obtained in an investigation is subject to these statutes and procedures. Any questions on information release or procedures should be directed to the OPR Chief.

13.2 **Collective Bargaining Considerations**

Some employees are represented by a collective bargaining unit. It is critical that investigators determine this status once assigned to perform an investigation. Investigators must be aware of certain rights and privileges conveyed in labor-management agreements between the bargaining units and NPS. In addition to provisions included in a labor-management agreement, Federal law 5 U.S.C. 7114(a)(2), also known as the “Weingarten Act,” provides “an exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented ... any examination of an employee in the unit by a representative of the agency in connection with an investigation if ... the employee reasonably believes that the examination may result in disciplinary action against the employee, [or] the employee requests representation.”

13.3 **Uniform Advice of Rights**

Where an allegation of officer misconduct involves a possible violation of criminal law and is being investigated by another entity, the investigator shall consult with the U.S. Attorney’s Office or other appropriate local or state prosecutors to determine if an administrative investigation can or should be conducted simultaneously.

If during an administrative investigation, evidence of criminal misconduct is uncovered, investigators must stop the administrative investigation and consult with the U.S. Attorney’s Office for acceptance or declination for criminal prosecution with jurisdiction for declination of criminal prosecution if appropriate.

Employee Rights will be held at the highest regard by OPR. As such, appropriate Notice will be provided to involved parties as direct by Departmental policies and governing laws.

The appropriate admonishment and form will be provided to interviewees at the beginning of all interviews. This process should be audio recorded in order to provide an accurate, complete and unbiased record, to ensure the highest level of integrity.

13.3.1 *Notice for Voluntary Interview*

You are being asked to provide information as part of an investigation being conducted by the Office of Professional Responsibility into alleged

misconduct and/or improper performance of official duties concerning [description of relevant incident].

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or bureau/agency disciplinary proceeding, or both.

13.3.2 *Notice for Compelled (Non-Criminal) Interview*

You are being asked to provide information as part of an investigation being conducted by the Office of Professional Responsibility into alleged misconduct and/or improper performance of your official duties. The investigation involves the following: [description of relevant incident].

The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.

You are going to be asked a number of specific questions concerning the performance of your official duties.

You have a duty to reply to these questions, and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer, or fail to reply fully and truthfully.

The answers you furnish and any information or evidence resulting there from may be used in the course of civil or administrative proceedings.

Neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action.

13.3.3 *Notice for Criminal Interview (Miranda)*

Before we ask you any questions, it is my duty to advise you of your rights:

- You have the right to remain silent.
- Anything you say can be used against you in court, or other proceedings.

CHAPTER 16 – INTERNAL INVESTIGATIONS

- You have the right to consult with an attorney before making any statement or answering any question, and you may have him present with you during the questioning.
- You may have an attorney appointed by the U.S. Magistrate or the court to represent you if you cannot afford or otherwise obtain one.
- If you decide to answer questions now with or without a lawyer, you still have the right to stop the questioning at any time, or to stop the questioning for the purpose of consulting a lawyer.

FILING AND INFORMATION CONTROL PROCEDURES

14. ANNUAL AUDITS

Audits will be conducted periodically per DM 446. Audit procedures are established to ensure the integrity and uniformity of the complaint process. No corrections to completed investigations will be required as a result of an audit.

15. AMENDING COMPLAINT INVESTIGATIONS

15.1 General

Due to new evidence or allegations, it may be necessary on occasion to amend complaint documentation. Examples of this include changing the finding for an allegation, or the addition or deletion of an employee to the complaint based on new information received.

15.2 Prior to Completion

If an investigator identifies, on the part of the subject of the investigation or another employee, potential misconduct not contained in the original complaint, the investigator will consult with the case supervisor to determine whether to expand the scope of the current investigation or to initiate a separate investigation into the potential misconduct.

15.3 Rescinded Complaints

The OPR Chief or Regional Chief Ranger may elect to accept or decline the request to rescind. Their decision should be based on the reasons for the request and the circumstances of the complaint known at that point. Some complaints, because of their nature or sensitivity, should be continued to

their normal conclusion despite a request to rescind. However, if the decision is made to agree to rescind a complaint, closing correspondence to the complainant is still required and shall reiterate the complainant's desire to rescind the complaint.

15.4 **Completed Investigations**

To amend a complaint that has already been reviewed and signed, the following procedures apply:

- The original investigation file shall not be altered.
- Any requisite changes shall be made by memorandum, referencing what specifically is being changed.
- The reason for the complaint being amended shall also be included. All requests to amend/change Category I and II complaints must be approved by the corresponding case supervisor.

16. **RELEASE OF INFORMATION**

16.1 **General**

The Privacy Act and FOIA apply. Any inquiries regarding the release of information should be coordinated with the OPR and Solicitor's Office. An investigative file is considered an extension of the employee's personnel file, is confidential, and is to be released only through proper legal procedures. Privacy Act rules apply and only the following employees may have access to the investigative file:

- Authorized Departmental employees with a legitimate need to know may have access to the files.
- As the NPS's legal representatives, a copy may be released to the appropriate DOI-Solicitor or other government counsel.

Normally, such releases will be coordinated through the OPR.

Although FOIA and the Privacy Act were enacted for different purposes, there is similarity in their provisions. Both FOIA and the Privacy Act give people the right to request access to records held by agencies in the Federal government. FOIA access rights are generally given to any person, but Privacy Act access rights are given only to the individual who is the subject of the records sought. Additional guidance on release of information is available in Chapter 39 – PUBLIC INFORMATION AND MEDIA RELATIONS.

16.2 **The Freedom of Information Act Office**

The Freedom of Information Act office is responsible for disseminating information under FOIA and the Privacy Act to all parties requesting copies of NPS generated documentation concerning the investigation. The FOIA office used to address these requests will be determined prior to initiating an investigation by the OPR and RCR as a component of the investigation planning process.

The FOIA, 5 U.S.C. 552, generally provides that any person has the right to request access to Federal records or information. Federal agencies are required to disclose records upon receiving a written request for them, except for those records that are protected from disclosure by any of the nine exemptions. The exemptions cover the following:

Exemption 1 – Matters of National Defense or Foreign Policy

Exemption 2 – Internal Personnel Rules and Practices

Exemption 3 – Information Exempted by Other Statutes

Exemption 4 – Trade Secrets, Commercial, or Financial Information
(Confidential Business Information)

Exemption 5 – Privileged Interagency or Intra-agency Memoranda or Letters

Exemption 6 – Personal Information Affecting an Individual's Privacy

Exemption 7 – Records Compiled for Law Enforcement Purposes

Exemption 8 – Records of Financial Institutions

Exemption 9 – Geological and Geophysical Information Concerning Wells

In the vast majority of instances, no internal investigative reports or documentation will be released under FOIA. Consultation with OPR and the designated agency FOIA officer will occur prior to the release of any information under FOIA. Pursuant to 43 C.F.R. 2.21(d)(5), the Solicitor's office will be consulted regarding any proposed withholding or redaction of response documents. The employee being investigated will be able to request access to specific information about the complaint and subsequent investigation at the conclusion of the investigative process and Board of Inquiry. If a request is made and approved, the release of information is subject to proper redaction under FOIA. The Office of Professional Responsibility

will receive and respond to FOIA-Giglio-Brady requests for Category I Complaint Investigations in consultation with the responsible Regional Chief Ranger and the appropriate US Attorney's Office.

16.3 The Privacy Act

Broadly stated, the purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from Federal agencies' collection, maintenance, use, and disclosure of personal information about them. The historical context of the Act is important to an understanding of its remedial purposes. In 1974, Congress was concerned with curbing the illegal surveillance and investigation of individuals by Federal agencies that had been exposed during the Watergate scandal. It was also concerned with potential abuses represented by the government's increasing use of computers to store and retrieve personal data by means of a universal identifier, such as an individual's Social Security number. The Act focuses on the following four basic policy objectives:

1. To restrict *disclosure* of personally identifiable records maintained by agencies.
2. To grant individuals increased rights of *access* to agency records maintained on themselves.
3. To grant individuals the right to seek *amendment* of agency records maintained on themselves upon a showing that the records are not accurate, relevant, timely, or complete.
4. To establish a code of "*fair information practices*" which requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records.

Under 5 U.S.C. 552(b)(1), the "need to know" exemption to the Privacy Act is strongly applicable in internal investigation cases. This exemption is limited to "those officers and employees of the agency which maintain the record who have a need for the record in the performance of their duties." This "need to know" exception authorizes the intra-agency disclosure of a record for necessary and official purposes.

Information that should ordinarily be withheld includes matters such as that pertaining to an employee's personal life and family status; matters capable of causing embarrassment or harassment, and those which are not pertinent to the employee's professional duties. Such privacy interests specifically include, but are not limited to: place and date of birth; age; marital status; home address and telephone number; medical records; the substance of

CHAPTER 16 – INTERNAL INVESTIGATIONS

promotion recommendations, assessments of professional conduct and ability; information concerning or provided by relatives and references; prior employment not related to the employee's occupation; primary, secondary and collegiate education; allegations of misconduct or arrests; and military service number and Social Security number. However, including this information may be necessary when personal data is pertinent to the investigation.

Such delineations are based upon the principle that the public is entitled to information that generally pertains to the qualifications for and the performance of Federal employment, but that Federal employees are as fundamentally entitled to privacy protection as are members of the public.

For the purposes of this policy, pertinent investigative data may be forwarded to and analyzed by only those who have a legitimate and official "need to know." In typical investigations this will include the affected regional and park management staff, within the chain-of-command of the investigated employee.

17. COMPLAINT DATABASE

17.1 General

The OPR will maintain a computer database of complaint related information. Data from complaint investigations will be entered into the database for later retrieval and analysis. All Category I complaints and OIG referrals must be entered into the DOI-OLESEM database within five days of receipt by OPR.

17.2 Employee Trend Analysis

The OPR is responsible for monitoring complaint trends and patterns. When an employee trend analysis identifies a pattern of reoccurring complaints, the OPR will notify the appropriate RCR and field SLEO via memorandum. An investigation may be initiated as a result of information gained from monitoring trends and patterns.

18. RECORDS MAINTENANCE

All internal investigative files and related information will be kept physically separated from other investigative records and will remain under the primary control of the corresponding case supervisor. Category I case files will be filed and stored by the OPR. Category II case files will be filed and stored by the RCR. Information in these files is considered confidential and must be retained in a secured area with access limited for official purposes.

19. TRAINING

Category I investigators should attend formal internal affairs training (approved by the OPR and pursuant to DOI-OLESEM policy). Investigator expertise should be sufficient to thoroughly conduct investigations as outlined in this policy.

Case supervisors and park SLEOs should ensure that any investigator assigned to investigate a Category II investigation has the expertise and training necessary to conduct a thorough investigation.

20. FUNDING

Costs associated with sending investigators to regions/parks to conduct internal investigations will be paid for by the affected park/region.

CHAPTER 16 – INTERNAL INVESTIGATIONS

APPENDIX 16-A. COMPLAINT CATEGORY ALLEGATION DEFINITIONS

This table provides general guidelines for classification of complaints. Because of the uniqueness of each allegation, consultation with the next appropriate level (RCR or OPR) is advisable to ensure proper classification. If there are any doubts as to the classification of a particular allegation, the OPR has final classification authority.

Complaint Category Allegation Definitions

Category	Allegation Type	Definition	Primary Investigative Responsibility
1	Alcohol Use/Impairment	Any act involving the alleged use, impairment, or consumption of alcohol while in official performance of law enforcement duties	RCR or OPR
1	Assault	Willful attempt or threat to inflict injury upon the person of another not related to d-tact techniques Includes off-duty employees engaged in acts not related to their employment	OPR
1	Battery	Willfully using unlawful force or violence upon the person of another Also used for off-duty employees engaged in acts not related to their employment	OPR
2 1 1	Court Conduct	Misconduct related to an employee's official court appearance Includes criminal and administrative hearings Case tampering should include issues related to citations, arrest reports, and related documents; before, during, and after any court proceeding	Cat I – RCR or OPR Cat II – Park SLEO
	Demeanor		
	Perjury Case Tampering		
2 2 2	Discourtesy	Rudeness, improper gestures, statements, unsatisfactory demeanor or attitude towards the public or member of NPS or other agency	Appropriate Park SLEO
	Verbal		
	Non-Verbal Other		
1 1 1 1	Discrimination	Biased or prejudicial treatment, including any comment perceived to belittle a person because of their race, sex, sexual orientation, age, religion, employment, or physical/mental handicap	OPR Equal Employment Opportunity Commission
	Sex		
	Race		
	Sexual Orientation Other		

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

Category	Allegation Type	Definition	Primary Investigative Responsibility
1	Dishonesty	An act, or series of acts, which the employee knew, or could have reasonably been expected to know were dishonest; includes lying, other than perjury	Park, RCR or OPR dependent on circumstances
1	Driving Under the Influence	Driving a vehicle while under the influence of alcohol and/or drugs while on or off duty	OPR or RCR
	DUI/Government Vehicle DUI/Personal Vehicle		
1 1 1 1	Illegal Drug Usage	Unlawful use, being under the influence or unauthorized possession of drugs, drug paraphernalia, or controlled substance while on government premises or in a duty status	
	Impaired		
	Possession		
	Use Other		
1 1 1 1 1 1 1 1 1 1	Excessive Tactics	Where the tactics are authorized, but go beyond the limits permitted by policy Applies to commissioned employees only	OPR or RCR
	Firearms		
	Baton		
	Handcuffing		
	Search of Person		
	Personal Weapons		
	Carotid Hold		
	Chemical Agents		
	Control Holds		
	Flashlight as Weapon		
Other			
1 1 1 1 1 1 1 1 1 1	Unauthorized Tactics	Use of tactics where no justification for their use exists	OPR or RCR
	Firearms		
	Baton		
	Handcuffing		
	Search of Person		
	Carotid Hold		
	Chemical Agents		
	Control Holds		
	Flashlight		
	Other		
2 1 or 2 2 2 2 1 or 2 1 or 2	Enforcement Validity	Allegations questioning the validity of an employee's enforcement action in the performance of their duties	Cat I – RCR Cat II – Park SLEO *Any of these Cat II complaints may escalate to Cat I once an investigation is initiated Park SLEOs should be prepared to re-classify as Cat I if warranted
	Validity/Citation		
	Validity/Arrest		
	Validity/Reason for Stop		
	Validity/Search (other than person)		
	Validity/Enforcement Stop		
	Validity/Detention		
Validity/Other			

CHAPTER 16 – INTERNAL INVESTIGATIONS

Category	Allegation Type	Definition	Primary Investigative Responsibility
1 1	Falsification	Knowingly submitting reports or other official documents that are untrue or submitted under false pretenses	OPR
	False/Arrest Documents False/Other Documents		
1 1 1	Firearms	Acts involving firearms by commissioned employees involved in acts not related to their employment	OPR or RCR
	Brandishing		
	Discharge Other		
1 or 2 1 or 2 1 or 2 1 or 2 1 or 2	Misuse/Misappropriation	Refer to the NPS Human Resource Table of Penalties for definition of “misuse ”	Cat I – OPR/RCR Cat II – Park/RCR
	Misuse/Equipment		
	Misuse/Property		
	Misuse/Vehicles		
	Misuse/NCIC- other dispatch info		
Misuse/Computer Systems			
Misuse/Other			
2 2 2 2 2 2	Property Control	The abuse, loss, damage, or failure to secure or protect the property of another Does not apply to Federal property	Park or RCR
	Property/Damaged		
	Property/Lost		
	Property/Misuse		
	Property/Seizure		
	Property/Secure Property/Other		
1 1 1 1	Sexual Misconduct	Involvement in any inappropriate sexual act Includes any on-duty act involving sexual overtones, either physical or verbal	OPR
	Sexual Conduct/Physical		
	Sexual Conduct/Verbal		
	Sexual Conduct/Leering Sexual Conduct/Other		
1	Theft	Taking personal and/or Federal property or funds with the intent of depriving the owner of the item taken	OPR
	Theft/Any Item		
2 2 2 1 or 2 1 or 2 1 or 2	Government Vehicle Operations	Allegations involving the use of a government vehicle	Cat I – OPR/RCR Cat II – Park/RCR
	Driving/Patrol		
	Driving/Off-duty		
	Parking		
	Driving/Excess Tactics		
	Driving/Unauthorized Tactics Driving/Other		
2 2 2 2 2 2	Evidence Control	The abuse, loss, damage, or failure to secure or protect evidence in the control of employee	Park/RCR
	Evidence/Damaged		
	Evidence/Lost		
	Evidence/Misuse		
	Evidence/Seizure		
	Evidence/Secure Evidence/Other		

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CHAPTER 17 – SELECTIVE TRAFFIC ENFORCEMENT







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CHAPTER 18 – EMERGENCY RESPONSE, PURSUIT, AND ROADBLOCKS

1. Policy
 2. Definitions
 3. Directives
-

1. POLICY

All pursuits and emergency vehicle responses will be carried out in accordance with applicable State traffic code. Because of the inherent dangers of vehicle pursuits and emergency response, only commissioned employees operating emergency vehicles, who have successfully completed a NPS-LETC-approved emergency vehicle operation course, or an equivalent State approved emergency vehicle operation course, may engage in emergency vehicle operation, pursuits or roadblocks. Absent exigent circumstances, only law enforcement vehicles with both visible and audible warning devices will be used for pursuit situations or emergency law enforcement responses.

Parks may develop supplemental procedures on pursuit consistent with this section.

Parks that utilize tire deflation devices will develop written procedures for their use.

2. DEFINITIONS

The following definitions apply to this chapter:

2.1 Pursuit

The immediate chase by vehicle of a person who is operating another vehicle who has committed or is reasonably suspected of committing an offense and is attempting to elude apprehension, with the pursuing commissioned employee following the suspect immediately thereafter.

2.2 Emergency Operation

Any situation in which an emergency vehicle is operated with emergency warning devices activated in response to a known or suspected emergency incident.

2.3 Emergency Vehicle or Vessel

A vehicle or vessel of the NPS equipped with emergency warning lights and audible devices as designated by this chapter and State law.

2.4 Stationary Roadblock

A barricade, improved barrier, vehicle, or other equipment used to close a roadway ahead of a pursuit for the purpose of slowing down or stopping a pursued vehicle, or for a special lookout (e.g., bank robbery suspects, escaped convicts, etc.).

2.5 Rolling Roadblock

Positioning an emergency vehicle or several emergency vehicles operated in traffic to impede the movement of a pursued vehicle.

2.6 Tire Deflation Devices

Devices designed to reduce vehicle speed through the controlled puncturing and deflation of vehicle tires, such as stop sticks, road spikes, and spike strips. Users must be aware that these devices will not stop vehicles. Vehicles with punctured tires can continue to travel, frequently with reduced operator control. As such, plans for deployment must include safety contingencies in case the suspect vehicle continues to travel and pose a danger to other traffic, pedestrians, etc.

3. DIRECTIVES

3.1 General

3.1.1 Constraints

Commissioned employees will respond to emergencies or engage in vehicle pursuits in accordance with applicable State laws and NPS policies, directives and procedures. All vehicle pursuits will be undertaken with consideration given to the offense that was committed and the risk factors involved in a pursuit.

3.1.2 Responsibility

The operator of the pursuit vehicle remains responsible for operating the vehicle with due regard for the safety of persons and property.

CHAPTER 18 – EMERGENCY RESPONSE, PURSUIT, AND ROADBLOCKS

3.1.3 *Notification*

The commissioned employee who initiates a pursuit will, where available, immediately notify their dispatcher of the following information:

- Notification that a pursuit is in progress and the reason for the pursuit.
- Description of the vehicle or vessel being pursued, including license number.
- Location of the pursuit, direction of travel, and speeds.
- Number of occupants of the pursued vehicle or vessel, if known.
- Notification when another jurisdiction enters the pursuit.

3.1.4 *Pursuit Outside Jurisdiction*

When pursuits continue beyond the boundaries of the park, applicable State laws will apply to the operation of the pursuing vehicle or vessel. Assistance will be requested from the local jurisdiction.

3.1.5 *Emergency Operation*

The driver of an authorized emergency vehicle or vessel, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law in a law enforcement vehicle or vessel, or when responding to a fire alarm, may exercise the privileges set forth in this section, subject to the following conditions. The driver of an authorized emergency vehicle or vessel may:

- Park or stand, irrespective to the provisions of this chapter.
- Proceed past a red or stop signal or stop sign, but only after stopping or slowing down as may be necessary for safe operation.
- Exceed the maximum speed limits so long as she/he does not unnecessarily endanger life or property.
- Disregard regulations governing direction of movement or turning in specified direction so long as she/he does not unnecessarily endanger life or property.

3.1.6 *Vehicle Warning Devices*

Vehicles or vessels operated by commissioned employees in the routine performance of their duties will be equipped with a siren and lights of a color and type designated by the State, to the extent practical, where the vehicle or vessel is primarily used.

3.2 **Pursuit Tactics**

3.2.1 *Restrictions*

If a pursuit develops, the following stipulations apply:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

3.2.2 *Considerations*

The following factors will be considered when a pursuit is initiated, **and** they will be reevaluated during the pursuit:

- [REDACTED]
- [REDACTED]

CHAPTER 18 – EMERGENCY RESPONSE, PURSUIT, AND ROADBLOCKS

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

3.3 Execution of Pursuits

3.3.1 Control

Every pursuit should have control as a primary objective. Control may be attained through:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

3.3.2 Responsibilities

Commissioned employees and dispatchers have significant responsibilities associated with pursuits:

- Dispatch will maintain radio contact with emergency vehicles involved in the pursuit and with the appropriate jurisdictions during

the pursuit. Dispatch will also ensure that the appropriate law enforcement supervisor is immediately notified of a pursuit situation as well as other law enforcement jurisdictions.

- Where available, the appropriate supervisor will continually monitor any pursuit situation in their area of responsibility to ensure provisions of this directive are complied with.
- Supervisors should evaluate each pursuit to ensure compliance with this directive.

3.3.3 *Conditions for Termination*

Commissioned employees must continually re-evaluate the situation to determine whether or not a pursuit should continue or be terminated considering the following circumstances:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

3.3.4 *Termination*

Among the primary goals of a pursuit should be control and the earliest possible termination of that pursuit, with apprehension where feasible. The pursuit may be terminated through:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

3.4 **Roadblocks**

3.4.1 *Use*

[REDACTED]

3.4.2 *Procedures*

The following procedures may be utilized, consistent with State law:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

3.5 **Reporting**

Engagement in a pursuit or the application of any roadblock procedure will be documented in a timely manner.

CHAPTER 19 – VIOLATION NOTICES

1. Policy
 2. Directives
-

1. POLICY

Commissioned employees in the NPS will utilize forms authorized by Federal courts and the Central Violations Bureau (CVB) for the routine filing of Class B misdemeanor violations. The document specified for this purpose is U.S. District Court Violation Notice, Form 10-50 (or subsequently authorized revisions). A current copy of the CVB guidelines will be maintained at each park.

2. DIRECTIVES

2.1 Violation Notices

2.1.1 *Application*

The U.S. District Court Violation Notice (NPS Form 10-50) is used to notify a person to appear before a United States Magistrate Judge or to forfeit the collateral for an alleged violation. Violation Notices are accountable property and it is the responsibility of the Chief Ranger to maintain accountability. A Violation Notice is just one form that may be utilized to initiate the filing of criminal charges. However, consistent with the Federal rules of criminal procedure, it will be used to proceed to trial for ONLY Class B misdemeanors.

2.1.2 *Supporting Documentation*

The issuance of a Violation Notice for minor violations observed by the issuing commissioned employee – such as traffic offenses, violations of camping or fire regulations, or dogs off leash – does not require completion of an incident report. However, a Supplemental Report should be completed whenever the facts prompting the violation notice cannot be adequately documented through the probable cause statement on the back of the notice.

2.1.3 *Forfeiture of Collateral*

A commissioned employee may issue a Violation Notice that provides for forfeiture of collateral in lieu of personal appearance when the US District Court of jurisdiction has issued a schedule of collateral amounts that cover the specific violations being addressed. Unless directed by the District Court

or the Magistrate Judge, a commissioned employee will not collect or accept collateral from an alleged violator.

2.1.4 *Mandatory Appearance*

A commissioned employee will issue a Violation Notice that provides for a mandatory appearance before the Magistrate Judge when required by the District Court, local rule, or when a collateral amount for the offense is not listed in the local rule. Subject to local rules imposed by the judges in each Federal Judicial District, a commissioned employee may issue a Violation Notice that provides for a mandatory court appearance when, in the commissioned employee's judgment, circumstances warrant such an option.

2.1.5 *Probable Cause Statements*

Commissioned employees will comply with the instructions of their respective District Court, Magistrate Judge and CVB pertaining to documenting probable cause statements on the violation notice and the distribution of the copies of this form. Probable Cause statements should be completed by the end of the shift in which the Violation Notice was issued.

2.1.6 *Records Management System Entries*

All pertinent information from violation notices (e.g., name and other identifying information of defendant, date, time, location, vehicle description, and offense) will be entered into the Records Management System (RMS).

2.2 **Administrative Dispositions**

2.2.1 *Permitted Voidings*

Once a Violation Notice has been issued by a commissioned officer to a violator, it may only be voided after consulting with, and receiving authorization from the Chief Ranger or their designee, and only in the following situations:

- When erroneous information was included on the Violation Notice (e.g., wrong date, name, charge) or when the alleged violator or new evidence provides a legitimate reason for the alleged offense, or shows that there was no offense (e.g., mistake of fact).
- When the violation notice is to be replaced or superseded by other charging documents or criminal processes, or by administrative processes accompanied by a formal declination to prosecute by the U.S. Attorney.

CHAPTER 19 – VIOLATION NOTICES

- When the Violation Notice was issued illegally, or contrary to CVB guidelines.

When the ranger and supervisor cannot come to concurrence on the validity of a violation notice, the next higher law enforcement supervisor will be consulted. If the two supervisors concur, then the violation notice may be voided without the ranger's consent. If the violation notice is voided without the issuing ranger's consent, then a written record will be developed articulating the reason for the void action and placed in an official file with the voided notice.

If the Violation Notice has been placed on the defendant's vehicle, personally issued, or mailed to the defendant, and the defendant cannot be contacted, a Magistrate Judge must dismiss the notice.

In instances where the issuing commissioned employee is still in possession of the notice, it may be voided with the approval of the Chief Ranger or their designee. Such voided notices will be retained in a separate file in the issuing park in accordance with the appropriate records disposal schedule.

2.2.2 *Prohibited Voidings*

Subject to provisions contained in this chapter, a Violation Notice will not be voided when:

- It is issued in an incident that involves personal injury or death, unless the violation notice is to be replaced or superseded by other charging documents or process.
- The violation notice has already been filed with either the court or CVB.

2.3 **Warning Notices**

2.3.1 *Application*

The Warning Notice (NPS Form 10-33) is a written notice or written warning issued to a person to document a minor violation of a park regulation. Information on a warning notice must be entered into a RMS to establish a record of the infraction and includes basic information about the alleged violator, but imposes no legal obligations on that person.

2.3.2 *Notice Retention*

The original or white copy of the Warning Notice is the violator's copy. The blue copy is for the use of the park according to their needs.

2.3.3 *Ordering Procedures for US District Court Violation Notices and Warning Notices*

Both Violation Notices and Warning Notices will be ordered through the NPS Brentwood Storehouse utilizing the DI-1 form and routing through the Regional Office Law Enforcement Specialist for signature.

CHAPTER 20 – COLLISION REPORTS

1. Policy
 2. Definitions
 3. Directives
 4. Report Form
-

1. POLICY

The NPS will document motor vehicle and boating collisions that occur within NPS areas. Superintendents/SLEOs may establish minimum property damage thresholds equivalent to State or Coast Guard regulations. Wherein parks are geographically in more than one state the lowest property value will be used.

The objective of a basic collision report is to document statistical data and the names and identifiers of involved parties. The objective of the collision investigation is to determine and record the probable cause of the collision, the causative and contributory factors, and any need for enforcement measures.

Intentional acts that result in traffic or boating collisions will be reported and investigated as criminal incidents.

2. DEFINITIONS

The following definitions apply to this chapter:

2.1 Collision

Any event that results in an injury or property damage attributable directly or indirectly to the motion of a motor vehicle, motorized cycle, or other motorized tracked mode of transportation, bicycle, or a vessel.

2.2 Jurisdiction

For reporting purposes, jurisdiction is determined by the location where property damage or personal injury first occurs.

3. DIRECTIVES

3.1 Collisions

3.1.1 Collision Reports

A collision report in the RMS will be used to document all reported/observed collisions that occur in NPS areas. Until such time as the RMS is in place, parks will use NPS form 10-413 (or equivalent) to document collisions. A completed diagram, witness statements, photographs and other investigative documentation, as appropriate, should also be included when any of the following conditions exist:

- When it can be determined that property damage is estimated to exceed the reporting threshold established by the State where the accident occurred.
- A government vehicle or vessel is involved.
- Government property is damaged and the NPS is likely to seek recovery.
- There is a possibility of a tort claim.
- There is a serious personal injury or fatality.

3.1.2 Fatal Collisions

Charges should not be placed against the operator in a collision resulting in a fatality until a U.S. Attorney or other prosecuting attorney is consulted.

3.1.3 State Reports

The commissioned employee should advise the vehicle or vessel operators involved in a collision of any State reporting responsibilities.

3.1.4 Post-Accident Fatalities

If a person dies within a year and a day of a traffic collision as the result of that collision, a supplemental report will be filed.

3.1.5 Bicycles

When a collision involves a bicycle, it will be handled as any other collision. The information about the bicycle (e.g., make, type, year, and type of damage) will be included in one of the areas provided for a vehicle.

3.2 Collision Reporting Requirements

3.2.1 *Property Damage Collision*

A property damage collision is a collision with damage to a vehicle, vessel or other object, but no first aid is rendered at the scene and no one is transported to a medical facility for treatment. Actions will include:

- An incident report (required) and a boating collision report, as appropriate.
- A complete diagram of the collision scene drawn with template symbols, as appropriate.
- Photographs, if they would aid in the investigation or prosecution of the case, or if a reasonable possibility exists that a tort claim may be filed against the government.

3.2.2 *Personal Injury Collision*

A personal injury collision is a collision in which an injured person receives first aid at the scene or is transported to a medical facility for treatment. Actions will include:

- An incident report (required) and a boating collision report, as appropriate.
- A complete diagram of the collision scene drawn with template symbols as appropriate.
- Photographs, if they would aid in the investigation or prosecution of the case, or if a reasonable possibility exists that a tort claim may be filed against the government.

3.2.3 *Fatal/Serious Personal Injury Collision*

A fatal/serious personal injury collision is a collision in which death occurs or is likely to occur. Actions will include:

- An incident report entry (required) and boating collision report, as appropriate.
- A clear, concise, and complete diagram drawn to scale (e.g. 1"=20'), with template symbols on the appropriate form.

- Photographs, if they would aid in the investigation or prosecution of the case, or if a reasonable possibility exists that a tort claim may be filed against the government.
- A detailed narrative describing the collision.
- Coroner's report showing the cause of death (if applicable).
- Witness statements.

3.2.4 *NPS Vehicle or Vessel Collision*

A NPS vehicle or vessel collision is a collision in which a government vehicle or vessel is under the control of an NPS employee, regardless of the damage or injury. Collisions involving NPS vehicles/vessels within NPS jurisdiction will be investigated by a commissioned employee. The employees involved in the collision will remain at the collision scene until their supervisor arrives, unless exigent circumstances exist, or at the direction of the supervisor. If the involved employee is commissioned, they will not investigate the accident, and must cooperate with the assigned investigator. If an NPS vehicle/vessel collision occurs outside of primary NPS jurisdiction, the employee involved in the collision will immediately notify the appropriate NPS supervisor and the local police agency that has jurisdiction. Actions will include:

- An incident report (required). If another vehicle/vessel is involved, include name of the insurance company, the policy number, and the name of the agent in the report's narrative.
- The type of collision (e.g., property damage, personal injury) will dictate the diagram requirements.
- All relevant safety and injury information will be reported in the appropriate sections of the incident report.
- A "Data Bearing Upon Scope of Employment of Motor Vehicle Operator" form (*Optional Form 26*), submitted with the collision report.
- A statement of facts provided by the NPS vehicle/vessel operator will be included in the narrative interview section.
- Witness statements if applicable.
- Photographs.

CHAPTER 20 – COLLISION REPORTS

- As applicable, a “Federal Employee’s Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation” form (CA-1), “Authorization for Examination and/or Treatment” form (CA-16), and a “Duty Status Report” form (CA-17) will be completed. These are to be completed by an injured employee and the employee’s supervisor.
- If the collision occurred outside of primary NPS jurisdiction, a copy of the report of the investigating department should be obtained if available.
- If the NPS-operated vehicle is GSA owned, any required GSA forms will be completed by the operator.

3.2.5 *Hit and Run Collisions*

A hit and run collision is a collision in which an involved person fails to stop, provide identification, or render aid. Requirements will include:

- The type of collision (e.g., property damage, personal injury) will dictate the reporting requirements.
- The commissioned employee will complete an incident report, to include an explanation of the circumstances.

3.2.6 *Servicewide Traffic Accident Reporting System (STARS) or Successor Systems*

All motor vehicle collisions that occur within National Park Service jurisdiction will be reported monthly to the **WASO** Road Program Safety Manager. **Reports that have been documented within the CIRS program should be sent by e-mail using a CIRS zip file utility.** Reports that have been documented in hard copy format (Form 10-413), should be sent to the following address:

**Road Program Safety Manager
National Park Service
1201 “Eye” St., N.W.
10th floor # 54
Washington, DC 20005**

3.2.7 *Boat Accident Reporting*

Boat accidents that occur within National Park Service jurisdiction are required by law (33 CFR) to be reported by visitors to “state boating authorities.” NPS units with recreational boating should establish boat accident reporting

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

systems to capture boat accident statistical data and to facilitate or consolidate visitor reporting to state authorities.

4. REPORT FORM

NPS form 10-339B may be used to respond to requests for motor vehicle accident/collision reports.

CHAPTER 20 – COLLISION REPORTS

NPS 10-339B – NEW (9/05)

FOIA/PRIVACY ACT RESPONSE FORM FOR MOTOR VEHICLE REPORT REQUEST WHERE ANY PRIVACY ACT PROTECTED INFORMATION IS “ROUTINE USE EXCEPTED” UNDER REVISED INTERIOR/NPS-19 (JANUARY 6, 2005)

TO:	INSTITUTION: NATIONAL PARK SERVICE (PARK NAME AND ADDRESS)
FOIA/PRIVACY ACT No.:	REQUESTOR’S NAME:
NO EXEMPTIONS USED	DATE RECEIVED:
NPS CONTACT PERSON:	DATE COMPLETED:
NPS SOL ATTORNEY CONSULTED (AS NECESSARY):	

THIS RESPONDS TO YOUR FREEDOM OF INFORMATION ACT (FOIA)/PRIVACY ACT REQUEST ON THE AFOREMENTIONED DATE WHERE YOU REQUESTED INFORMATION ON A MOTOR VEHICLE ACCIDENT REPORT.

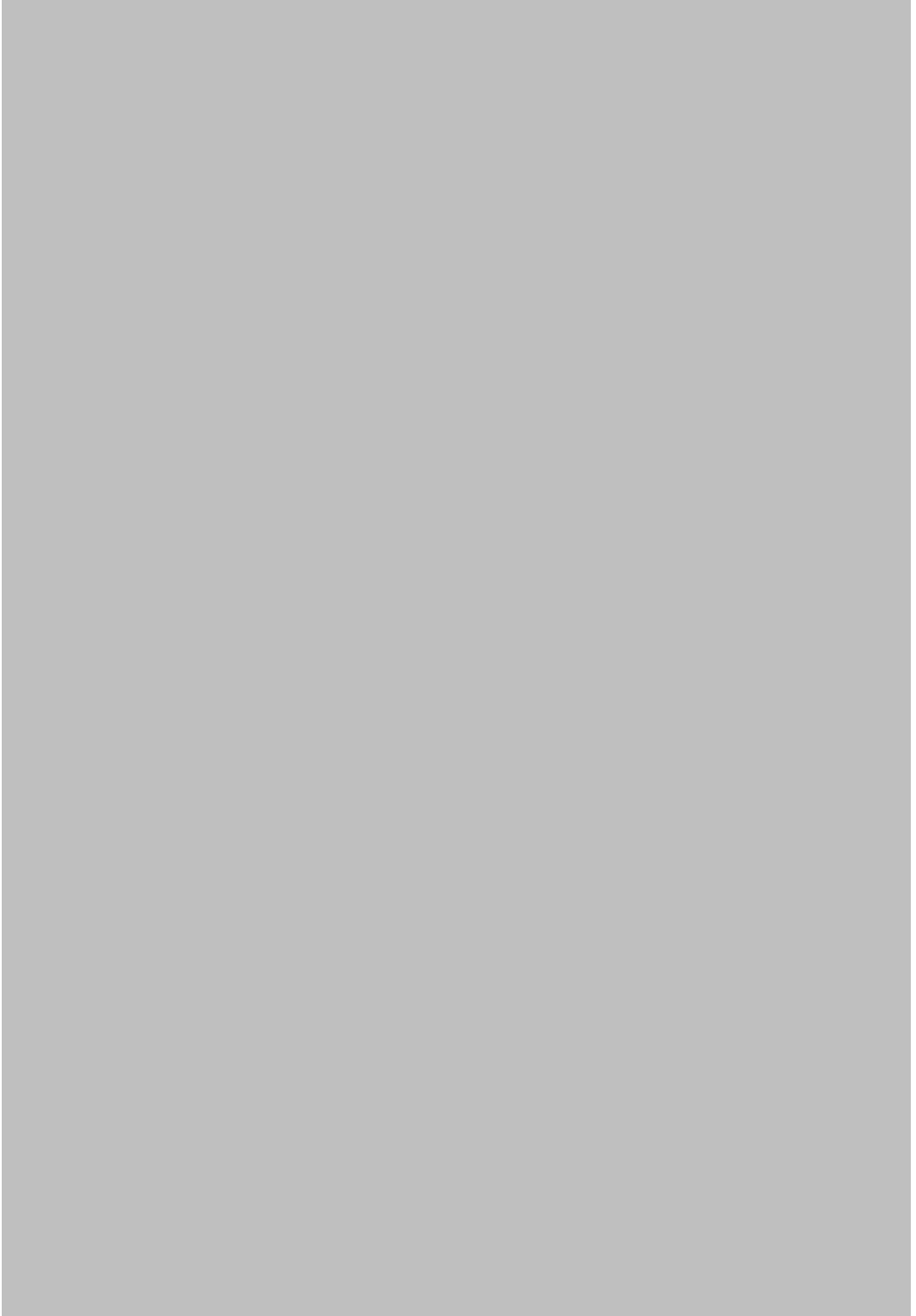
PURSUANT TO THE REVISED INTERIOR/NPS-19 “ROUTINE USE EXCEPTION” (JANUARY 6, 2005), PLEASE FIND ENCLOSED A COPY OF THE REQUESTED REPORT. IF INDICATED ABOVE, A SOLICITOR’S OFFICE ATTORNEY WAS CONSULTED.

ATTACHMENT: UNREDACTED MVA REPORT

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CHAPTER 21 – FLYING WHILE ARMED

















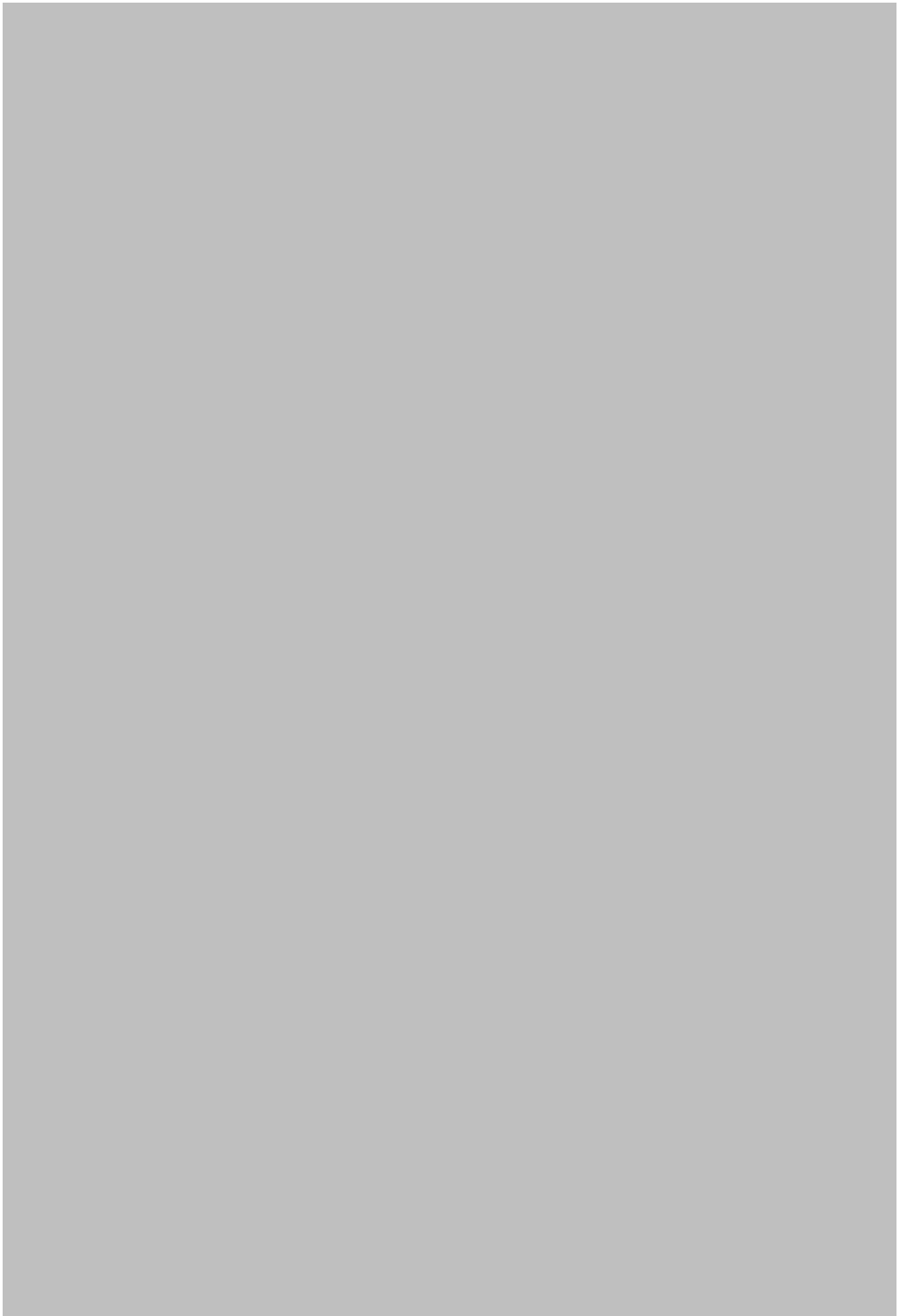
CHAPTER 21 – FLYING WHILE ARMED



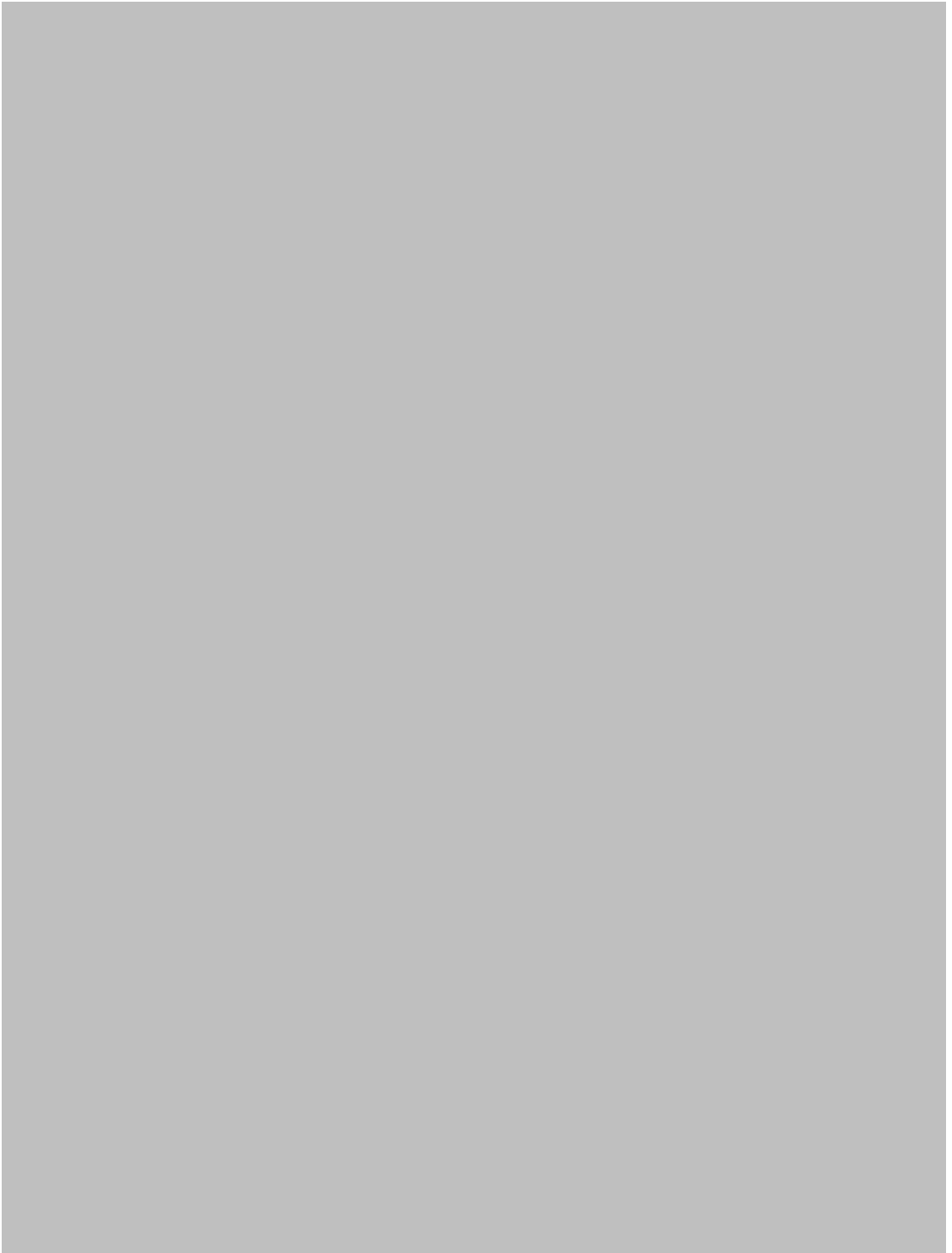
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CHAPTER 22 – JUVENILES







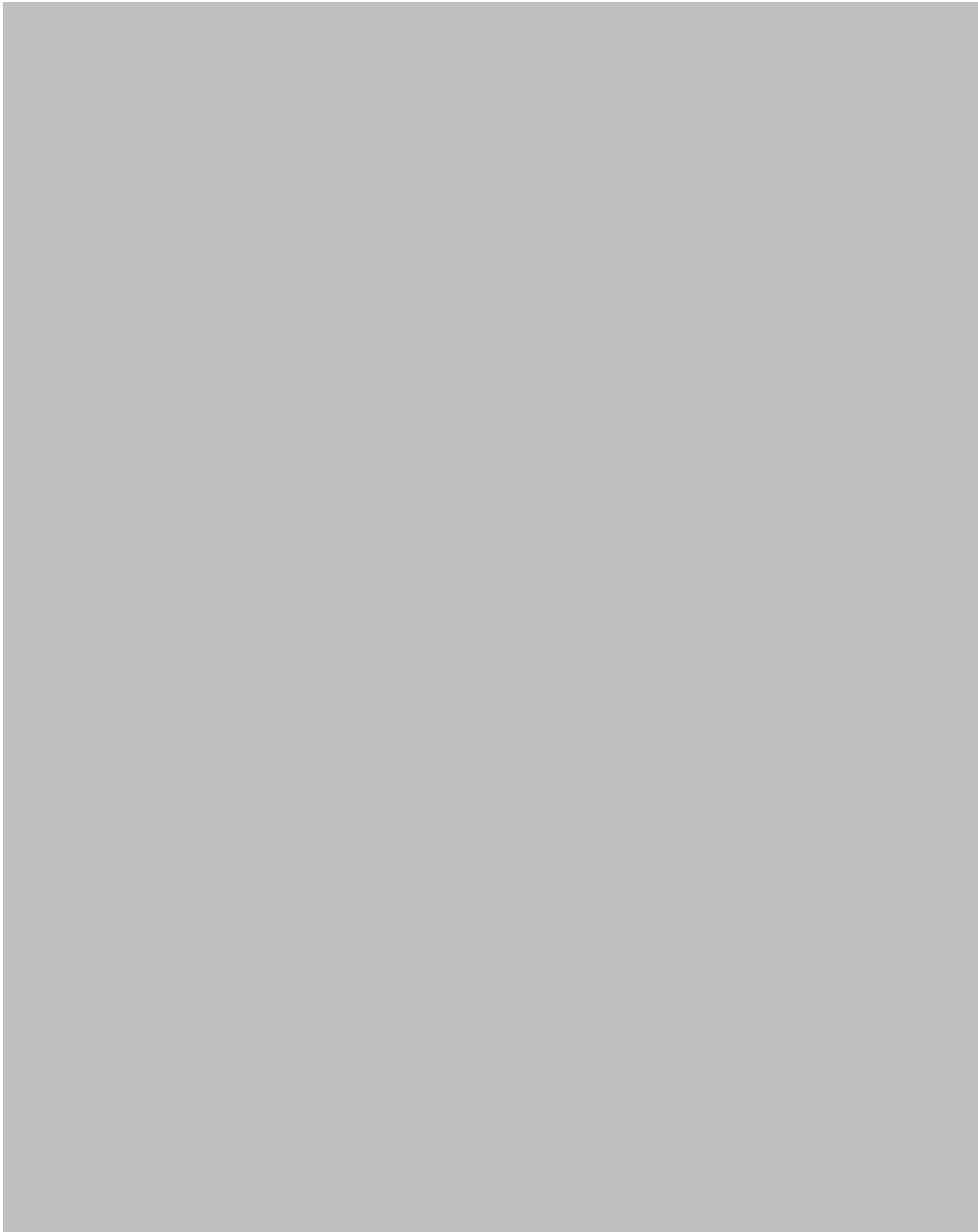












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CHAPTER 23 – WARRANTS

1. Policy
 2. Directives
-

1. POLICY

Commissioned employees are authorized under the General Authorities Act (16 U.S.C. 1a-6) to execute warrants and other process documents. This authority is limited to circumstances described in that statute and in this chapter. If appropriate, commissioned employees should establish an understanding with United States Magistrate Judges, U.S. Marshals, and U.S. Attorneys with regard to the execution of warrants or other processes for offenses committed within the National Park System.

2. DIRECTIVES

2.1 Warrants

2.1.1 *Federal Warrants*

The General Authorities Act authorizes designated employees of the NPS to execute any Federal warrant or other process within the National Park System or outside the system provided that the warrant has been issued for an offense committed within the System. It also authorizes such employees to execute any Federal warrant or other process in the System, regardless of where the offense occurred.

2.1.2 *State Warrants*

The General Authorities Act authorizes the NPS to cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of that State or subdivision. It also authorizes the NPS to render cooperative assistance to nearby law enforcement agencies, and for related purposes outside of the National Park System. Accordingly, written agreements between the park and State or local agencies should set forth the method by which commissioned employees may assist with respect to the service of warrants or other processes. A written agreement is not necessary when the warrant or an applicable State statute specifically authorizes commissioned employees to execute such warrant or other process, *and* when a specific request for assistance in the execution of a warrant is made. Consideration may also be given to application of Title 18 U.S.C. 1073 & 1074 (unlawful flight to avoid

prosecution), where felony fugitives from other States are located within the National Park System.

2.2 **Execution of Warrants**

2.2.1 *Detention and Arrest*

A warrant must be verified through the originating agency. Confirmation of a hit via receipt of a teletype warrant abstract, or actual delivery and receipt of a certified copy of the warrant, will constitute a formal request from the originating agency for NPS law enforcement cooperation and assistance (Title 16 U.S.C. 1a-6(b)(2) and/or 16 U.S.C. 1b(1)) in the form of actual service and execution of the arrest warrant.

2.2.2 *Warrant Execution*

Planned execution of warrants will be conducted based on an approved operational plan.

2.2.3 *Local Notification*

A commissioned employee who is executing a search or arrest warrant outside a park area should provide advance notification to the State or local agency that has jurisdiction. If, in the judgment of the employee who is supervising the operation, there is justification for delaying notification of State or local agency representatives, agencies that have jurisdiction will be notified of the operation after the operation is underway.

2.2.4 *Warrant Briefing*

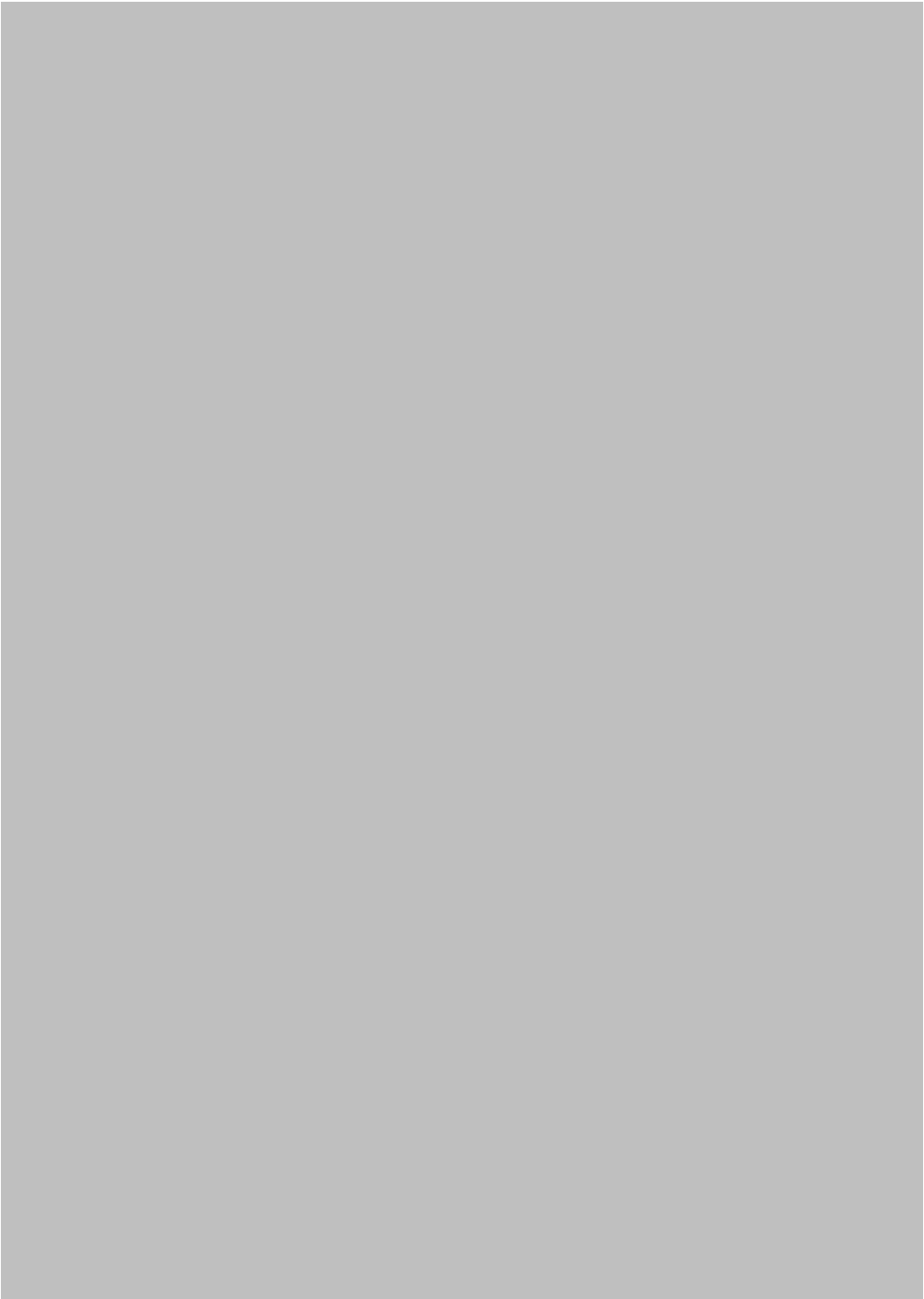
When the NPS is the lead agency in an interagency operation, the warrant briefing will include a review of NPS policies pertaining to the use of deadly force and the policies of the other agencies involved.

2.2.5 *Identification*

Unless the presence of the uniform might hinder the execution of the warrant process, commissioned employees should wear a uniform or be readily identifiable as a commissioned employee when executing or assisting in the execution of a warrant or other process.

**CHAPTER 24 – COOPERATION WITH OTHER LAW
ENFORCEMENT AGENCIES**























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CHAPTER 25 – FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY

1. Introduction
 2. Policy
 3. Directives
-

1. INTRODUCTION

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdictions accorded duly accredited diplomatic agents and members of their immediate households. The Vienna Convention on Diplomatic Relations, that contains the current law about diplomatic privileges and immunities, is incorporated in Federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The convention applies to members of the staff of a foreign diplomatic mission, including the diplomatic, administrative, technical and service staffs of the embassies in the United States. It does not include consular personnel, whose privileges and immunities are governed by the Vienna Convention on Consular Relations.

Title 18 of the U.S. Code contains sections that make it unlawful to:

- Assault, strike, wound, imprison, or offer violence to a foreign official, official guest, or an internationally protected person.
- Intimidate, coerce, threaten, or harass a foreign official or official guest, obstruct a foreign official in the performance of their duties, or attempt to do any of the aforementioned.
- Injure, damage, destroy, or attempt to injure, damage, or destroy any real or personal property belonging to, used by, or occupied by a foreign government, international organization, foreign official, or official guest of the United States.
- Falsely claim privilege or immunity as a foreign diplomat or consul.

It is incumbent upon all NPS law enforcement officials to familiarize themselves with the specific statutes relating to diplomatic immunity and privilege.

Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are counselor, first secretary, second secretary, third secretary, and attaché. These officials are located either

in Washington, D.C., or in New York City and carry diplomatic identification documents issued by the State Department.

Consular officers are consuls-general, deputy consuls-general, consuls, and vice consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities as described below.

Career consular officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credential looks similar to a driver's license and bears its seal, the name of the officer, their title, and the signature of the State Department officials.

Honorary consular officers are often nationals or permanent residents of the United States who are appointed to perform the functions generally performed by career consular officers. Such officers do not receive cards from the State Department, although they may have a reduced-size copy of the diplomatic note recognized by the United States government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from civil and criminal jurisdiction of the receiving State except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an honorary consul are inviolable at all times, provided they are kept separate from other papers and documents of a private or commercial nature that relate to other activities of the honorary consul and persons working with the honorary consul.

2. POLICY

The NPS will comply with all bilateral and multilateral international agreements relating to foreign officials. A commissioned employee will extend all reasonable courtesy and consideration when dealing with members of the diplomatic corps, foreign nationals, and other foreign officials, but in this process, employees are not required to unreasonably compromise their safety or the safety of the public.

Diplomatic and consular officers will be accorded the respective privileges, rights, and immunities provided by international law and Federal statute. These officials will be treated with the courtesy and respect that befit their distinguished positions.

3. DIRECTIVES

3.1 Officials with Full Diplomatic Immunity

3.1.1 *Types of Full Immunity*

Full diplomatic immunity varies by title and occupation. Commissioned employees will be cognizant of the following constraints:

- Diplomatic agents and members of their families who are not nationals of the United States have full immunity from arrest, detention, or prosecution for any criminal offense, unless such immunity is expressly waived by the sending country. These individuals also enjoy immunity from civil process except in certain actions that involve private activities outside their official functions.
- The administrative and technical staff of a foreign mission, and members of their families who are not nationals or permanent status residents of the United States, have full immunity from arrest, detention, or prosecution for any criminal offense. These employees enjoy immunity from civil process only for those actions carried out in their official capacity. Family members of these employees are not immune from civil jurisdiction.
- Members of the service staff of a foreign diplomatic mission, that includes drivers, messengers, and security guards, enjoy immunity only for actions carried out in the course of their official duties. Family members of these individuals have no immunity. Private servants of embassy personnel have no immunity.
- Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending country and the private residence of a diplomatic agent or member of the administrative or technical staff. In summary, property, papers, and correspondence may not be searched or seized.

3.1.2 *Diplomatic Immunity by Position*

Foreign nationals possessing full diplomatic immunity are:

- Diplomatic officers accredited by the United States government: Ambassadors, ministers, minister counselors, counselors, first secretaries, second secretaries, third secretaries, and attaches. These individuals carry diplomatic identification documents, and their names are in the Diplomatic List.

- Permanent representatives and senior members of permanent missions to the United Nations, and certain high-ranking officials of the United Nations itself, all of whom carry distinctive United Nations identification cards.
- Certain members of the following organizations: Permanent missions and permanent observer missions to the Organization of American States (OAS), the North Atlantic Treaty Organization (NATO), the International Bank for Reconstruction and Development, and the International Monetary Fund.
- Administrative and technical staff members of accredited embassies and missions, provided they are not nationals of or permanent residents in the United States. These individuals are listed in the State Department's publication *Employees of Diplomatic Missions* (also known as the White Book) and carry tax exemption cards that bear their photographs and also serve as valid identification documents.
- Family members of all the aforementioned, provided they are not nationals of the United States. This category includes spouses, children forming part of the diplomat's household (including children attending school away from home), and other family members in the immediate household.

3.1.3 *Constraints*

Persons entitled to full diplomatic immunity:

- May not be detained and arrested, or subjected to a body search.
- May not be summoned to court or be prosecuted (unless immunity is waived in writing by their country).
- May not have their residence entered without their consent.
- Enjoy inviolability to exclude search and seizure of their papers, correspondence, and other property.

3.1.4 *Brief Stops*

Full diplomatic immunity does not include immunity from brief stops by commissioned employees or other law enforcement personnel, which all persons are subject to ascertain the facts of an incident.

3.2 **Officials with Limited Diplomatic Immunity**

3.2.1 *Types of Limited Immunity*

Persons possessing such immunity are not granted full diplomatic immunity. They do, however, possess a limited form of immunity from both criminal and civil jurisdiction respecting any act that was performed in the course of their official duties:

- Service staff employees of foreign embassies and missions who are not nationals or permanent residents in the United States possess limited immunity, but not their families.
- Consular officers, unless provided broader immunity under special bilateral treaties (e.g., consuls general, deputy consuls general, consuls, vice-consuls) are not liable to arrest or detention, pending trial, except for a felony that would endanger the public safety, and only pursuant to a judicial warrant. Their immunity from jurisdiction, both criminal and civil, is limited to acts performed in the exercise of their official duties, and is subject to court determination.
- Family members of consular offices do not have the same privileges and immunities with respect to criminal jurisdiction. They should, however, be accorded appropriate courtesy and respect.

3.2.2 *Archives and Documents*

Consular archives and documents are inviolable at all times, wherever they may be. The official correspondence of the consular post, relating to the consular post and its functions, is likewise inviolable.

3.2.3 *Notifications*

Consular officers have the right to be notified of the arrest or detention of one of their nationals.

3.2.4 *Visitation*

Consular officers have the right to visit one of the nationals in custody and to arrange for the national's legal representation.

3.2.5 *Testimony*

All members of a foreign consular post may be called upon to testify in a judicial proceeding. However, a consular officer may decline to testify without penalty.

3.3 **Law Enforcement Procedures**

3.3.1 *Identification*

Commissioned employees who encounter an individual who claims diplomatic immunity will request identification that verifies that person's claim:

- When a current diplomatic identification card is displayed that indicates immunity, the employee will record the information contained on the card, return it, and release the individual.
- In those cases where no valid diplomatic identification card is displayed, the employee will:
 - inform the individual that he will be detained until the claim is verified;
 - obtain the individual's name, address, date of birth, and country of citizenship; and
 - as expeditiously as possible, attempt to verify the claim through the State Department.
- Report the facts of the incident to their immediate supervisors, and ensure that notification is immediately relayed to the DCOP.
- Submit a case incident report detailing the pertinent facts of the incident.

3.3.2 *Use of Force*

Commissioned employees will use force consistent with the agency use of force policy with the goal of restraining the individual to prevent harm to others or their property. The individual will not be further detained or arrested.

3.3.3 *Assaults Against Commissioned Employees*

If an individual entitled to a diplomatic immunity assaults a commissioned employee, the employee is justified in using the reasonable amount of force necessary to subdue the individual, just as if the individual were subject to arrest. However, no arrest will be made, and the individual will be released when it is safe to do so.

3.3.4 *Search and Seizure*

The property (including vehicles) of an individual entitled to diplomatic immunity may not be searched or seized, but this rule does not give immunity to all occupants in a vehicle. The occupants of a vehicle that is suspected of being stolen or involved in the commission of a crime will be required to present identification. If the occupants, whether or not they are diplomats, are not authorized to use the vehicle, it will be taken into protective custody for immediate return to the owner, or otherwise processed at the owner's direction.

3.3.5 *Moving Violations*

This section will not be interpreted as authorizing the arrest or detention of members of the diplomatic corps for any traffic or motor vehicle violation, except as outlined.

When a member of the diplomatic corps is stopped for a moving traffic violation, the commissioned employee on the scene should exercise discretion based on the nature of the violation. Upon being advised by the operator that he or she is a diplomatic or consular officer and ascertaining that he or she possesses the proper credentials, the commissioned employee should issue a warning or a citation, as appropriate for the circumstances of the violation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to previously in this section.

3.3.6 *Driving Under the Influence*

The primary consideration in this type of incident should be to see that the consular officer is not a danger to self or to the public. Diplomats stopped for driving while intoxicated are entitled to diplomatic immunity.

Unless a consular officer is considered a serious danger to self or to others, he or she should not be physically restrained on scene.

However, employees are not expected to compromise their safety or the safety of others in aggravated circumstances, or during transport of intoxicated subjects. At best, this is a sensitive situation. The official should be treated with respect and courtesy. It should be impressed upon the official that the commissioned employee's primary responsibility is to care for the official's safety and the safety of others.

If the diplomat's state of intoxication is such that driving would endanger the safety of the public, the commissioned employee will request that the diplomat not drive and will assist in parking the diplomat's vehicle or securing an acceptable driver. If this effort is refused, or it is claimed that the requested

action would restrict the effective exercise of the diplomat's official duties, the employee will politely inform the diplomat that he is free to go, but may not drive the vehicle. The diplomat will not be detained or arrested, but necessary force may be utilized to prevent the diplomat from driving further while intoxicated. The diplomat's vehicle may not be impounded. If the vehicle is parked, its location will be recorded in the report of the incident.

Based upon a determination of the circumstances, any or all of the following options are available:

- Facilitate communications through radio and dispatcher, or transport the official to a telephone so that a relative or friend may be notified.
- Call a taxi.
- Transport home.
- A violation notice may be issued for the offenses.

3.3.7 *Parking Violations*

A violation notice may be issued for illegally parked diplomatic vehicles. If such vehicle is creating a severe traffic problem or inconvenience, the employee will:

- Attempt to notify the owner or operator to move the vehicle.
- Arrange to have the vehicle moved to the nearest legal parking space if the owner or operator cannot be located. If the vehicle is moved, dispatch and/or headquarters staff should be notified and given a description of the vehicle, the license number, the location from which it was moved, and the location to which it was moved.
- Attempt notification to the owner, as soon as possible.

3.3.8 *Other Motor Vehicle Violations*

A commissioned employee may issue a violation notice to any member of the diplomatic corps for traffic or motor vehicle violations. Individuals entitled to full diplomatic immunity and those with limited diplomatic immunity when performing official duties may be issued a violation notice, but will then be allowed to proceed. When not performing official duties, individuals entitled to *limited* diplomatic immunity may be issued violation notices and custodially arrested, if appropriate.

3.3.9 *Traffic Collisions*

Members of the diplomatic corps involved in traffic collisions may be issued violation notices, when appropriate. The commissioned employee will include in the report the occupation and place of employment, including the embassy, legation, or international organization of any individual who claims diplomatic immunity. When a member of the diplomatic corps has committed a violation that contributed to the collision, a copy of the completed report will be submitted to the Regional Office and to the DCOP.

3.3.10 *Offenses Involving Consular Officer Family Members*

Family members of a consular officer who commit offenses cannot claim immunity; however, consideration should be given to the special nature of such cases. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once a positive identification is made and relationship with the consular official is verified. If the individual is a juvenile, the subject should be released to a parent or consular officer.

3.3.11 *Diplomats as Victims*

Whenever a resident foreign official or the official's family or property is the victim of a criminal incident, the reporting employee will notify their supervisor. Copies of all reports will be forwarded, through official channels, to the DCOP.

3.4 **Reporting**

3.4.1 *State Department Notification*

If a consular officer, employee, family member, or personal staff member becomes involved in a serious action, the Office of Protocol, Department of State, should be furnished with all pertinent information. This notification will take place via e-mail or phone (540-999-3422) to the Emergency Incident Coordination Center (EICC) at Shenandoah National Park. The State Department Office of Protocol can be reached at 202-647-1985 during normal business hours and 202-647-1512 twenty-four hours a day.

3.4.2 *Report*

In all incidents that involve individuals with diplomatic immunity, the investigating commissioned employee will immediately record the required information on a case incident report. The employee will also complete all other reports applicable to the incident.

3.4.3 *Supervisory Notification*

A commissioned employee will notify their immediate supervisor as soon as possible of any incident that involves a person who has diplomatic immunity.

3.4.4 *Park and Field Office Reporting*

If applicable, the park and field office staff will report the incident in accordance with established procedures for the reporting of emergencies and other significant events.

3.4.5 *Additional Reports*

After review, and as soon as practical, the park will submit to the DCOP copies of all reports pertaining to an incident that involves an individual who has diplomatic immunity. Based on the Park Superintendent's recommendation and at the discretion of Ranger Activities, a copy of the report may be forwarded to the Office of Protocol, Department of State.

3.4.6 *Media Releases*

Media releases concerning incidents that involve diplomats must be cleared through the regional director's public affairs office, in consultation with WASO-LESES.

3.5 **Non-Diplomatic Foreign Nationals**

3.5.1 *General Requirements*

The United States government has signed bilateral agreements with a number of foreign countries in which notification of a signatory country's consulate is required, within a specified time period, whenever a national of the country is arrested or detained. In addition, customary international law requires consular notification without delay in the absence of special bilateral arrangements. Consular notification is not necessary if the arrest is for a minor traffic violation and the respondent is released after posting collateral or bond.

3.5.2 *Consular Notification*

The arresting employee will immediately attempt to contact the appropriate consular officer following a foreign national's arrest. If the arrest occurs after normal business hours and the consular officer cannot be reached, the arresting employee must ensure that notification is made as soon as possible the next day. In cases when a commissioned employee arrests a foreign national

whose country does not maintain diplomatic relations with the United States, the employee will contact the Office of Protocol, Department of State, to ascertain which embassy should be notified of the arrest.

3.5.3 *Reporting*

The commissioned employee will advise their supervisor as soon as possible that a foreign national has been arrested, then will submit a detailed case incident report. The report will include the name of the consular officer notified, and the time and date of notification. If the employee is unable to contact the appropriate consular officer, it must be stated in the case incident report, along with the times and dates notifications were attempted. The Office of Protocol, Department of State is always available to assist with notification. When the employee notifies the consular officer, a copy of the case incident report will be submitted that includes the name of the person contacted and the date and time of the contact. Supervisors will ensure that copies of the reports are forwarded through channels to the DCOP. The Division of Law Enforcement, Security and Emergency Services may forward an appropriate letter to the embassy or legation concerned.

3.6 **Requests for Asylum**

3.6.1 *Notification Procedures*

The Chief Ranger or appropriate park supervisor will immediately contact the State Department regarding any request (or imminent request) for asylum. In particular, the State Department should be informed immediately of any request for asylum from any foreign diplomat, foreign consular officer, or foreign official or celebrity, regardless of the country, and any other alien who asserts there is a serious threat of forcible repatriation to them or their family. The request for asylum will be reported to the Regional Director and the Washington Office as a Level 1 significant incident.

3.6.2 *Report of Request for Asylum*

The following information will be included in a case incident report:

- Name and nationality of the individual seeking asylum.
- Date and place of birth.
- Occupation.
- Description of any documents displayed.
- What foreign authorities, if any, are aware of their seeking asylum.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

- Circumstances surrounding the request for asylum.
- Exact location.
- Description of any pending criminal charges against the seeker of asylum.

3.6.3 *Protective Custody*

Protective custody will be provided to the asylum seeker and, if necessary, force may be used to thwart attempts at forcible repatriation. Reasonable force will be used to protect the individual and the commissioned employee. All inquiries from interested foreign authorities will be directed to the Chief Ranger, Supervisory Special Agent, or other Senior Law Enforcement Official. The Chief Ranger, or Supervisory Special Agent, will immediately inform the nearest DHS Citizenship and Immigration Services (USCIS) office of any request for asylum, furnish details, and arrange for the transfer of the case to INS as soon as possible.

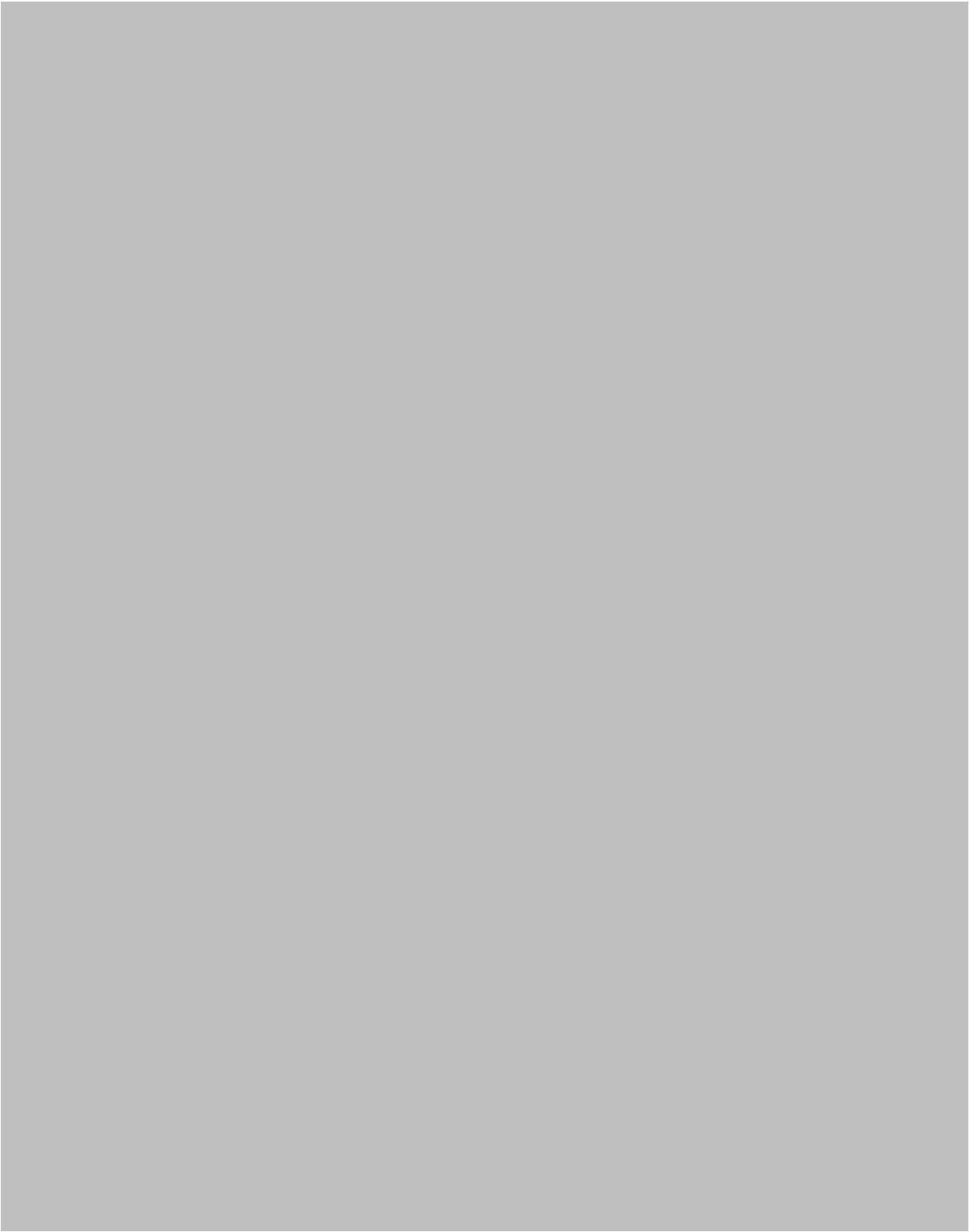
CHAPTER 26 – PHYSICAL SECURITY



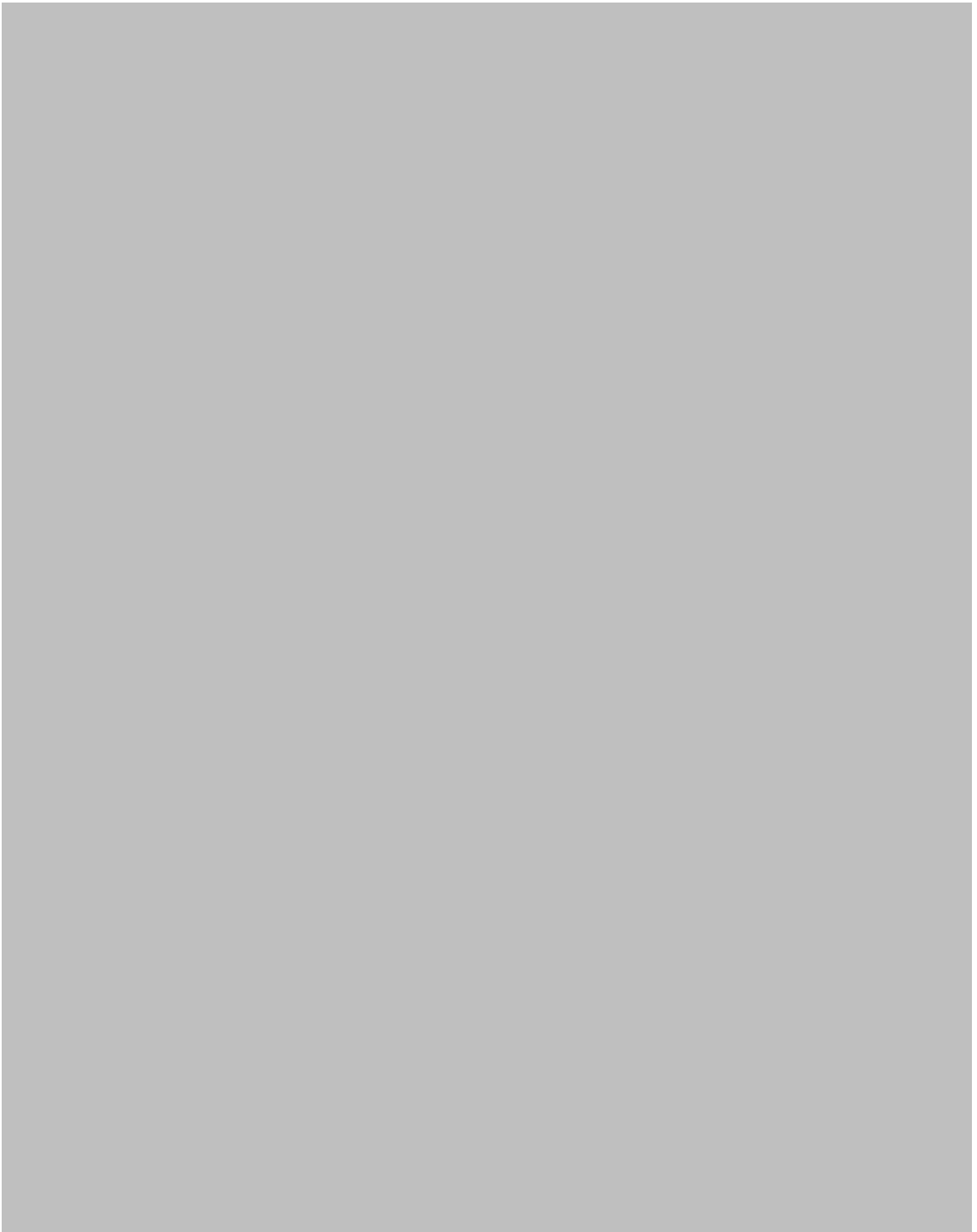




RM-9 LAW ENFORCEMENT REFERENCE MANUAL







CHAPTER 27 – DESTRUCTION OF ANIMALS BY COMMISSIONED PERSONNEL

1. Introduction
 2. Policy
-

1. INTRODUCTION

Title 36 C.F.R. 2.15(c) states, “Pets or feral animals that are running-at-large and observed by an authorized person in the act of killing, injuring or molesting humans, livestock, or wildlife may be destroyed if necessary for public safety or protection of wildlife, livestock, or other park resources.”

This chapter gives guidance in the use of force against animals in these and other circumstances by commissioned personnel. Where feasible, a local park policy should be developed that guides enforcement of 36 C.F.R. 2.15(c) regarding protection of other park resources. The authorization and use of firearms for wildlife management and other purposes by non-commissioned personnel is covered by other policy documents.

2. POLICY

2.1 Use of Force Against Threatening Animals

The use of deadly force against animals is justified to prevent death or serious harm to a commissioned employee or another person.

Pets or feral animals killing, injuring or molesting humans, livestock or wildlife may be destroyed.

Wildlife attacking other animals should not be destroyed unless approved in a local park resource management policy.

Use of force in these circumstances will be reported per the NPS use of force reporting requirements.

2.2 Dispatching Injured Animals

When wildlife is seriously injured, commissioned employees may use firearms to dispatch the animal if it is safe to do so. A supervisor must be notified as soon as practical and the incident must be documented.

2.3 **Resource Management/Animal Control Operations**

Commissioned employees may use firearms as part of an approved park resource management or animal control operation. Instead of duty law enforcement weapons, it is preferred that dedicated firearms be procured for resource management use in these circumstances. The use of park firearms by commissioned and non-commissioned personnel must be documented.

CHAPTER 28 – VICTIM AND WITNESS ASSISTANCE

1. Policy
 2. Victim Assistance Program
 3. Training
 4. History, Purpose and Intent
 5. Procedures
-

1. POLICY

Commissioned personnel will comply with applicable laws concerning victims and witnesses. They will make their best efforts to inform crime victims and witnesses of their rights and to provide them with information as to resources and assistance in accordance with policy, standards, and procedures.

2. VICTIM ASSISTANCE PROGRAM

The DCOP is the NPS National Victim Assistance Program (VAP) Coordinator and will establish and maintain the VAP, will serve as the point-of-contact on VAP matters, ensure compliance with training requirements, develop bureau VAP standards and procedures, and gather and report annual victim-witness statistics to the DOI VAP Coordinator.

3. TRAINING

All commissioned personnel shall receive a minimum of one hour of training at their basic training academy in carrying out the provisions of the laws protecting and enhancing the role of crime victims and witnesses in the Federal criminal justice process. In addition, the NPS will provide training on the policy, standards, and procedures of the NPS VAP, and copy of the Attorney General's Guidelines

4. HISTORY, PURPOSE AND INTENT

The primary purpose of the Victim Assistance Program (VAP) is to ensure that victims and witnesses are assisted and advised of their rights. Victim assistance is a cooperative effort which will result in better investigations. In addition, these procedures will assist victims in recovering from their injuries and losses to the fullest extent possible, consistent with available resources.

4.1 **Scope**

These standards and procedures apply to Federal cases that involve victims who are adversely affected by criminal conduct, or witnesses who provide information about criminal activity.

While special attention shall be paid to victims of serious, violent crime, all victims and witnesses of Federal crime who have suffered physical, financial, or emotional trauma shall receive the assistance and protection to which they are entitled under the law. The type of assistance provided will vary according to the individual's needs and circumstances. In some cases, the nature of the event makes the extension of the full range of victim services inappropriate. Sound judgment will, therefore, be required to make appropriate decisions as to the range and length of victim services and assistance given. As a general rule, however, Federal law enforcement personnel should always err on the side of providing rather than withholding assistance.

4.2 **Authorities**

DOI Policy (446 DM) and this policy combines the requirements of:

- Victim and Witness Protection Act of 1982.
- Victims of Crime Act of 1984.
- Victim's Rights and Restitution Act of 1990.
- Victims of Child Abuse Act of 1990 contained in the Crime Control Act of 1990.
- Violent Crime Control and Law Enforcement Act of 1994.
- Antiterrorism and Effective Death Penalty Act of 1996.
- Victim Rights Clarification Act of 1997.
- Justice for All Act of 2004.
- Attorney General Guidelines for Victim and Witness Assistance 2005.

4.3 **Background**

The Victim and Witness Protection Act of 1982 (VWPA) was enacted "to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process; to ensure that the Federal Government does all that

CHAPTER 28 – VICTIM AND WITNESS ASSISTANCE

is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of defendants; and to provide a model for legislation for State and local governments.” (Pub. L. No. 97-291, § 2)

The VWPA instructed the Attorney General to develop and implement guidelines for the Department of Justice (DOJ) consistent with the purposes of the Act. Those guidelines are known as the Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines). The VWPA also required all other Federal agencies to adopt guidelines consistent with the AG Guidelines.

The 2005 revision of the AG Guidelines includes legal requirements contained in subsequent federal victims’ legislation. The objectives of the AG Guidelines include:

- Provision of services to victims.
- Notification about protection, services, and major case events.
- Consultation with the government attorney.
- A separate waiting area at court.
- The return of property.
- Notification of employers.
- Training for law enforcement and others.

The AG Guidelines establishes procedures to be followed incorporating these objectives. DOI standards and procedures follow the model contained in the AG Guidelines. The following table summarizes the most significant victim-witness legislation.

TITLE	PURPOSE
Violent Crime Control and Law Enforcement Act of 1994	Established mandatory restitution for these categories of crime victims: domestic violence, sexual assault, sexually exploited children/other abused children, telemarketing fraud.
Antiterrorism and Effective Death Penalty Act of 1996	Expanded mandatory restitution to virtually all Title 18 crimes.

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

TITLE	PURPOSE
Victims Rights Clarification Act of 1997	Gives victims the right to attend a trial even though they may testify during the sentencing portion of the trial.
Victims of Trafficking and Violence Protection Act of 2000	Protects illegal immigrant victims of domestic violence and human trafficking from deportation in certain cases and provides for other services to victims of violent crime.
Justice for All Act of 2004	Provides a new set of statutory victims' rights that are enforceable in a court of law and supported by fully-funded victims' assistance programs.
18 U.S.C. § 3771	Victims' Bill of Rights.
42 U.S.C. § 10607	Defined group of services that Federal agencies have responsibility to provide to crime victims.
Crime Control Act of 1990	Services "shall" be provided.
18 U.S.C. § 3509	Child abuse statutes.

The most recent Federal legislation, the Justice for All Act of 2004, provides the following rights for victims of crime, codified at 18 U.S.C. § 3771:

1. The right to be reasonably protected from the accused.
2. The right to be reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4. The right to be reasonably heard at any public proceeding involving release, plea, sentencing, or any parole proceeding.
5. The reasonable right to confer with the attorney for the Government in the case.

CHAPTER 28 – VICTIM AND WITNESS ASSISTANCE

6. The right to full and timely restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the victim's dignity and privacy.

Commissioned personnel engaged in the detection, investigation or prosecution of a crime shall make their best efforts to see that victims of crime are notified of, and accorded, these rights.

Federal prosecutors shall advise federal crime victims that they can seek the advice of an attorney with respect to the articulated rights and services. These rights shall be asserted in the district court in which a defendant is being prosecuted for crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide such a motion. If the district court denies the relief sought, the victim may petition the court of appeals for a writ of mandamus.

4.4 Definitions

Victim of Crime: For purposes of this policy, the term “crime victim” means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representative of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative. (18 U.S. § 3771)

Witness: A person who has information or evidence concerning a crime and provides information regarding their knowledge to a law enforcement agency. Where the witness is a minor, the term “witness” includes an appropriate family member or legal guardian. The term “witness” does not include defense witnesses or an individual involved in the crime as a perpetrator or accomplice. (Attorney General Guidelines for Victim and Witness Assistance {A.G. Guidelines}, adopted July 9th, 1983)

Serious Crime: Defined as a criminal offense that involves personal violence, attempted or threatened personal violence, or significant property loss.

Financial or Pecuniary Harm: The degree of assistance must be determined on a case-by-case basis and shall not be defined or limited by a dollar amount. For example, since victims' means vary, that which constitutes a minimal financial loss for one might represent a devastating loss for another.

Earliest Opportunity for Provision of Services: One that will not interfere with an investigation or hamper the law enforcement officer in the performance of other responsibilities.

4.5 **Exceptions**

This section does not apply to individuals who have committed or are reasonably believed to have committed a criminal offense.

Federal departments and State and local agencies, as entities, shall not be considered “victims.”

In cases where the United States is the victim rather than an identified individual, victim services are obviously inapplicable (e.g., tax evasion and narcotics trafficking); but, in virtually all cases, there will be witnesses who will be entitled to witness services.

Commissioned personnel will make their best efforts to inform crime victims and witnesses of their rights and to provide them with information as to resources and assistance in accordance with a Bureau policy and procedures established to ensure compliance with applicable laws.

4.6 **Information, Notice of Rights, and Referral for Victims and Witnesses**

At the earliest opportunity after the detection of a crime, at which it may be done without interfering with an investigation, the commissioned personnel will ensure that the victims and witnesses in a case are provided with a copy of the DOI Information for Victims Of Crime brochure. (Brochures are available electronically from DOI VAP office in English, French, Japanese and Mexican-Spanish.) This brochure includes rights of victims, explains the right to receive services, and includes a place for the name and telephone number of the commissioned personnel to whom such requests should be addressed. The commissioned personnel will indicate in the case file that the brochure was provided and resources were offered/distributed, thus providing evidence that the commissioned personnel notified the victim or witness of their statutory rights and resources.

4.7 **Coordination When Responsibility Shifts to Another Component**

The transition of victim assistance responsibility from one agency to another must include information sharing, and in some cases it should occur before responsibility is turned over. In this way gaps in notification and other services are eliminated and crime victims receive continuous rather than fragmented treatment.

CHAPTER 28 – VICTIM AND WITNESS ASSISTANCE

Commissioned personnel have responsibility for assisting victims and witnesses so long as cases are under investigation. Victim-Witness Coordinators with the FBI and the U.S. Attorney's Offices, as well as other investigative, prosecutorial and victim service agencies, are responsible for working with victims and witnesses only when the FBI, the U.S. Attorney's Office, or other agency accepts the case for prosecution. In addition, Federal law enforcement agencies continue to be responsible for the reasonable protection of victims and witnesses. Commissioned personnel should coordinate victim-witness service efforts with federal, state and local law enforcement officials (if appropriate) and with various victim service programs, as well as with Crime Victim Compensation providers.

5. PROCEDURES

5.1 Services to Victims and Witnesses

At the earliest reasonable opportunity after the detection of a crime, commissioned personnel will make reasonable and diligent efforts to identify the victim of the crime and inform the victim of the right to receive services.

- A. Inform each victim of the name, title, business address and telephone number of the commissioned personnel to whom such a request for services should be addressed.
- B. Provide the victim with a current DOI Information for Victims Of Crime brochure.
- C. Refer the victim to emergency medical and/or social services.
- D. Provide information on compensation or restitution programs available (DOJ Victim/Witness brochure). Refer the victim to counseling, treatment and other support programs.
- E. Assist the victim in contacting the specific person or office which will provide the above services.
- F. Make necessary and appropriate arrangements to enable victims and witnesses to receive reasonable protection against threat, harm and intimidation from a suspected offender and persons acting for or at the request of a suspected offender (42 U.S.C. § 10607(c)(2)).
- G. Notify the victim, to the extent that it is appropriate and will not interfere with the investigation, of the status of the investigation, and the arrest or formal charging of a suspected offender.
- H. Notify the victim of prosecutorial declinations.

- I. Ensure that any property of a victim that is being held as evidence is maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes. If the property is not returned promptly, provide an explanation to the victim.
- J. During an investigation of a sexual assault, costs of the physical examination of the victim and of costs of materials used to obtain evidence will be paid by the NPS. If a victim is billed for such an examination or materials, the victim shall be reimbursed. Victims are entitled to payment of the cost for up to two anonymous and confidential tests for sexually transmitted diseases during the twelve months following sexual assaults that pose a risk of transmission of sexually transmitted diseases.
- K. Other Services. In addition to the services described above, other appropriate assistance should be extended to victims and witnesses, to the extent feasible, as follows:
 - (1) Commissioned personnel and victim assistance personnel shall resist attempts by the defense to obtain discovery of the names, addresses and phone numbers of victims and witnesses. Inquiries are to be directed to the prosecutor's office.
 - (2) Commissioned personnel and victim assistance personnel should assist in notifying:
 - (a) The employer of the victim or witness if cooperation in the investigation of the crime causes the victim or witness to be absent from work. In interviewing victims or witnesses at their places of employment or other public places, commissioned personnel should explain to employers and others the individual's status as a victim or witness and the necessity for conducting the interview at that time; and
 - (b) The creditors of the victim or witness, if the crime or cooperation in its investigation affects the victim's or witness's ability to make timely payments.
 - (3) Victims and witnesses should be provided information or assistance, when appropriate, with respect to transportation, parking, translator services, and related services.
- L. Ensure that the appropriate U.S. probation officer is fully advised of information in the commissioned personnel possession that is pertinent to preparation of the victim impact statement required by Rule 32(c)(1) and (2) of the Federal Rules of Criminal Procedure, so

CHAPTER 28 – VICTIM AND WITNESS ASSISTANCE

that the report will fully reflect the effects of the crime upon victims, as well as the appropriateness and amount of restitution.

- M. Make a notation in the case file that the victim or witness was provide with resource referrals and copies of the DOI Information for Victims Of Crime brochure.

Commissioned personnel who investigate violations of Federal law and the U.S. Attorney or other attorney who prosecutes cases are jointly responsible to decide whether the provisions contained in this chapter should be applied in a particular case.

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CHAPTER 29 – UNIFORM AND APPEARANCE STANDARDS

1. Policy
 2. Directives
-

1. POLICY

The policies and procedures in DO-43 are to be implemented uniformly throughout the NPS.

The NPS will comply with the provisions of DM-446, 12.5.A, that mandate the display of distinctive identification (or equipment) on uniforms to ensure uniformed commissioned employees are easily recognized as such by the general public. Uniforms worn by NPS commissioned personnel will positively identify the wearer as a law enforcement ranger. This requirement is met in the Service by the visible wearing of authorized defensive equipment and law enforcement shield. The shield, nameplate, and arrowhead patch must be visible at all times, in accordance with DO-43, unless deliberately concealed for tactical reasons.

Only Service-approved uniforms will be worn while on-duty.

2. DIRECTIVES

2.1 General

2.1.1 *Defensive Equipment, Credentials and Uniforms*

Commissioned employees will have their issued law enforcement credentials and shield immediately available whenever armed with defensive equipment, whether on-duty or off-duty, unless authorized by the Chief Ranger or Supervisory Special Agent.

. When in uniform, defensive equipment will be worn on a 2-1/4 inch duty belt. This paragraph does not pertain to undercover operations.

[REDACTED]

[REDACTED]

[REDACTED]

2.1.2 *Appearance Standards*

The Chief Ranger will develop local personal appearance standards consistent with the provision found in DO-43 Uniform Standards that stipulates parks are required to develop grooming standards compatible with local community standards for law enforcement officers. These standards should address visible tattoos, hair color, hair shape, hair length, beards, mustaches, and certain types of makeup and jewelry. These items will be worn in such a manner that will not detract from the uniform or the law enforcement profession.

2.2 **Uniform Leather Gear**

Except as provided elsewhere in this chapter, all uniform leather gear will be cordovan colored, with no visible ornamental stamping. Leather gear will utilize hidden snaps or Velcro closures.

2.2.1 *Top Draw Holster*

Holsters, including security holsters, will be: specifically designed for the model and caliber of the firearm being carried; American manufacture, heavy gauge leather or synthetic holster, cordovan in color, as available, with exposed edges edged and burnished. The holster will meet the following specifications:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

of the strap functions properly, and remains snapped, securing the

[Redacted]

■

[Redacted]

2.2.2 *ECD Holster*

[Redacted]

2.2.3 *Handcuff Case*

[Redacted]

2.2.4 *Duty Belt*

[Redacted]

2.2.5 *Revolver Ammunition Carriers*

If a revolver is issued for law enforcement duties, according to the provisions of this chapter, the following are authorized:

[Redacted]



2.2.6 *Semi-Automatic Magazine Pouch*



2.2.7 *Baton Ring*



2.2.8 *Extendible Baton Case*



2.2.9 *OC Spray Case*



2.3 **Special Uniform Components**

2.3.1 *Cloth Shield Patch*

The gold cloth shield patch may be placed on outerwear garments where the shield normally would appear. The patch will not be worn on dress jackets. The patch will only be worn on the uniform shirt when approved by the local Chief Ranger for specified duty assignments (backcountry work, wearing a back pack, etc). The subdued (non-gold) cloth shield and patches are *only* authorized for tactical and special operations, as approved by the Chief Ranger or Supervisory Special Agent. The patch is authorized on the following outer garments and is only to be worn by commissioned personnel (both uniformed and plainclothes) while performing official duties:

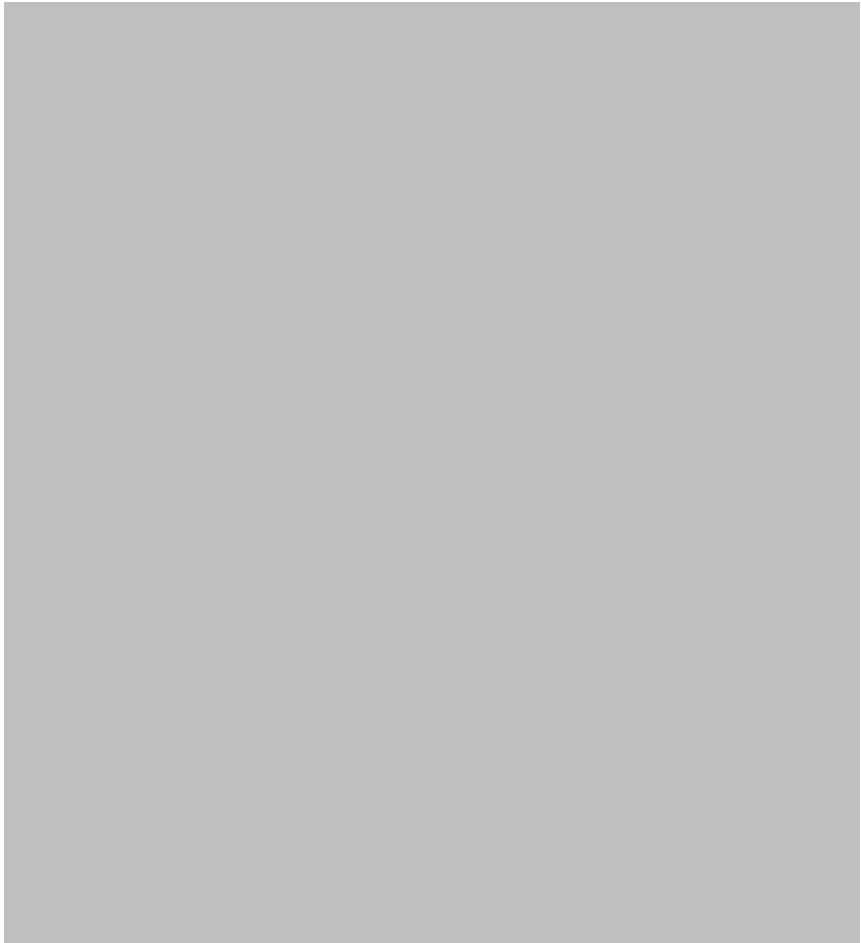
- Field jackets
- Snow machine suits

- Flight suits
- Tactical vests and raid jackets/vests
- PFDs, wet or dry suits and survival suits
- Body armor designed to be worn over regular clothing or uniforms where authorized
- Baseball-style caps
- Traffic control vests
- Park approved specialized uniforms
- Battle Dress Utilities (BDUs), camos, backcountry wear, and other tactical operations clothing for use in special operations. Shirt or jacket items for such garment combinations will display the NPS arrowhead patch and authorized cloth shield, unless utilized for undercover operations.

2.3.2 *Soft Body Armor*

The Service will provide custom, made-to-measure soft body armor to each commissioned employee. The following will apply:

- Service-issued soft body armor is accountable property and will be retained by the employee for use at whatever subsequent NPS law enforcement assignment the employee may transfer to. Made-to-measure body armor issued to seasonal employees will be transferred to other parks if a seasonal employee relocates or is hired to a permanent law enforcement position.
- Parks will maintain central records of all issued body armor and assure that it is replaced by the warranty expiration date on the body armor label, usually five years from date of manufacture or upon manufacturer recommendation.



2.3.3 *Fanny Pack and Shoulder Holsters*



2.3.4 *Nylon Gear*



2.3.5 *Concealment Holsters*



2.3.6 *Other Specialized Equipment*

The following specialized equipment may also be authorized:

- Luminescent material sights.
- Tear gas masks – standard police type
- Safety helmets – Kevlar (or similar) if available, police type with face shield.
- Special duty holsters – American manufacture, designed to accommodate the firearm or ECD carried.
- Flashlight holders.
- Radio and cell phone cases.
- Special accessory cases for emergency items, such as gloves, CPR masks, etc.
- Riot shields/standard police type.

NOTE: Holsters for handguns, ECDs, radios, batons, cell phones and all accessories should be procured in cordovan color.

2.4 **Central Issue Items**

Central issue items of defensive equipment from NPS/FLETC are accountable to the commissioned employee and will be returned to that office when an employee leaves the NPS or is no longer commissioned. Items issued by FLETC may not be permanently converted to park or regional inventories, or transferred at the park or other non-WASO level to another employee. Standard service pistols assigned to employees may be logged onto park inventories for tracking purposes only, but will transfer with permanent, Type I commissioned employees when they transfer to new assignments. Park/office property officers are not authorized to receive, issue, inspect, or take custody of centrally-issued firearms. Authorized firearms have factory- or FLETC-applied property numbers, and no other numbers or markings may be applied.

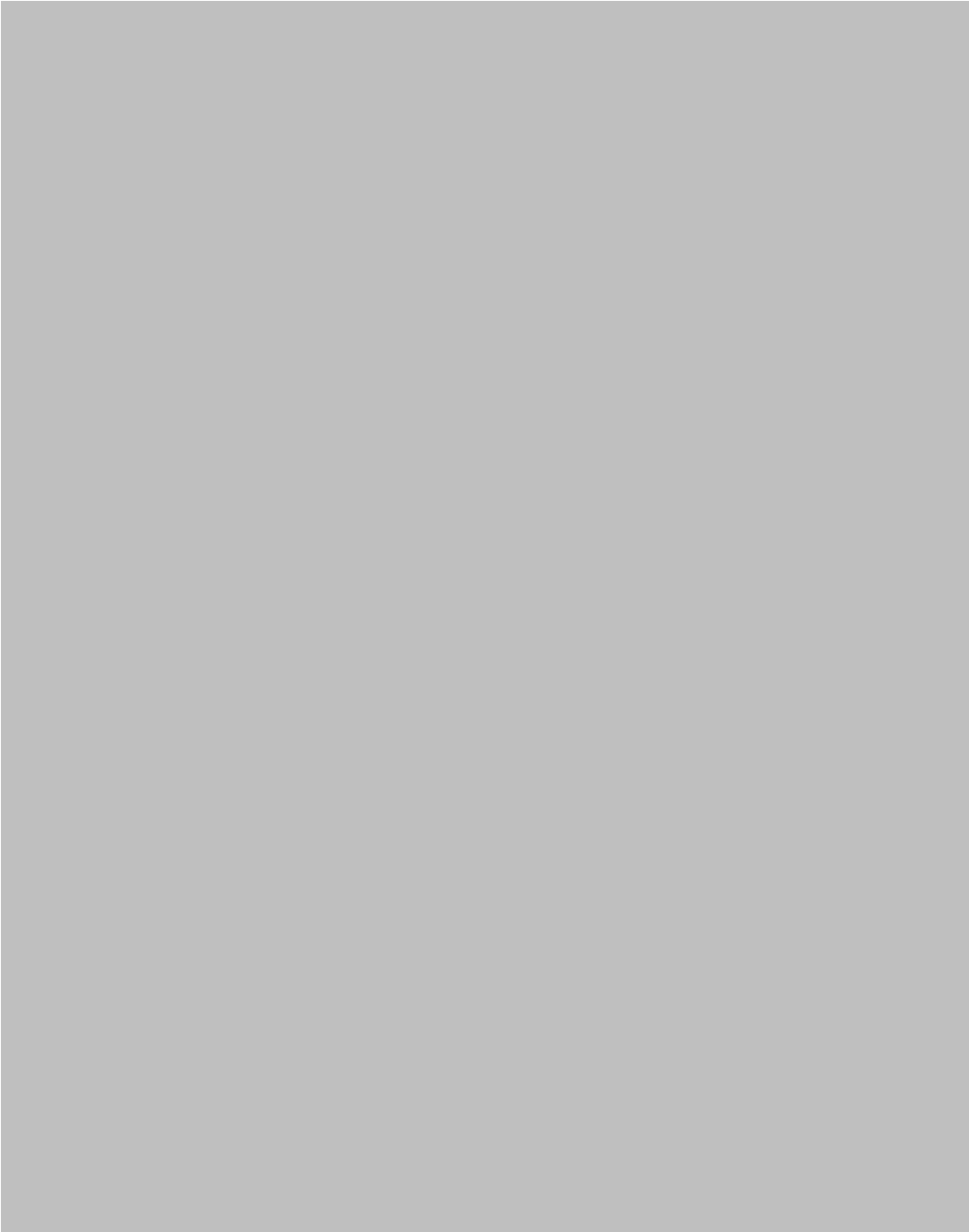
Items controlled by LESES include:

- Semi-automatic pistol.
- Three magazines.
- Park ranger law enforcement shield and law enforcement credentials.

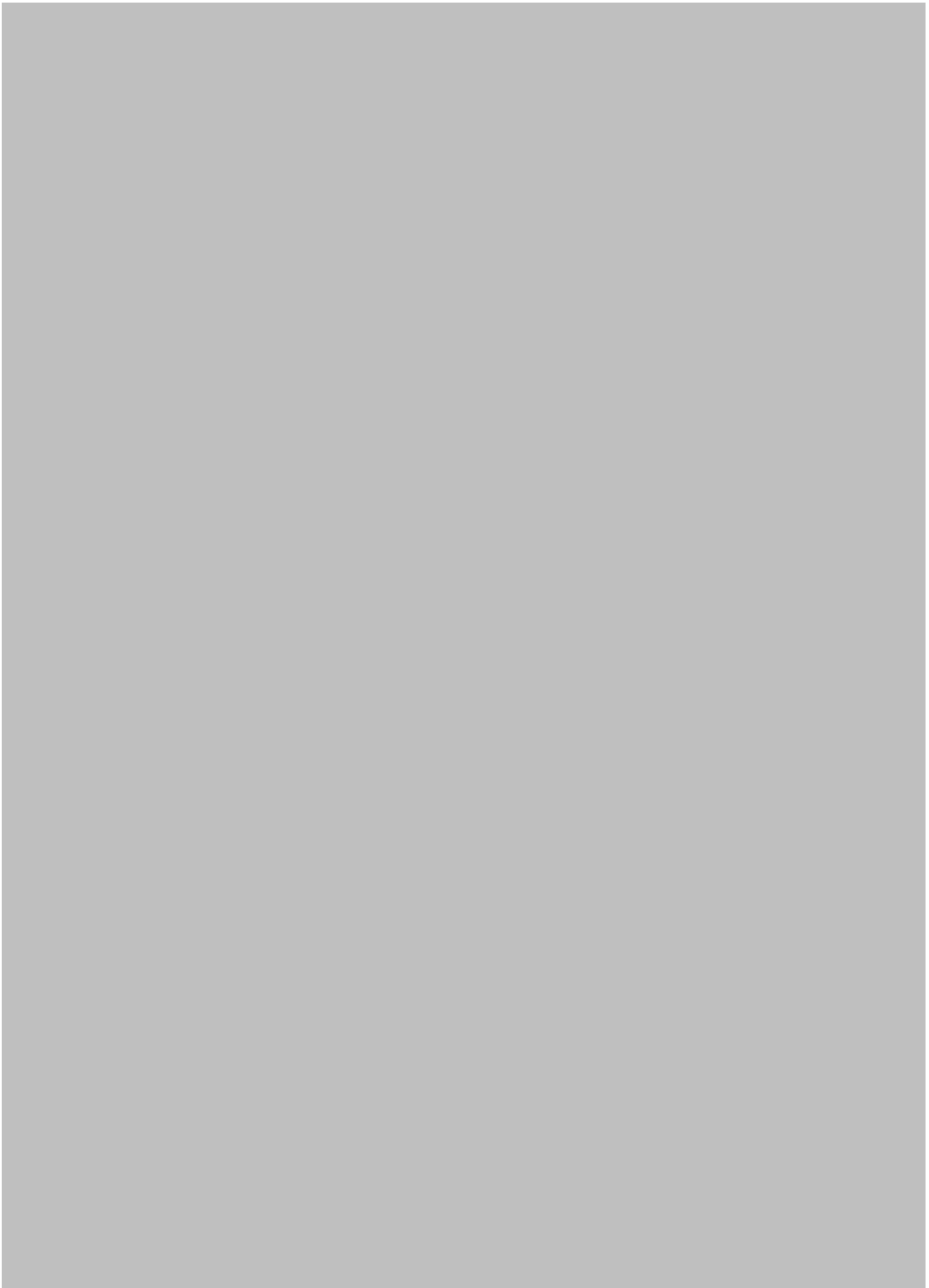
CHAPTER 30 – FIREARMS















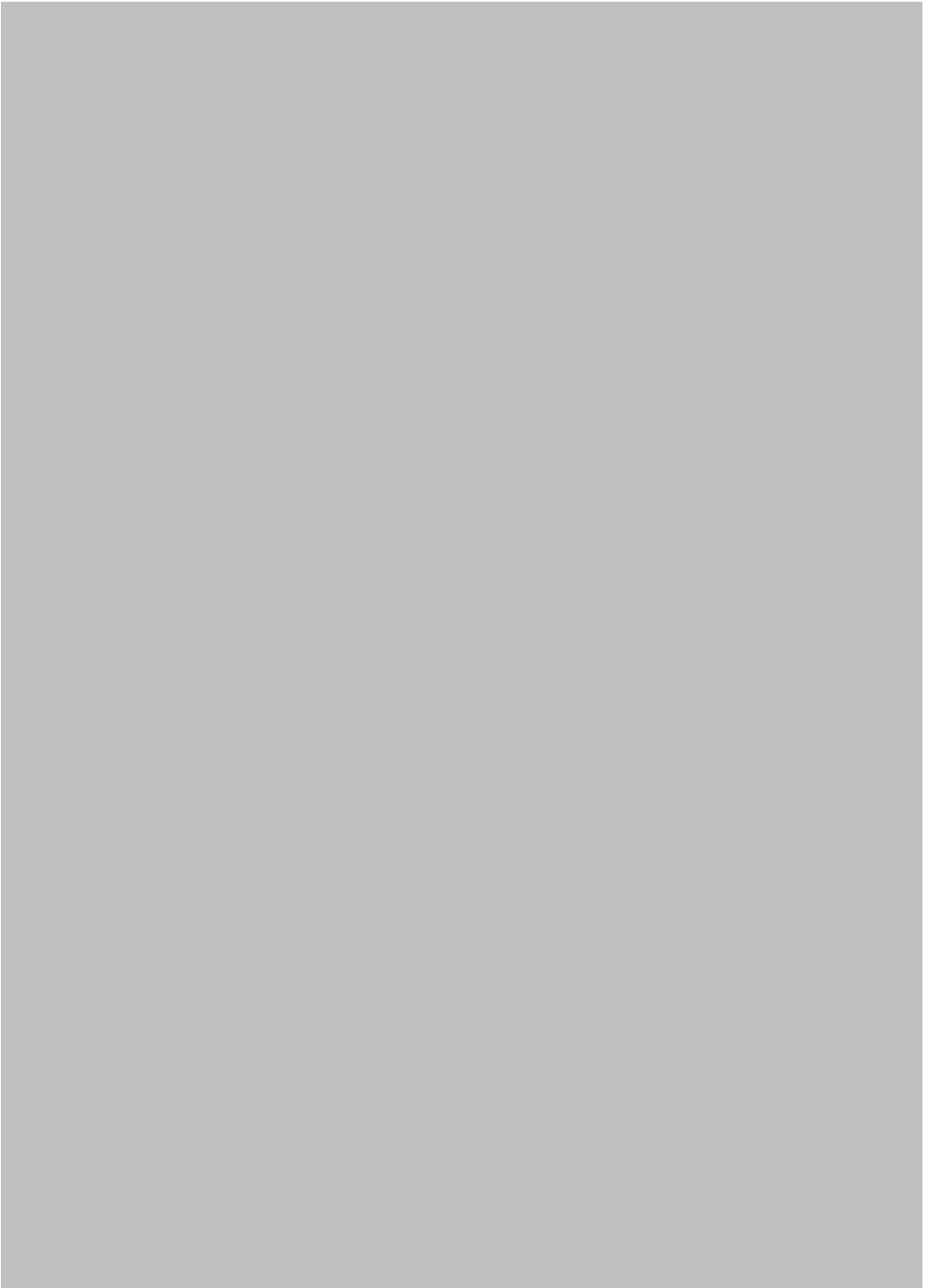




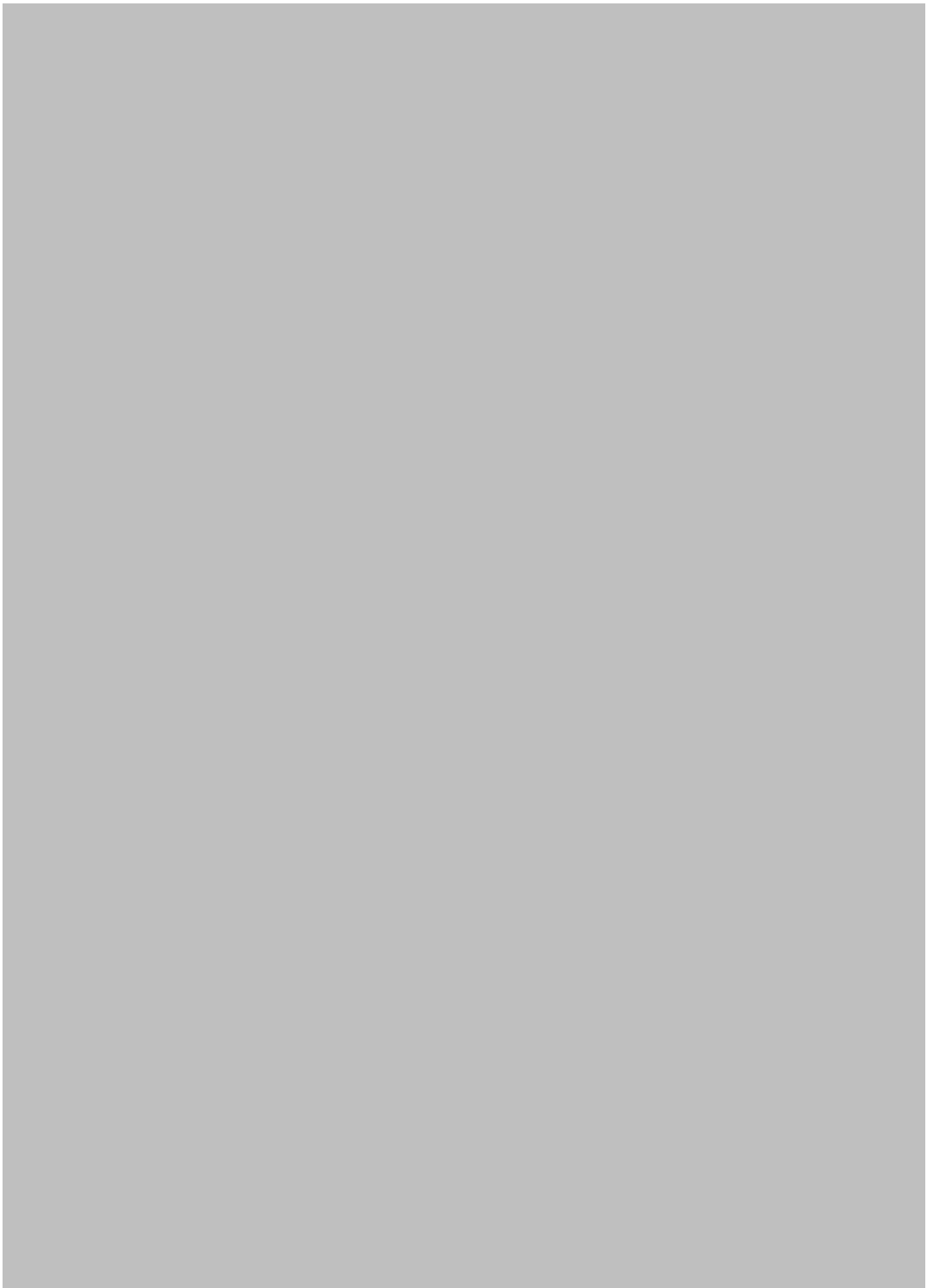




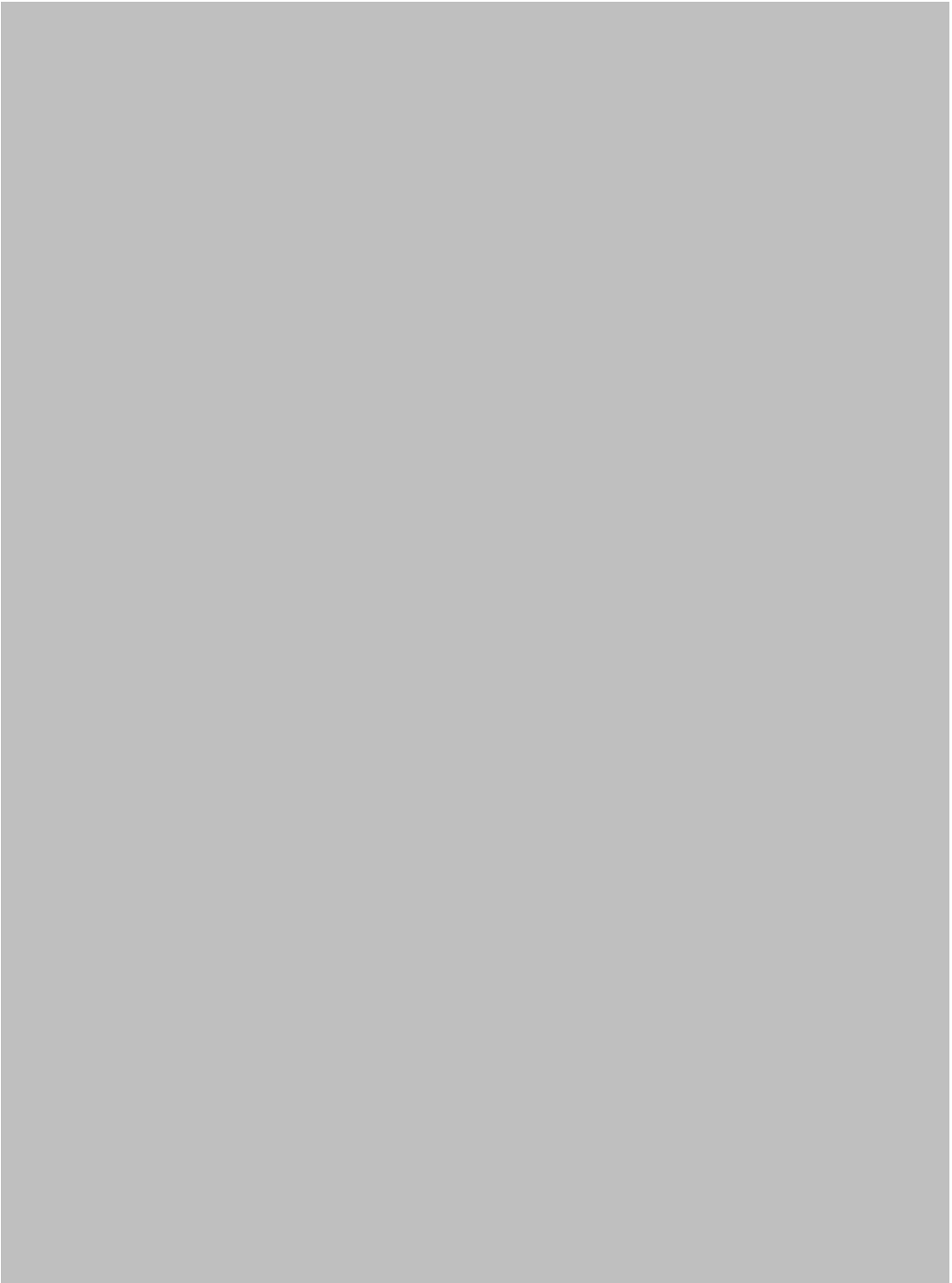






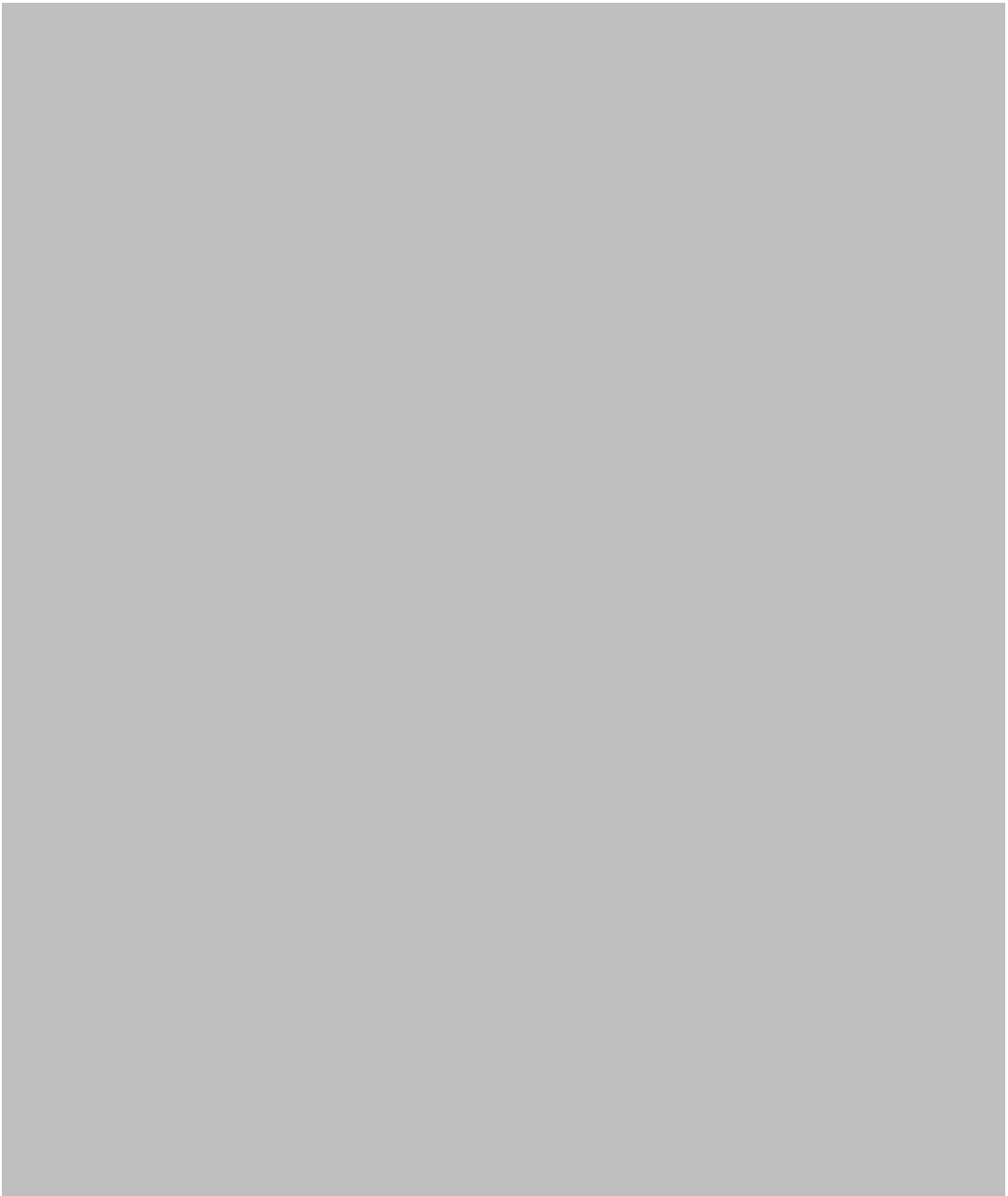






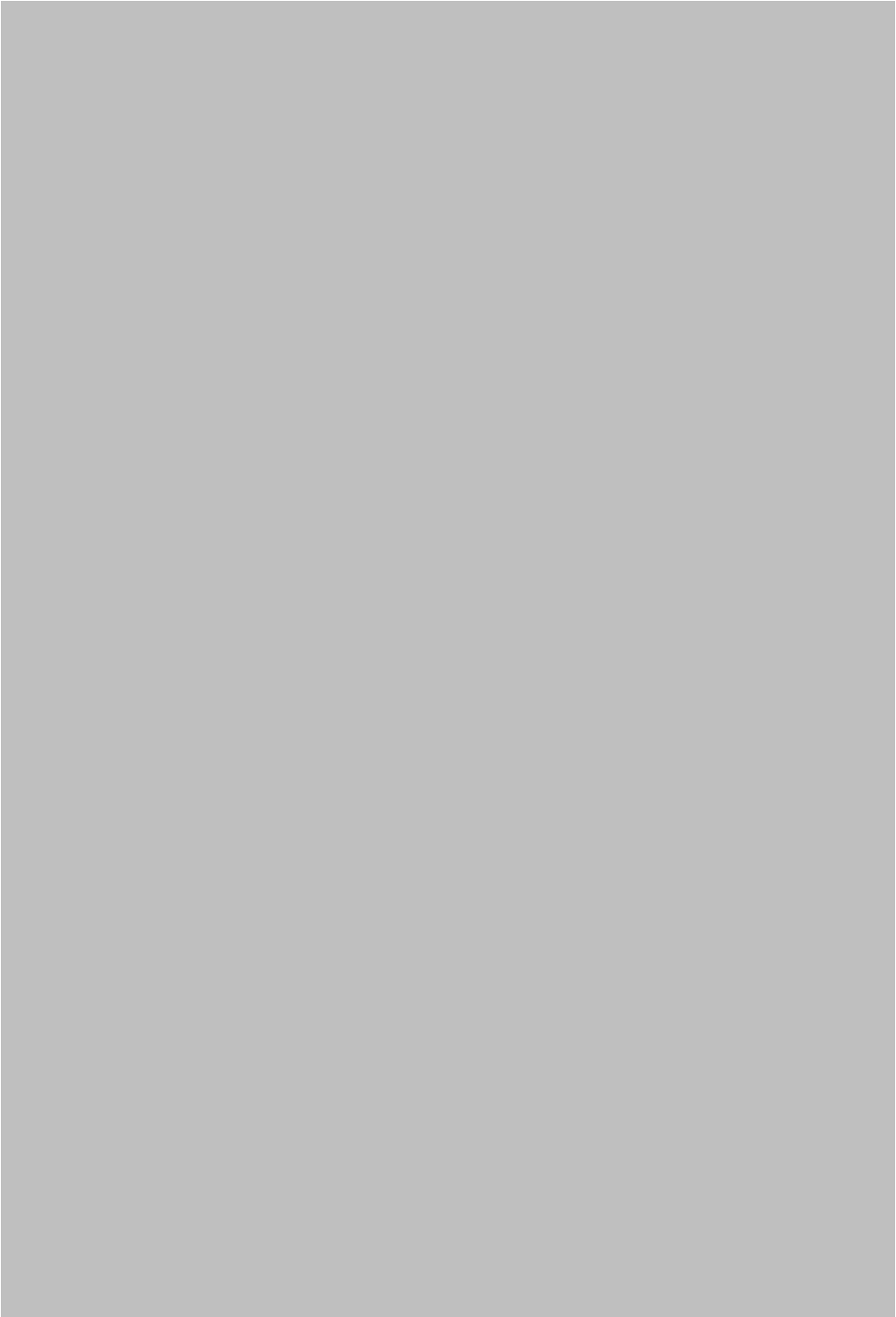
CHAPTER 30 – FIREARMS





CHAPTER 31 – INTERMEDIATE DEFENSIVE EQUIPMENT



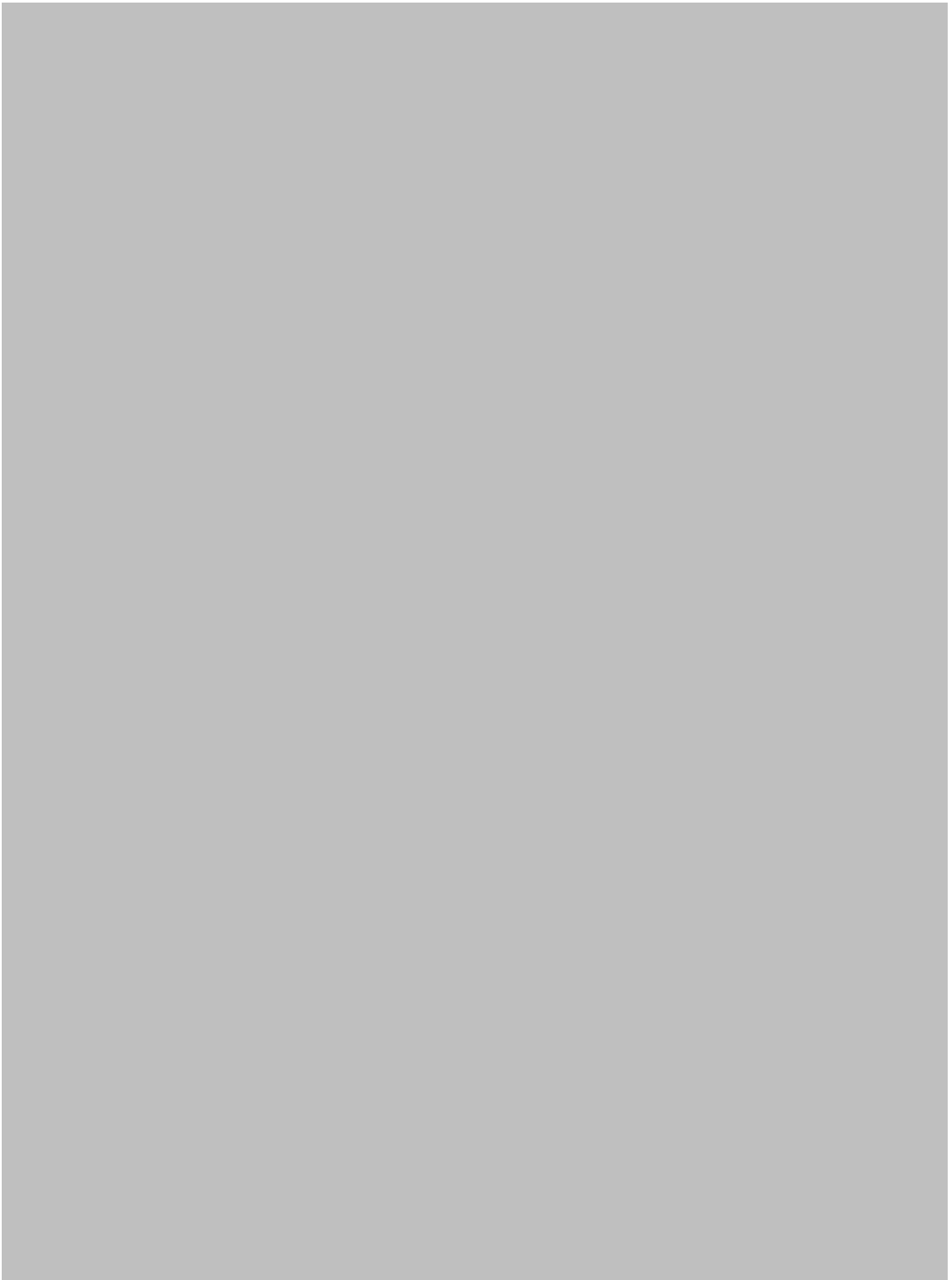


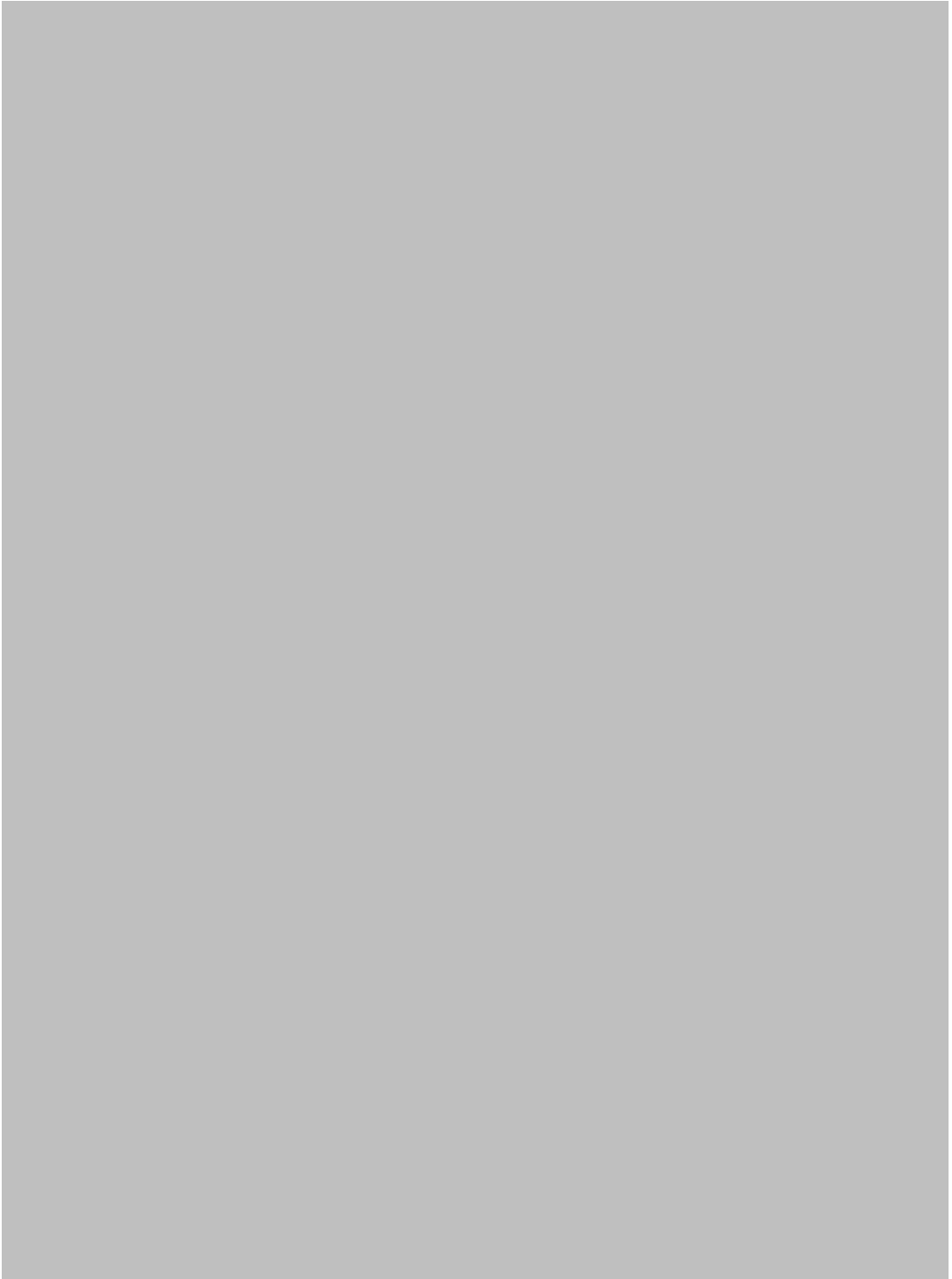


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**CHAPTER 32 – ELECTRONIC CONTROL DEVICE (ECD)
PROGRAMS**



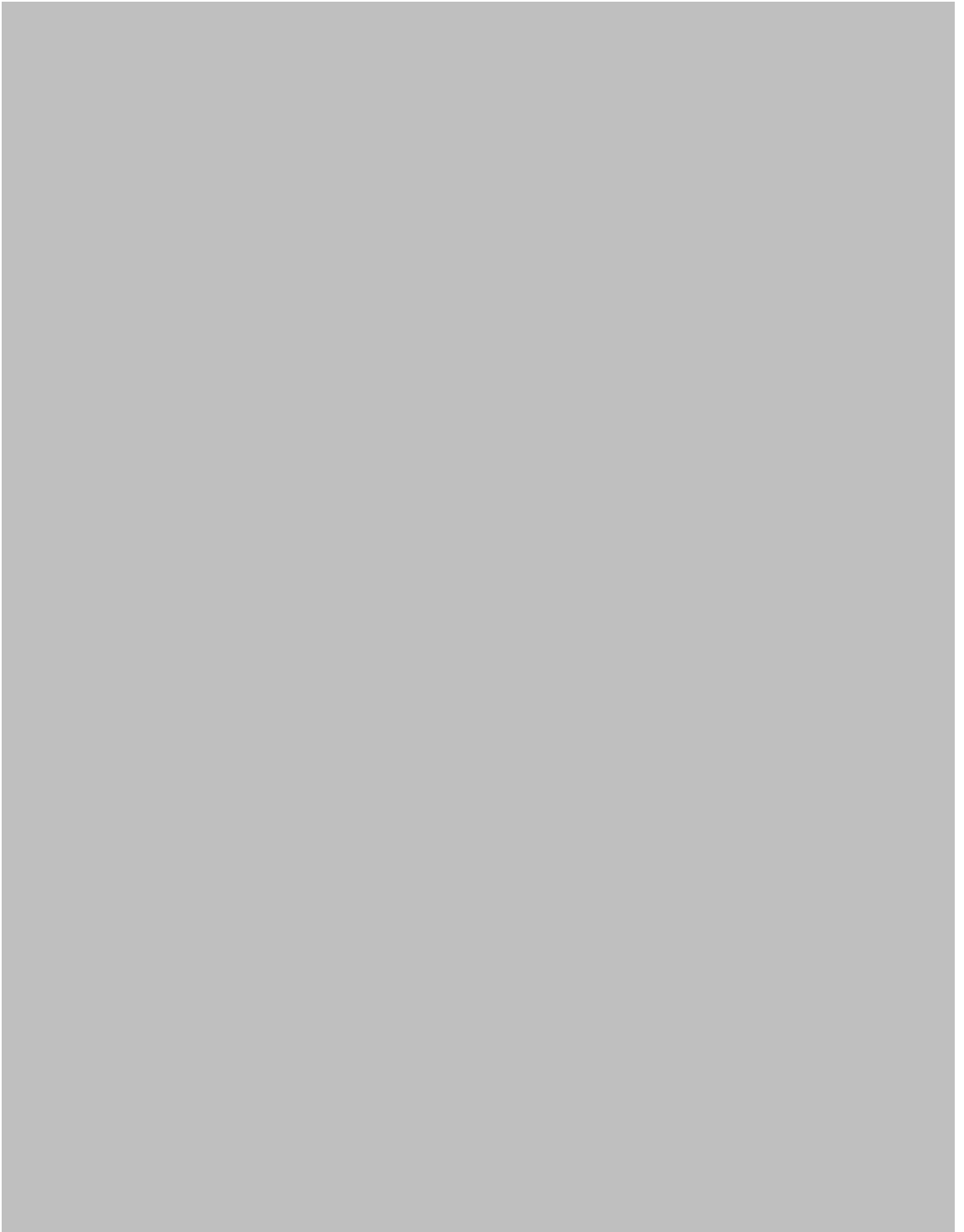










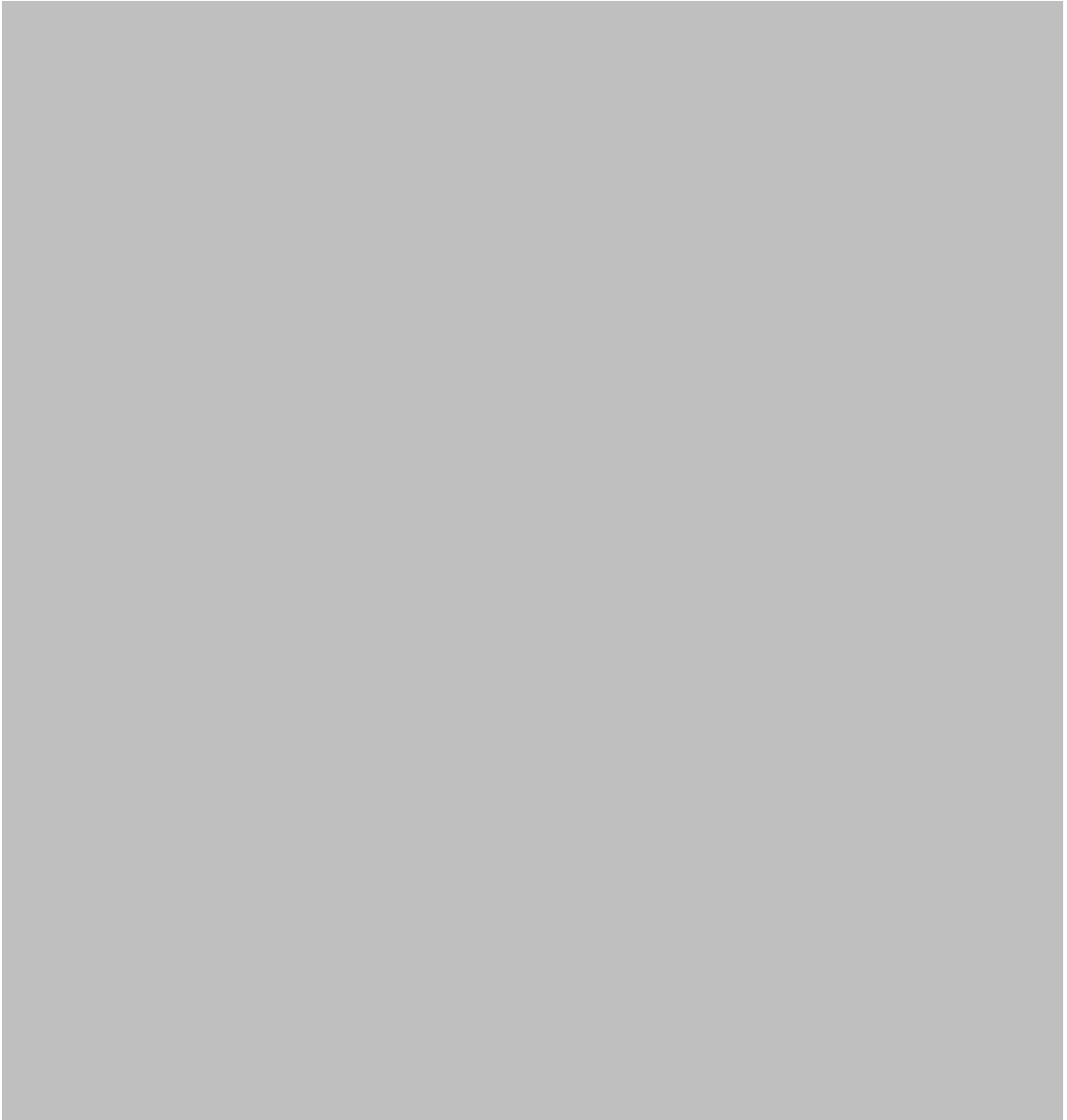




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CHAPTER 33 – RESTRAINING DEVICES





CHAPTER 34 – LAW ENFORCEMENT VEHICLES

1. Policy
 2. Directives
 3. Use of Government Vehicles for Home-to-Work Transportation
-

1. POLICY

All vehicles used by NPS law enforcement personnel must be clearly identifiable to the public as law enforcement vehicles except those vehicles used for investigations, surveillance, undercover or administrative purposes. All such vehicles must be specifically designed for and properly equipped to perform assigned functions safely and efficiently.

Home storage of assigned law enforcement vehicles is authorized for all National Park Service law enforcement officers in accordance with Department and Agency policy, including the provisions of this chapter.

2. DIRECTIVES

2.1 Vehicle Operation

All commissioned employees will maintain State issued motor vehicle operator's licenses valid for the class of vehicle operated in the performance of official duties.

2.2 Operation of Law Enforcement Vehicles by Non-Commissioned Personnel

In circumstances where non-commissioned personnel must operate law enforcement vehicles, vehicles should be stripped of all defensive equipment and conspicuously marked indicating such vehicles are "Out of Service."

2.3 Vehicle Maintenance

Commissioned employees must keep their assigned vehicles reasonably clean. Vehicles must be refueled and given a daily inspection at the start and end of each shift to ensure vehicle and equipment readiness for response to emergency situations.

2.4 **Vehicle Standards**

2.4.1 *Police Packages*

All vehicles that are to be used for law enforcement pursuit will be procured with a pursuit or police package when available from the manufacturer, in accordance with the agreement with GSA and the NPS. Manufacturers' pursuit or police package vehicles will be procured and used for all law enforcement pursuit applications. Where these packages are not manufactured in the desired vehicle configurations, vehicles will be equipped with police package equivalents, i.e. heavy-duty suspensions and brakes, heavy-duty oil and cooling systems, heavy-duty steering, heavy-duty transmissions, and full-sized, full-powered engines. Recognizing emerging technologies and fuel constraints, parks may consider vehicles with green technology that do not meet these standards. SLEOs will submit justifications for waivers for such vehicles that address potential non-pursuit uses. SLEOs should address through SOPs how to identify and observe without full pursuit/stops in non-standard vehicles.

The definition of police package falls into 3 categories:

1. Police "Pursuit" package – full or mid-sized, rear drive, V-8 sedans used for front country traffic enforcement and emergency response;
2. Police "Patrol" packages – either full sized or mid-sized sedans, either front or rear wheel drive.
3. Police "Special Service" packages – usually in full sized or compact sport utility vehicles or pickups. Designed to improve performance and safety for patrol and emergency response work. These vehicles are NOT designed for "pursuit" purposes.

For front country traffic enforcement and emergency response applications, full or mid-sized, V-8 powered, rear drive "pursuit" package police sedans will be used. Front wheel drive sedans will not be used for these applications, as handling differences between front and rear drive require significant additional Emergency Vehicle Operators Course (EVOC) training. All current front wheel drive vehicles available in "police" packages do not meet the standard requiring "full or mid-sized and full power engines."

The standard vehicle used for combination front and backcountry enforcement will be a full sized V-8 powered sport utility vehicle that has the manufacturers "special service" police package for sport utilities or, if not available, a heavy duty towing package. Compact sport utility vehicles will be used for special applications only when equipped with the "special service" police package.

In front country applications, sport utility vehicles will be used in addition to full or mid-sized, rear drive “pursuit” sedans for traffic enforcement and emergency response. They will not be used in lieu of “pursuit sedans” as all manufacturers of sport utility vehicles (whether with the police “special service package” or a heavy duty tow package) recommend that sport utilities NOT be used for “pursuit” work.

2.5 Vehicle Markings

2.5.1 *Color*

All vehicles that are used for uniformed, high-visibility law enforcement purposes will be white in color and ordered as the manufacturer’s white.

2.5.2 *NPS Markings*

Vehicles used for law enforcement purposes will be marked as follows. Minor adjustments to the dimensions listed below may be necessary to accommodate certain vehicle designs. Either high visibility markings or low profile markings will be followed in all instances.

- **High visibility markings** – A continuous forest green reflective stripe approximately 4 inches wide will be placed horizontally along both sides. The words U.S. PARK RANGER in plain, 4 inch block letters and made of forest green reflective material, will be placed above each front wheel well and on the rear of the vehicle, incorporated into and in line with the stripe. The NPS arrowhead will be placed on each front door, centered left to right, and located so that the top portion of the arrowhead is applied on top of the green stripe. The arrowhead will be 12 inches in height.
- **Low profile markings** – At the discretion of the Chief Ranger, adhesive or magnetic NPS arrowheads, with the words U.S. PARK RANGER immediately above the arrowhead, affixed on each front door, centered left to right, and top to bottom. Magnetic markings are not intended for “full-time use” on law enforcement vehicles other than supervisory vehicles. This type of marking will not be used with light bars or other emergency lighting systems mounted to the roof.

2.5.3 *Cooperative LE Markings*

“9-1-1” and other cooperative law enforcement markings/placards commonly used by neighboring law enforcement agencies may be displayed on Service law enforcement vehicles, with the approval of the Chief Ranger/Senior Law Enforcement Official.

2.5.4 *DARE Markings*

Vehicles used in conjunction with Drug Abuse Resistance Education (DARE) programs may deviate from vehicle type, color and marking standards upon approval by the Chief Ranger.

2.5.5 *Non-Law Enforcement Vehicles*

No vehicles other than those used for law enforcement will display law enforcement markings, including the horizontal green stripe.

2.6 **Vehicle Equipment**



2.7 **OEM Safety Equipment**

Original Equipment Manufacturer (OEM) safety equipment such as safety belts and air bags will not be removed or defeated. Long guns will be mounted so that they do not block deployment of OEM air bags.

2.8 **Unmarked Vehicles**

2.8.1 *Authorized Use*

The use of unmarked vehicles is authorized for use by Special Agents and for other law enforcement or administrative functions where high visibility is not necessary or may impede the performance of law enforcement duties, particularly plain clothes assignments.

2.8.2 License Plates



2.8.3 Emergency Equipment

Unmarked vehicles are exempted from requirements for emergency equipment where the presence of such equipment would interfere with, or compromise law enforcement operations such as undercover assignments.

3. USE OF GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION

3.1 Authorization and Determination

Authorization by the Secretary of the Interior for the use of government vehicles for home-to-work transportation is found in the *Authorization for Use of Government Passenger Carrier(s) for Home-to-Work Transportation of Those Employees Essential for the Safe and Efficient Performance of Criminal Law Enforcement, Protection Services, or Intelligence Duties* (August 1, 2008). Such use is limited to law enforcement officers in the position series designated by the Authorization for the National Park Service.

Based on specific needs, the Director, through their law enforcement program chief, is responsible for identifying specific positions and/or persons authorized use of government vehicles for home-to-work transportation. That responsibility has been delegated to the Chief Rangers or Supervisory Special Agents at their respective park, regional, and Washington Support Office levels who will prepare a written determination documenting the need for such use. The determination will include the following information:

- Circumstances requiring the use.
- Any limitations or restrictions on use (such as purpose, area, dates, times, and vehicles).
- Location of the position's and/or person's residence.
- Duration of the authorized use.

Determinations recognize the overall public safety benefits, the NPS-specific law enforcement and emergency services benefits, and the economic benefits to the government of home-to-work transportation of government vehicles by law enforcement officers. Such use facilitates readiness and emergency

response of law enforcement officers and their equipment to law enforcement and related emergency incidents in an expedient manner.

Such use is not for the purpose of the personal comfort or convenience of the law enforcement officer.

3.2 **Directive and Guidance**

Each person authorized use of government vehicles for home-to-work transportation will be provided a written directive for such use. At a minimum the directive will require that each person must be vigilant in ensuring that vehicles are used only for the official purpose intended, and it will caution that every effort must be taken to preclude the perception that such use is not official.

Substantiated incidents of misuse will result in disciplinary action.

Use of law enforcement vehicles for home-to-work transportation are subject to supervisory control, may include daily travel for routine and non-routine work schedules, and may extend over weekends, holidays, and periods of annual or other leave off.

Law enforcement vehicles stored at home should be parked in close proximity to the officer's residence so as to provide an appropriate level of security. Vehicles should be stored parked inside the garage or in the driveway whenever possible.

3.3 **Logs and Records, Record Keeping, and Management Review and Audits**

Each person authorized the use of government vehicles for home-to-work transportation will maintain a log or record to verify that such use was for official purposes.

A copy of the written determination and directive will be provided to each person authorized home-to-work transportation use. Copies of all determinations, directives, and logs or records for such use will be maintained at their respective park, regional, and Washington Support Office levels where they will be readily and easily accessible for management review and audit purposes.

At least annually, Superintendents, Regional Directors, or the Associate Director – Visitor and Resource Protection (or their designated representatives) will review the use of government vehicles for home-to-work transportation at their respective park, regional, and Washington Support Office levels. The

CHAPTER 34 – LAW ENFORCEMENT VEHICLES

review will include an audit of written determinations, directives, and logs and records for such use.

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CHAPTER 35 – LAW ENFORCEMENT VESSELS

1. Policy
 2. Directives
-

1. POLICY

Vessels used for law enforcement purposes will be designed to allow commissioned employees to carry out their responsibilities efficiently and safely. Law enforcement vessels used in a park area will be marked in a uniform and consistent manner.

2. DIRECTIVES

2.1 Vessel Markings

2.1.1 *Vessel Coloring*

Vessels used for law enforcement purposes will be unpainted metal or white in color. Rigid hull inflatables (RHI) and other watercraft including canoes and rafts that come in standard colors from the manufacturer may also be used, if unpainted metal or white is unavailable. This standard does not apply to undercover vessels.

2.1.2 *Striping*

Vessels will be marked, to the extent that vessel design allows, with three adjacent diagonal stripes running from water line to the gunwale on both port and starboard, approximately one-quarter of the length topside from the bow. The stripes are set at an angle of 30 degrees from the vertical, approximately parallel to the bow. The markings consist of a broad forest green stripe nearest to the bow, followed by one narrow white stripe and one narrow forest green stripe. The width of the broad green stripe is one-half the vertical distance between gunwale and water line. The narrow white and green stripes are 8% and 11% the width of the main green stripe, respectively.

2.1.3 *Non-Law Enforcement Vessels*

No vessels other than those used for law enforcement will display law enforcement markings, including diagonal green striping. When green stripes are already in place, they should be removed if possible.

2.1.4 *Arrowhead*

The NPS arrowhead symbol will be centered within the broad green diagonal stripe. The size of the arrowhead should be proportional to the size of the vessel.

2.1.5 *Wording*

The words U.S. PARK RANGER in contrasting color to the vessel hull, will be placed in lieu of State identification/registration numbers on the bow.

2.1.6 *Variance for Small Watercraft*

Small watercraft that can not meet these marking requirements will be marked with lettering and an arrowhead symbol of the appropriate size.

2.2 **Vessel Equipment**

Vessels that are designed and used for law enforcement purposes will be equipped with visual and audible warning devices that, to the extent practicable, comply with requirements of applicable State and Federal law. Where the design of vessels allows, they will also be equipped with mounted two-way radios (operating on local NPS and other law enforcement agency frequencies), and mounts for long arms.

2.3 **Operation of Law Enforcement Vessels**

In circumstances where non-commissioned personnel must operate law enforcement vessels, all defensive equipment should be removed, and, if possible, conspicuously marked indicating such vessels are “Out of Service.”

CHAPTER 36 – INCIDENT NOTIFICATION REQUIREMENTS AND PROCEDURES

1. Introduction
 2. Directives
-

1. INTRODUCTION

The purpose of the Serious Incident Reporting System is to ensure prompt and proper notification of NPS and Departmental officials of serious incidents that occur near or within park areas. All significant field incidents will be reported in a timely manner to DCOP and the appropriate Regional Office following established procedures.

2. DIRECTIVES

2.1 Level 1 Reports

2.1.1 *Reporting*

The following types of incidents will be reported immediately to the EICC in Shenandoah NP at [REDACTED]. Follow-up notification via email must be made within three working days to the DCOP for the following incidents:

- **Employee Fatalities, Life-Threatening Injuries, or Injuries Requiring Hospitalization:** The death, life-threatening injury, or injury requiring hospitalization of any employee while in the performance of their duties, or the inpatient hospitalization for illness of three or more NPS employees in any single incident.
- **High Property Damage:** Any incident resulting in property damage in excess of \$100,000.
- **Serious Crimes:** Serious crimes which occur in any park, including major weapons offenses, hostage or barricade situations, service of high-risk warrants, kidnapping, arson, and all other Part I offenses.
- **Drug Incidents:** Major or unusual drug seizures or drug-related arrests in which the circumstances, value, or the amount of the seizure could attract media or political attention.
- **Political/International Officials:** Serious incidents, major events, or serious accidents involving senior political officials of state,

Federal or foreign governments or their immediate families, or any significant event involving foreign nationals or international cooperation.

- **Actual or Potential Threats to the United States:** Planned, attempted or actual terrorist attacks, sabotage or other hostile acts against the United States, including the National Park Service or any other federal bureau. Observations of any criminal or non-criminal act, suspicious activity or incident that might have national security implications.
- **Significant Law Enforcement Events:** Significant law enforcement events other than planned special events which have required or may require the dispatch of specially-trained teams to augment normal enforcement capabilities, inside or outside of NPS jurisdiction.
- **Major Events:** Major natural or man-caused disasters which cause significant injuries, resource or property damage, or have significant impacts on visitor use of an NPS-administered area, including major structural fires, dam failures, floods and storms, or other incidents with significant NPS involvement.
- **Weapons Discharge:** The discharge of a weapon by any employee toward another individual or any discharge of a weapon at any employee.
- **Aircraft Accidents:** Any aircraft accident causing a death or hospitalizing injury.
- **Use of Force:** Any use of force by a law enforcement officer which results in serious injury or death to another individual.
- **Assault:** Any unlawful assault or attack on an NPS law enforcement officer or any other NPS employee by another.
- **Significant Hazardous Materials Events:** Any hazardous chemical spill, leak, fire, exposure or accident. All such spills should also be reported to the National Response Center at 1-800-424-8802 according to the following criteria:
 1. **For oil:** Spills of 10 gallons or more onto land or soil, and all releases into surface water that result in a silver or rainbow sheen regardless of amount spilled.

2. **For hazardous materials/substances:** All releases of any chemical or hazardous material, regardless of amount or where it was spilled.

2.2 Level 2 Reports

2.2.1 Reporting

The following types of incidents will be reported to the DCOP via email within three days. Incidents of exceptional significance – i.e., those that have or will likely draw major media coverage should be called immediately to EICC (Shenandoah) dispatch at [REDACTED], and then followed up with written reports sent via e-mail within three working days. Copies should also be sent to the appropriate regional/system office contact.

- **Visitor/Public Fatalities:** Visitor or public fatalities, *except by natural causes*. Heart attacks are not reportable incidents unless they involve other Level 1 or Level 2 reporting criteria.
- **Employee Arrest:** Arrest or detention of any NPS employee on felony charges, regardless of arresting or detaining agency.
- **Cultural Resource Theft/Depredation:** Any significant incident of lost, stolen, looted, vandalized, damaged or destroyed historical, archeological, ethnographic, museum or NAGPRA-related structures, items or resources
- **Natural Resource Theft/Depredation:** Any significant incident in which animals, plants, minerals, paleontological items or other natural resources are poached, stolen, destroyed or otherwise lost or damaged.
- **Wildlife Incidents:** Wildlife attacks or incidents that result in death or cause serious injury or lead to overnight hospitalization.
- **Wildlife or Vegetation Die-Off:** Unexpected or unnaturally high mortality to large numbers of animals or plants.
- **Drug Incidents:** Drug seizures in which the value of the drugs exceeds \$5,000, or major drug cases with NPS involvement
- **Demonstrations:** Demonstrations or other hostile acts (planned, purported or actual) either in or adjacent to parks.

- **Theft and Burglary:** Monetary losses in excess of \$10,000 through theft or burglary, or the theft or loss of law enforcement credentials and shields, or NPS weapons.
- **Search and Rescue:** Major searches or rescues, generally defined as any SAR that requires a significant call-out of resources or that is prolonged or difficult.
- **Arson:** Any incident of known or suspected arson.
- **Structural Fires:** Structural fires involving any NPS-owned property.
- **Special Events:** Any event in a park which requires significant mobilization of resources or the call-out of a national or regional incident management team, attracts substantial media attention, or has particular relevance to the National Park System or Service and its cultural, historical and natural assets.
- **Missing Persons:** Confirmed missing persons where foul play is suspected.
- **Multiple Injuries/Illness:** In-patient hospitalization of three or more *non-NPS* personnel in any single incident.

2.3 Report Contents

All reports should contain the following information. In order to assure confidentiality where necessary, reporting parties should be judicious regarding inclusion of names of commissioned rangers and investigators or confidential investigative or enforcement techniques in incident reports.

- Subject:** Name or description of incident.
- Time and Date:** Time and date of occurrence.
- Location:** Brief description of incident location.
- Summary:** Brief description of incident.
- Names/Titles:** First and last names and titles of persons involved if appropriate – both NPS employees and victims. If names are to be kept confidential, a note must appear specifying this condition.
- Status of Case:** What’s being done or will be done next.

CHAPTER 36 – INCIDENT NOTIFICATION REQUIREMENTS AND PROCEDURES

- Agencies:** Other Federal, State, local or other agencies involved or to become involved in the incident.
- Media:** The level of media interest and involvement.
- Contact:** Name and telephone number of the park person who can be contacted for additional information, or a 24-hour contact number.
- Submitter:** The name and title of the person submitting the report, which should appear on the report itself.

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CHAPTER 37 – RECORDS MANAGEMENT SYSTEM

1. Introduction
 2. Policy
 3. Directives
-

1. INTRODUCTION

The National Park Service will maintain a records management system (RMS) with the following objectives:

- To provide a means for documenting each type of incident that park personnel encounter, respond to, and investigate.
- To provide park managers with a tool for quantifying levels of law enforcement and visitor protection activities and assisting them in assessing law enforcement program needs.
- To identify incidents and activity levels, their times and locations.
- To provide statistical data to assist in planning and decision making and to strengthen justifications to support requests for resources to meet operational needs.
- To compile information needed to meet Departmental reporting requirements in a timely manner.
- To compile information needed to satisfy the reporting requirements of the National Incident Based Reporting System (NIBRS).

2. POLICY

The National Park Service will maintain an efficient law enforcement RMS that serves the needs of management at all organizational levels and that enables the Service to meet Departmental and other Federal reporting requirements, including requirements to report and document criminal acts committed, arrests made, and other incidents that have occurred in parks. Report formatting will permit systematic and standardized collection of summary and management data.

These documents will be created and maintained in accordance with NPS-19, approved National Archives and Records Administration record schedules and all appropriate laws and regulations, including the Freedom of Information Act (FOIA), the Privacy Act, and the Federal Records Act.

The same system will be fully compatible with the computerized statistical reporting system used by the National Incident Based Reporting System (NIBRS) in compliance with the Uniform Crime Reporting Act of 1988.

The Department of Interior (DOI) is in the process of procuring and implementing a department-wide law enforcement records management system, to be called IMARS (Incident Management, Analysis, and Reporting System). This program will be NIBRS compliant. Once the system is up and running, commissioned employees of the NPS will fully participate in this program.

3. DIRECTIVES

3.1 General

3.1.1 Scope

The RMS is a computerized program designed to provide the reporting employee with a means to document incidents that occur within or affect the National Park System.

3.1.2 Report Contents

Entries into the records management system should include information pertaining to the incident or offense, its investigation, and persons involved in it. Particular care must be taken to clarify the role and degree of involvement of all persons mentioned in a report in order to avoid projecting incorrect impressions.

3.1.3 Confidentiality

A record kept on information pertaining to an incident is not necessarily exempt from disclosure under the Freedom of Information Act (FOIA) or the Privacy Act. A decision to disclose or withhold information under the FOIA and Privacy Act is based on the type of information, not on the type of form on which it is recorded.

3.1.4 Parallel Reporting Requirements

In many incidents, particularly motor vehicle and boating collisions, other federal, state and local agencies with jurisdictions that overlap with the NPS may have information gathering or reporting requirements that are separate from the NPS. Involved persons should be notified if additional reporting requirements apply.

3.1.5 *NIBRS Information*

Once IMARS is fully functional, required NIBRS statistical data will be extracted electronically and transferred to the Federal Bureau of Investigation (FBI) as required. Up until that time, the NPS will continue to report Uniform Crime Report (UCR) data to the FBI on a yearly basis.

3.1.6 *Restrictions on Use*

The RMS will not be used to document reports directly relating to internal investigations or security issues. Internal investigations or security issues will be documented via restricted internal memoranda directed to the appropriate office, as determined by the DCOP.

3.1.7 *Record Retention*

All records (including records storage systems and computers) pertaining to law enforcement incidents and criminal investigations will be stored and maintained in such a manner as to assure their security and prevent unauthorized access or tampering.

3.1.8 *Retention Periods*

The following categories of law enforcement reports and records will, at a minimum, be retained in-park, per Federal Records Act:

- Hard-copy records and reports (i.e., non-computerized).
 - Closed misdemeanor cases – six years.
 - Closed felony cases with appeals resolved – six years.
 - Other open or unresolved cases – six years.
 - Open or unresolved cases of a serious nature (e.g., murders, unresolved SARs or missing persons, etc.) or which are characterized by patterns – indefinite.
- Electronic records and reports:

Because the storage and archiving of electronic records consumes only minimal space through the use of diskettes, tape, or CD-ROM, and because information contained within CIRS is intended to be utilized as a database to reveal trends over time, all law enforcement records and reports stored in a computerized medium will be retained as follows:

- Class A & B Offenses = Fifty years
- Class C & D Offenses = Twenty years

3.1.9 *Release or Disclosure of Information*

The primary uses of the records are:

- To identify incidents in which individuals were involved.
- To retrieve the report for information for the individual involved, such as accident reports and reports of found property.
- To aid National Park Service (NPS) Law enforcement officers on a need to know basis.
- As the basis for criminal investigations conducted by commissioned law enforcement officers.
- To assist local, Regional, and Federal law enforcement agencies

Disclosure outside the Department for the purpose of providing information on traffic accidents, personal injuries, or the loss or damage of property are subject to FOIA and Privacy Act regulations. Individuals requesting such information should submit a written request to the park records manager. To protect the integrity of ongoing investigations, and the privacy of all individuals involved, ALL involved parties are subject to this restriction.

The release of information under these circumstances should only occur when it will not:

- Interfere with ongoing law enforcement proceedings.
- Risk the health or safety of an individual.
- Reveal the identity of an informant or witness that has received an explicit assurance of confidentiality.

Social Security numbers should not be released under these circumstances unless the Social Security number belongs to the individual requester.

Disclosures outside the DOI may also be made:

1. To the Department of Justice, or to a court, adjudicative or other administrative body, or to a party in litigation before a court or adjudicative or administrative body, when:

CHAPTER 37 – RECORDS MANAGEMENT SYSTEM

- One of the following is a party of the proceeding or has an interest in the proceeding:
 1. The Department or any component of the Department;
 2. Any Departmental employee acting in their official capacity;
 3. Any Departmental employee acting in their individual capacity where the Department or the Department of Justice has agreed to represent the employee; and
- the disclosure is deemed to be:
 1. Relevant and necessary to the proceeding;
 2. Compatible with the purpose for which we compiled the information.
- 2. To the appropriate Federal agency that is responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, when we become aware of an indication of a violation or potential violation of the statute, rule, regulation, or order.
- 3. To a congressional office in response to a written inquiry to that office by the individual to whom the record pertains.

3.1.10 *Release of Motor Vehicle and Boat Collision Report Information*

All or most of a motor vehicle or boat collision report may be made available upon *written request* by parties to include:

- Individuals involved, injured, or who suffered property damage in such incidents.
- Their duly verified insurance companies, personal representatives, or attorneys.

To ensure that only appropriate information is released, each request for a motor vehicle or boat collision report must be in writing, and will be processed on a case-by-case basis under the Privacy Act or the FOIA as appropriate.

The revised NPS-19 provides that information on motor vehicle or boat collision reports should be released only when the release:

- will not interfere with an on-going law enforcement proceeding;

- will not risk the health or safety of an individual;
- will not reveal the identity of an informant or witness that received an explicit assurance of confidentiality.

It also provides that social security numbers should not be released unless they belong to the individual requester.

Since requests for a collision report, as well as the NPS response to such requests, must be in writing, NPS Request Form 10-339 may be used to assist persons who wish to request a copy of a collision report. NPS Response Form 10-339a is no longer applicable and should not be used. NPS Response Forms 10-339b and 10-339c may be used to respond to requesters who are to be provided with either, as appropriate, an un-redacted or redacted collision report. Any questions may be directed through the respective Park or Regional FOIA/Privacy Act Officer or the WASO FOIA/Privacy Act Officer,

3.2 **Incident Reporting and Supervisory Notification**

3.2.1 *Notification Requirements*

The following types of incidents require immediate supervisor notification. For purposes of reporting throughout RM-9, “immediate” means as soon as practical, but in no instance later than the end of the shift on which the incident occurred. Notification may be made electronically, by phone, or in person as determined by the Chief Ranger.

- Any use of force
- All arrests
- Any use of restraints
- Any incident where a weapon is “used” (i.e., pointed, displayed, or discharged) in public
- Any incident where there is an allegation of misconduct
- Any incident where there is a communicated or displayed potential for the use of physical force by either the commissioned employee or the suspect
- Any deployment of roadblocks or tire deflation devices
- Engagement in any pursuit

CHAPTER 37 – RECORDS MANAGEMENT SYSTEM

- All criminal incidents with individuals with diplomatic immunity
- Any Level I or Level II incident as identified in Chapter 20 that will require notification to WASO

3.2.2 *Incident Reporting Requirements*

To the extent feasible, commissioned employees will document all incidents and visitor/violator contacts in a timely manner.

Supervisors shall ensure that proper action has been taken to investigate and document an incident, and that each report is accurate, complete, and legible when submitted.

If the submission of reports will necessitate an extension of a commissioned employee's tour of duty, a supervisor's prior approval is required. Supervisors are authorized to approve extended hours of duty in the following circumstances:

1. An ongoing investigation of an incident that involves death, serious injury that may result in death, or a serious felony.
2. The preparation of reports that must be submitted for court action prior to the commissioned employee's next scheduled tour of duty.
3. When an incident occurs near the end of a commissioned employee's tour of duty and exigent circumstances necessitate the extension of duty hours.

Normally, unfinished reports that fail to meet the above criteria must be submitted prior to the end of a commissioned employee's next tour of duty. However, a commissioned employee must notify an immediate supervisor if the next day is a lieu day. The supervisor shall then advise when the reports are due.

Reports on all arrests must be approved by a supervisor and available to the prosecutor for review prior to the initial appearance of the subject. All other reports must be reviewed by a supervisor within 72 hours of their submission. Any revisions must be resubmitted and reviewed in a timely manner.

3.2.3 *Offense Codes*

Appropriate offense codes for reporting are compiled in the RMS program under Class A, B, C, and D. Class A and B are predetermined FBI required classifications for crimes against persons, property, and society. Class C

contains offenses from the Code of Federal Regulations. Class D contains service-related incidents.

3.2.4 *Storage*

After approval by a supervisor, the incident report will be stored electronically or by hard copy at park headquarters and, if appropriate, at the originating office (sub-district, district, etc.). The park must electronically back-up electronically stored incident files on a regular basis and provide for safe, efficient filing of all files – electronic or hard copy.

3.2.5 *Information Retrieval*

The following information can be retrieved from the records management system:

- Daily summary reports
- Incident summary reports
- Resource protection summaries
- Safety summaries
- Case status summaries
- Court disposition summaries
- Weapons summaries
- Drug reports
- Evidence listings
- Loss of museum property reports
- Offense charges reports
- Uniform crime reports
- Traffic summary reports
- Annual law enforcement reports
- Annual EMS reports

CHAPTER 37 – RECORDS MANAGEMENT SYSTEM

- Annual SAR reports
- Annual ARPA reports

Information regarding the types of incidents that have occurred in specific units may be retrieved by location, day of week, month, and time of day.

3.3 **Responsibilities**

3.3.1 *NPS Unit*

Each Park Superintendent or work unit manager is responsible for maintaining a RMS at the park level to collect statistical data. Park Superintendents should consider designating a park-level Records Management Systems Coordinator, who will be responsible for making sure that all reports and violation notices meet the requirements of this chapter and coordinate report review and approval with the Chief Ranger or SLEO.

3.3.2 *DCOP*

The DCOP is responsible for establishing Servicewide statistical reporting requirements and procedures that provide support information in a timely manner to the Directorate and are responsive to Departmental reporting requirements.

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CHAPTER 38 – FINANCIAL MANAGEMENT OF LAW ENFORCEMENT EMERGENCIES

1. Introduction
 2. Policy
 3. Application and Approval Process
 4. Authorized Obligations and Expenditures
 5. Accounting and Reporting
-

1. INTRODUCTION

In the Interior and Related Agencies Appropriation Act of 1972 (P.L. 92-76), Congress gave the National Park Service the authority to use, with the approval of the Secretary, any of its available funds to maintain law and order in emergency and other unforeseen law enforcement situations that occurred within the National Park System. Each of the Department's Appropriations Acts since 1972 has included this emergency law and order expenditure authority for the Service. However, beginning with the 1987 fiscal year Appropriation Act, Congress placed restrictions on the use of this authority by requiring advance approval by both the House and Senate Appropriations Committees.

This emergency authority does not provide additional funding to the National Park Service for law enforcement purposes; it is an authority that allows the Service to reprogram funds appropriated by Congress for other purposes in order to meet the unbudgeted cost of law enforcement emergencies. Since use of this authority results in the reprogrammed funds not being available for their original purpose, Congress has made its intent clear to the Service that the reprogramming authority may be used only in response to *emergency* and other *significant* law enforcement incidents. The maximum expenditure authorized under this authority is \$250,000 per incident without prior approval of Congress.

2. POLICY

The National Park Service will make use of its emergency law and order funding authority only in situations that clearly qualify under criteria established by law and provisions in this chapter. Incidents or activities that qualify for this funding must meet all of the following criteria:

- are truly emergency in nature or that clearly result in an unforeseen increase in law enforcement activity levels,
- pose a serious threat to public safety or park resources,

- are clearly beyond the capabilities of the staff and budget of the park and region involved,
- are managed using the ICS.

Recurring events/incidents and events sponsored by the Service do not qualify for emergency law and order funding. Such activities are not unforeseen and funding to cover any law enforcement cost associated with these events should be programmed in advance by the park and regional staffs involved.

Before requesting authorization to establish an emergency law and order account to cover unbudgeted law enforcement cost related to an incident that otherwise might qualify for such funding, the affected Park Superintendent and Regional Director will exhaust all other funding alternatives. These options include reducing NPS costs by obtaining assistance from cooperating Federal, State, and local agencies (including reimbursement under P.L. 94-524, Presidential Protection Assistance Act of 1976), recovering from a permittee all unbudgeted costs incurred as a result of managing and administering a special event, and reprogramming park and Regional funds. Park management should negotiate with a permittee before an event whenever possible. However, individuals who have been issued a permit to engage in a First Amendment activity may not be required to reimburse any cost incurred by the NPS as a result of the activity.

When an unanticipated incident or situation occurs that requires prompt emergency law enforcement response and does not allow time for prior submission of a written request for emergency law and order funding, the affected Park Superintendent and Regional Office staff should proceed with the level of response required to manage the incident effectively. If the incident is in fact an emergency, the most critical concern is a timely and appropriate response. The question of whether or not emergency law and order funding is available should have no bearing on the level of that response and may be resolved after the fact.

The following procedures and conditions govern the use of the Service's emergency law and order funding authority.

3. APPLICATION AND APPROVAL PROCESS

3.1 In order to obtain emergency law and order funding for an incident or event that is *anticipated or scheduled in advance* and that otherwise qualifies for such funding, the Park Superintendent will submit the following documents to the Regional Director:

- A completed Application for Emergency Law and Order Funding (Form 10-34);

- A written incident action plan for managing the incident; and
- A written justification of the need for emergency funding.

All justifications must include the estimated or actual beginning and ending dates for which funding is requested and an estimated total cost. If supported at the regional level, the plan and justification, along with a cover memorandum from the Regional Director requesting emergency funding and certifying that all alternative funding sources have been exhausted, will be forwarded to the Associate Director for Visitor and Resource Protection.

- 3.2 When an unanticipated incident or situation occurs that requires prompt emergency law enforcement response and does not allow time for preparation of a 10-34 and justification, the affected Park Superintendent and Regional Office staff should obtain and apply the necessary resources to manage the incident effectively. If a request for emergency law and order funding is being considered, the Regional Law Enforcement Specialist will notify the DCOP promptly by telephone of the details of the incident and indicate that an emergency funding request may follow. In order to request emergency funding after the fact, the Park Superintendent and Regional Office staff should follow the procedure outlined in paragraph 3.1 of this chapter as soon as possible after the incident is resolved.
- 3.3 Final NPS approval of emergency law and order funding requests rests with the Associate Director for Visitor and Resource Protection. This authorization is granted only after written park and Regional Office submissions have been reviewed by the DCOP and WASO Budget. Approval will not be provided based solely on a telephonic request.

4. AUTHORIZED OBLIGATIONS AND EXPENDITURES

- 4.1 The following conditions and restrictions govern obligations that may be charged to an approved emergency law and order account:

The beginning of an incident or event is defined as the date when planning to manage the incident is initiated. The end of an event is defined as the date when conditions are restored to normal, including completion of necessary cleanup and repairs and return of assigned personnel to normal duty stations and assignments.

- 4.2 Only certain unbudgeted direct costs attributable to the incident or event and incurred in the management of law enforcement operation may be charged. Authorized direct costs are limited to:

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

- Overtime cost of both permanent and seasonal commissioned personnel assigned to the incident and that of other personnel required in support of law enforcement operations.
- Regular salary costs of seasonal commissioned personnel who are hired specifically for the incident.
- Overtime costs of personnel required to back fill for mission essential staff assigned to the incident.
- Travel and per diem costs.
- Cost incurred to provide special communications.
- Cleanup and repair cost, but only when the litter or damage is a direct result of the incident.
- Purchase of supplies and materials required to manage law enforcement operations or to replace such materials that were expended on the incident.
- Purchase or rental of supplies and materials required to protect resources or to provide temporary public safety or sanitation facilities.

- 4.3 The purchase of capitalized equipment is not authorized unless specific prior approval is obtained from the DCOP. If approved, all such equipment becomes the property of the affected Regional Office.

Indirect or budgeted cost may not be charged.

The cost of conducting interpretive programs may not be charged.

5. ACCOUNTING AND REPORTING

- 5.1 Once emergency law and order funding is authorized, the affected Regional Office staff will:

- Establish an individual account to charge all approved expenditures related to the incident
- Name the individual who is responsible for documenting and tracking expenditures.

Expenditures that do not show up on FFS under the account number may not be reimbursed. If assistance is provided from park areas within another

CHAPTER 38 – FINANCIAL MANAGEMENT OF LAW ENFORCEMENT EMERGENCIES

region, that Regional Office staff will also establish an account to charge all its expenditures. An incident that begins in one fiscal year and extends into another will be assigned two separate account numbers.

- 5.2 The park or Regional Office staff experiencing the incident will assign a name or title to the incident. All Regional Offices providing assistance will use the same incident name to facilitate consolidated reporting.
- 5.3 Following an incident or event for which emergency law and order funding was approved, the Park Superintendent will complete a Law Enforcement Funding Report (Form 10-346) listing the actual costs incurred and submit it, with supporting documentation, to the respective Regional Law Enforcement Specialist within 30 days of the close of the incident. The Region will review the information and forward the package to WASO-LESES within 15 days. Any park areas providing assistance will ensure that the affected park area has all necessary documentation. Required supporting material includes, but is not limited to, the following:
 - An incident report.
 - An AFS 3 Document Summary Report and an AFS 3 Labor Summary Report.
 - Copies of purchase orders, imprest fund vouchers, travel vouchers and all other documents and receipts required to support expenditures charged to the account.
 - A brief statement explaining the relationship of the expenditures to the incident or event.
- 5.4 The Regional Law Enforcement Specialist is responsible for reviewing and consolidating all costs charged to an emergency law and order account, whether the incident occurred within the region or not, and recommending to the Regional Director whether or not to approve the expenditures incurred by their staff.
- 5.5 The Regional Director of a region that experienced an incident where emergency law and order funding was approved, or that provided assistance for such an incident, will submit to the Comptroller a Quarterly Summary Report (Form 10-348) consolidating all approved expenditures charged to emergency law and order accounts. Copies of all Forms 10-346 and supporting documentation will be included. The Regional Director will also send a copy of the quarterly report and supporting documentation, to the DCOP. Quarterly reports are due in WASO on the following dates:

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

January 20

April 20

July 20

October 10

Negative reports are not required.

- 5.6 The DCOP will review the quarterly reports and supporting documentation to assure compliance with provisions of this chapter. The DCOP may also conduct more detailed, random audits of individual incidents. *Inappropriate or unauthorized expenditures will not be approved and will be borne by the Regional Office or park involved.*

CHAPTER 39 – PUBLIC INFORMATION AND MEDIA RELATIONS

1. Introduction
 2. Policy
 3. Release of Information
 4. Media Relations
-

1. INTRODUCTION

The Freedom of Information Act, 5 U.S.C. 552, and relevant Department of the Interior regulations, 43 C.F.R. 2.13, are based upon a long-standing recognition of the public's right to obtain information about government operations and activities. This right is balanced by limitations contained in the Freedom of Information Act and further restricted by provisions of the Privacy Act, 5 U.S.C. 301, 552, and 552(a), and 43 C.F.R. Part 2, sub-part D.

The purposes of this section are to ensure compliance with laws, regulations, and policies concerning information release and to establish appropriate procedures concerning relations with representatives of the media.

In general, the Privacy Act sets maximum standards for release. FOIA establishes minimum standards for release. Agency latitude falls between these two. Presidential Directives and agency documents may provide additional guidance.

2. POLICY

The NPS will provide information to the public and the news media in accordance with applicable laws, Departmental policy, and other NPS Director's Orders. The release of information should not be contingent upon the credentials, purpose, relationship, or identification of persons who request the information.

Relationships with media representatives should be based on the right of the public to obtain access to information, the effective discharge of law enforcement responsibilities, and the safety of all persons involved in law enforcement incidents.

3. RELEASE OF INFORMATION

3.1 General Procedures

3.1.1 Clearances

The Park Superintendent must ensure that staff members who are responsible for assessing law enforcement information requests, or who otherwise have access to law enforcement records or reports, whether commissioned or not, have successfully undergone an appropriate background investigation. These staff members must familiarize themselves with the regulations codified at 43 C.F.R. Part 2.

3.1.2 Scope of Requests

A request for information must be sufficiently specific to identify the particular records sought. If a request is of such a broad nature that filling it would put an unreasonable burden on available staff (e.g., all incident records for a ten year period), the requester should be instructed to refine the scope of the request, if possible, and to make the request in writing to the Park Superintendent. In most instances, the Park Superintendent may find it necessary to charge for the services of a document search and the making of copies as provided for in 43 C.F.R. Part 2.

3.1.3 On-Going Incident Information Disclosure

Employees with personal knowledge of an incident (e.g., ranger that participates in a rescue effort; employee at the scene of a disaster, etc.) may disclose certain incident information as long as the information is not derived from a document or information contained in an official Privacy Act System of Records (e.g., official report). This information may be passed on to another employee (e.g., public affairs officer or park spokesperson) for release and dissemination to the media and general public. Information released under these circumstances should take place as the incident is occurring or shortly after.

3.1.4 Information Disclosures – Emergent Circumstances

Information may be released regarding any person (including juveniles) when the media/public's assistance is necessary to either: 1) locate the person or, 2) warn the public of possible danger (e.g., dangerous criminal). Under these circumstances, information regarding the person's name, age, appearance, clothing worn, location/time last seen, alleged criminal activity, etc., should be disseminated as quickly as possible.

3.1.5 *Restricted Information*

A person who requests information is entitled to see the document and/or receive a copy of the document in which the information is contained. If there is information in the document that is to be withheld, it should be covered over on the original or deleted from the copy. The requester should be informed that a deletion has been made and the reason for the deletion, including a citation of the authority. Where an entire document is not suitable for release, that requester should be so informed.

3.1.6 *Investigative Records*

Disclosure of investigative records compiled for law enforcement purposes is not required by the Freedom of Information Act, but these records may be made available unless such disclosure would:

- Interfere with enforcement proceedings.
- Deprive a person of a right to a fair or an impartial adjudication.
- Constitute an unwarranted invasion of personal privacy.
- Disclose the identity of a confidential source or, in a criminal case, reveal confidential information furnished by a confidential source.
- Disclose investigative techniques or procedures not generally known.
- Endanger the life or physical safety of law enforcement personnel.

3.1.7 *Withholding Information*

To maintain the proper balance between the right of the public to obtain information about Government operations and the need for the NPS to keep certain law enforcement information confidential without acting in an arbitrary or capricious manner, information will be withheld if:

- The information falls into one of the six categories listed above.
- A sound reason exists for withholding the information beyond the mere meeting of the technical criteria of the category.

3.1.8 *Non-Releasable Information*

Non-releasable information includes, but is not limited to:

RM-9 LAW ENFORCEMENT REFERENCE MANUAL

1. Names of fatally or seriously injured victims whose next of kin have not been notified.
2. Names of juveniles charged with criminal offenses.
3. Names of victims of sexual assaults.
4. Names of people or witnesses who may become victims of crimes or retaliation in the future.
5. Information on incidents where criminal action is still under investigation and information released could hinder or adversely affect the investigation.
6. Investigative information that goes beyond general incident reporting.
7. Explicit details, including graphic photos or images of extreme injuries or brutal fatalities.
8. Home addresses, telephone numbers, and social security numbers.
9. Information from individual personnel files and/or medical records of employees.
10. Requests for information contained in reports of concern to other bureaus or agencies. Such requests will be referred to the Park Superintendent and the respective Park or Regional FOIA/Privacy Act Officer.
11. A record obtained by the NPS from a source outside of the Government. In such cases, the staff member responsible for processing the request will, when it is administratively feasible to do so, seek the approval of the original source before making a decision on the request.
12. Names and other personal information pertaining to the identification of the commissioned employees involved in the shooting or other deadly-force incident or incidents where the commissioned employee and/or subjects sustain injury, for at least 72 hours or longer if required for notification of family, etc.

3.1.9 *Releasable Information*

1. Names, ages, and hometowns of the individuals involved in the incident.

CHAPTER 39 – PUBLIC INFORMATION AND MEDIA RELATIONS

2. Relevant details pertaining to the incident.
3. Names of fatality victims whose next of kin have been notified, including juveniles.
4. Description of lost, stolen, or missing property.
5. Criminal charges and location of arrest, if applicable.
6. Name of the complainant (except victims of sex crimes).
7. Name of arresting commissioned employee (except as specified in 3.1.7 above).

4. MEDIA RELATIONS

4.1 On-Scene Procedures

4.1.1 *Access*

At the scene of an incident, legitimate representatives of the news media may be allowed access to areas normally and legally restricted to the general public as long as access does not interfere with law enforcement operations, the apprehension of suspects, or the preservation of evidence. This section does not give the media any rights to enter private property. If the safety of media representatives would be jeopardized, they should be so informed and restricted from the scene. If the safety of NPS employees or the public would be jeopardized by media presence in a hazardous area or situation, justification exists to restrict media representatives from the scene.

On May 24, 1999, the United States Supreme Court unanimously ruled that it is a violation of the Fourth Amendment for law enforcement officers to allow the media to accompany them during the execution of a warrant in a home. The Court found no justification that would allow the ***media or other third party*** onto a homeowner's property when they do not aid in the execution of the warrant.

4.1.2 *Press Releases Pertaining to Criminal Investigations and Prosecutions*

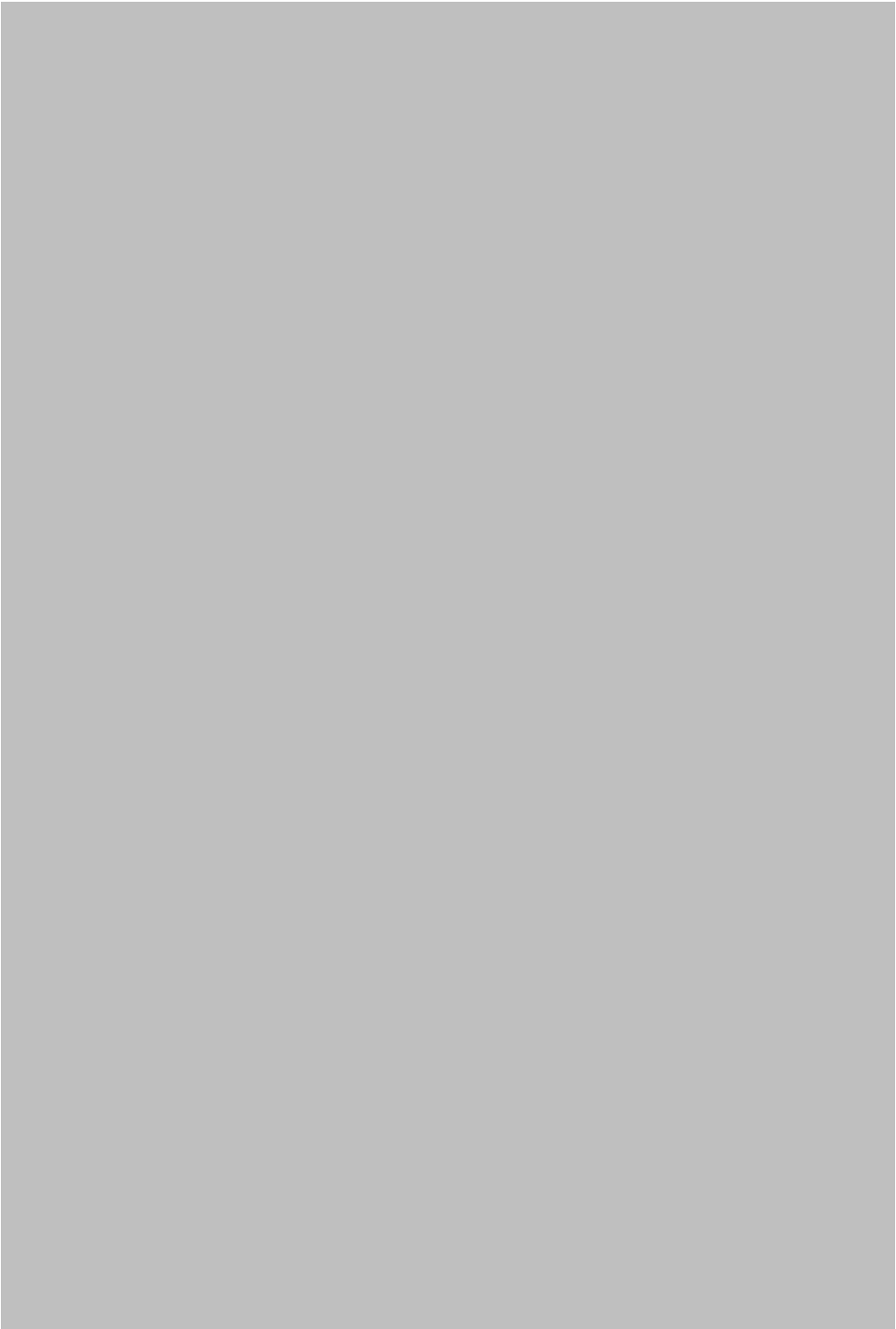
Press releases and other information provided to the media relating to criminal investigations or prosecutions must be reviewed and approved by either reporting ranger, Case Agent and/or the Office of the U.S. Attorney (or other prosecuting official) prior to release. The Chief Ranger or the Supervisory Special Agent in Charge may release information after consultation with the above noted personnel.

4.1.3 *Contact with Prisoners/Suspects*

A prisoner or suspect will not be posted or stationed for the purpose of photographing or televising by the news media. The news media should not be allowed to interview a prisoner or suspect unless, at the discretion of the senior law enforcement official, such interview facilitates law enforcement actions, and such interview does not interfere with due process of law, delay a proceeding, or unreasonably create a security or safety risk.

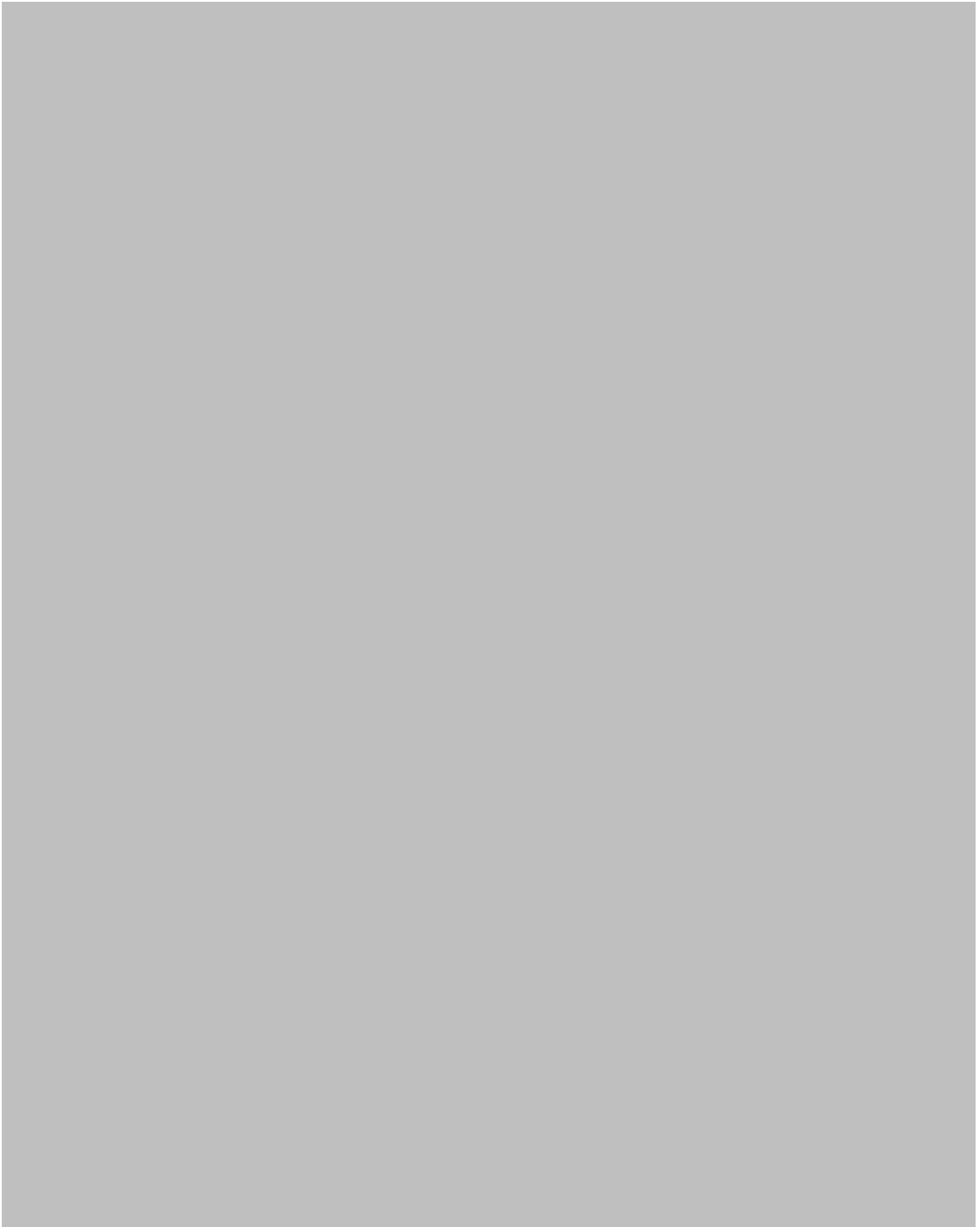
**CHAPTER 40 – DISPATCH SERVICES AND COMPUTERIZED
INFORMATION SYSTEMS**













Law Enforcement Services – Ch. 40





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CHAPTER 41 – EMPLOYEE HEALTH

1. Policy
 2. Directives
-

1. POLICY

1.1 Medical Standards and Fitness Requirements

Commissioned employees will be in compliance with DO-57 and RM-57, the Service’s Occupational Medical Standards, Health and Fitness program.

5 C.F.R. 339.203 authorizes agencies to establish physical requirements for positions with physically rigorous duties. The NPS has established the following criteria for its *mandatory participation* health and fitness program and fitness testing for all emergency service personnel:

- All employees who are assigned rigorous duties are *required* to participate in an individual fitness program.
- All employees who are assigned rigorous duties are required to participate in fitness testing at least one time each year. Annual Fitness tests must occur at least three months apart.
- The continual maintenance of the physical fitness level required to safely perform rigorous duties is a responsibility of the individual employee.

In conformance to DM446 and RM-57 NPS commissioned employees will participate in a fitness program and an annual fitness test. Individual park units may require participation in fitness testing more frequently than one time per year according to local park policy.

1.2 Critical Incident Stress Management

Post-traumatic stress is recognized as a potential risk for commissioned employees and will be dealt with in a humanistic and professional manner. Commissioned employees and their supervisors will be trained to recognize the symptoms of post-traumatic stress and to provide initial assistance to co-workers exhibiting those symptoms. Individuals who display symptoms of post-traumatic stress or who have been involved in an incident or a series of incidents having the potential for resulting in post-traumatic stress will be provided assistance promptly.

1.3 **Infectious Diseases**

Commissioned employees will take all appropriate measures to protect their health and well-being. All employees will respond in accordance with approved OSHA regulations and NPS directives (including DO-50) when involved in incidents that may have exposed them, other NPS employees, or the public to an infectious disease.

2. **DIRECTIVES**

2.1 **Critical Incident Stress Management (CISM)**

Incident commanders, supervisors, commissioned employees and their co-workers must all be conscious of the potential for critical incident stress when an employee is exposed to incidents that cause them to experience unusually strong emotional reactions which have the potential to interfere with their ability to function. Symptoms of stress may appear acutely at a gruesome scene or may surface subtly and later in other forms, including decreased performance, withdrawal from peers or family, drug or alcohol abuse, or suicidal actions.

The Service will make all reasonable efforts to ensure that critical incident stress intervention is provided by trained Peer Supporters with a similar professional background. Though the CISM program is intended for all NPS employees, for the purposes of the Law Enforcement program, the Service will make all reasonable efforts to ensure that professional counseling, psychological or psychiatric services are secured from individuals specially trained and experienced in serving the unique requirements of law enforcement personnel.

2.1.1 *Training*

The National Park Service CISM program will be based on the established principles from the International Critical Incident Stress Foundation (ICISF). All Peer Supporters who participate in the NPS program will receive the appropriate training and will follow protocols established by the CISM program manager.

2.1.2 *Intervention*

Certain situations increase the likelihood that a commissioned employee will be a candidate for post-traumatic stress intervention, such as:

- When involved in an incident in which the commissioned employee caused the death or serious injury of another person, or has discharged a firearm at another person.

CHAPTER 41 – EMPLOYEE HEALTH

- When wounded or fired upon.
- When involved in critical situations such as disasters and multi-casualty incidents.

Depending upon the severity, duration, and magnitude of the events (not limited to those cited above) and the subsequent symptoms displayed by an employee, any of the following forms of intervention or assistance will be made available:

- One-on-one support provided by a colleague or peer.
- One-on-one support/intervention by a peer counselor.
- Group defusings.
- Formal Critical Incident Stress Debriefings.

The reaction of an individual involved in a significant traumatic incident may exceed the need for routine counseling and result in the immediate need for medical attention and/or a change in duty status. A supervisor may have to consider placing an employee in leave status pending a visit to a medical facility or, in extreme cases, arrange for the employee to be transported for immediate treatment.

When a supervisor notices performance or conduct changes in an employee that has been subject to a critical incident, they may refer the employee for medical consultation (see RM-57). For the purposes of this document, individuals who seek help after a critical incident may see a medical professional. A *Medical Professional*, as it applies to this policy, will be a physician psychiatrist or PhD psychologist with subject matter expertise in law enforcement and is approved by WASO-LESES.

2.1.3 *Legal Considerations*

Managers and supervisors must be alert to legal conflicts that may exist between conducting criminal or civil investigations into certain incidents (e.g., shootings), and the desire to provide peer and other counseling services to affected employees or citizens. Personnel must recognize that conversations that occur between affected employees (or private parties) and peer and other counselors other than licensed practitioners are not privileged, and may be called into evidence in subsequent proceedings. Further, the priorities of an active criminal or civil investigation may dictate that peer and other counseling be deferred temporarily, until necessary investigative interviews with affected employees and other parties have been completed. Establishment of such priorities may be necessary to avoid the possibility of

“tainting” statements or testimony that could critically influence the outcome of a case.

2.2 **Infectious Diseases**

When faced with a situation that involves potential exposure to a communicable disease, an employee will exercise caution and must wear disposable latex/vinyl or similar medical gloves, eye protection and masks, as appropriate when engaged in any of the following activities:

- Providing first-aid or medical care where blood or body fluids are present.
- Handling items that may contain contaminated blood or body fluid products (e.g., hypodermic needles or syringes) or when packaging and handling these items as evidence. Such items are frequently found at crime scenes, during arrests, or abandoned in visitor use areas.
- Searching arrested persons, particularly those arrested for drug incidents.
- Cleaning blood or other secretions that have contaminated floors, seats, vehicle interiors, etc.

It is important that employees be familiar and compliant with RM-50B – Occupational Safety and Health Program.

INDEX

A

AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES

- Approval, Ch. 24 § 3.2.2
- Areas of potential conflict, Ch. 24 § 3.2.5
- Authority, Ch. 24 § 3.2.4
- Mutual benefits, Ch. 24 § 3.2.1
- Objective, Ch. 24 § 3.2.3
- Review, Ch. 24 § 3.2.2
- Types, Ch. 24 § 3.1

AIRCRAFT

- Impoundment of property, Ch. 14 §§ 1, 2

AIRCRAFT ACCIDENTS

- Incident reports
 - Serious Incident Reporting System (SIRS), Ch. 36 § 2.1.1

ALIENS

- Foreign nationals and diplomatic immunity, Ch. 25 §§ 1 to 3.6 (*See FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY*)

AMMUNITION (*See FIREARMS AND WEAPONS*)

ANIMALS RUNNING AT LARGE

- Destruction by commissioned personnel, Ch. 27 §§ 1, 2
- Dispatching injured animals, Ch. 27 § 2.2
- Resource management/animal control operations, Ch. 27 § 2.3

ARRESTS

- Authority to arrest outside park jurisdiction, Ch. 24 §§ 2.2, 4.6
- Computerized information systems
 - Warrant hits, Ch. 40 § 3.5.1
- Execution of warrants or other process, Ch. 23 §§ 1, 2
 - Detention and arrest, Ch. 23 § 2.2.1
- Foreign nationals and diplomatic immunity
 - Full diplomatic immunity officials
 - Constraints on arrest, detention or prosecution, Ch. 25 § 3.1.3
 - Non-diplomatic foreign nationals
 - Reporting, Ch. 25 § 3.5.3
- Juvenile offenders
 - Arrest procedures, Ch. 22 § 3.3.3
 - Confidentiality of information, Ch. 22 § 3.3.5
 - Extended detention, Ch. 22 § 3.3.6
 - Jurisdictional procedures, Ch. 22 § 3.3.2
 - Juvenile rights, Ch. 22 § 3.3.1
 - Photographing and fingerprinting, Ch. 22 § 3.3.4

ARRESTS—Cont'd

Juvenile offenders—Cont'd

- Release to a parent, guardian, or custodian, Ch. 22 § 3.3.7
- Prisoner restraint and transport, Ch. 12 §§ 1.1, 1.5
- Restraining devices/prisoner transport, Ch. 12 § 1.1, 1.5

B

BACKGROUND INVESTIGATIONS

- Employees from other federal agencies, Ch. 5 § 6.2
- FLETC students, Ch. 5 § 6.1.2
- Special Agreement Check (SAC), Ch. 5 § 6.1.1
- Submissions required, Ch. 5 § 6.4
- Suitability determination, Ch. 5 § 6.3
- Types required, Ch. 5 § 6.1
- Updates, Ch. 5 § 6.1.3

BICYCLES

- Collision reports, Ch. 20 § 3.1.5

BOARDS OF INQUIRY (BOI)

Consultation

- Referral for criminal prosecution or tort claim action, Ch. 6 § 2.2.5

Convening a BOI, Ch. 6 § 2.1

- Authority to establish, Ch. 6 § 2.1.1

- Employee rights, Ch. 6 § 2.2.8

Exigent circumstances

- Deviation from policies, directives, and other restrictions, Ch. 6 § 2.2.11

Membership, Ch. 6 § 2.1.2

- Notification of employee, Ch. 6 § 2.2.7

- Preliminary arrangements, Ch. 6 § 2.2.3

- Recordkeeping, Ch. 6 § 2.2.6

- Scheduling, Ch. 6 § 2.2.4

- When to call a board, Ch. 6 § 2.2.2

Disclosures

- Internal deliberations, Ch. 6 § 2.2.12

- Employee rights, Ch. 6 § 2.2.8

Employee's past record

- Considering the revocation of a commission, Ch. 6 § 2.2.10

- Functions of BOI, Ch. 6 § 2.2.1

Lost or stolen law enforcement firearms

- BOI report, Ch. 30 § 8

- Policy, Ch. 6 § 1.1

Witnesses

- Compelling attendance, Ch. 6 § 2.2.9

BOARDS OF REVIEW (BOR)

Consultation

- Referral for criminal prosecution or tort claim action, Ch. 6 § 3.2.5

INDEX

BOARDS OF REVIEW (BOR)—Cont'd

- Convening a BOR, Ch. 6 § 3.1
 - Authorization to convene, Ch. 6 § 3.1.1
 - Chairperson, Ch. 6 § 3.2.6
 - Incidents requiring a board of review, Ch. 6 § 3.2.2
 - Membership, Ch. 6 § 3.1.2
 - Preliminary arrangements, Ch. 6 § 3.2.3
 - Recordkeeping, Ch. 6 § 3.2.7
 - Scheduling, Ch. 6 § 3.2.4
- Deadly force review process, Ch. 11
- Disclosure
 - Internal deliberations, Ch. 6 § 3.2.9
- Functions of a BOR, Ch. 6 § 3.2.1
- Policy, Ch. 6 § 1.2
- Witnesses
 - Compelling attendance, Ch. 6 § 3.2.8

BOATS AND OTHER WATERCRAFT

- Collision reports
 - Motor vehicle and boat collision report information (*See COLLISION REPORTS*)
- Impoundment of property, Ch. 14 §§ 1, 2
- Law enforcement vessels, Ch. 35 §§ 1 to 2.3
 - Arrowhead, Ch. 35 § 2.1.4
 - Directives, Ch. 35 § 2
 - Non-commissioned personnel
 - Removal of all defensive equipment, Ch. 35 § 2.3
 - Operation, Ch. 35 § 2.3
 - Policy, Ch. 35 § 1
 - Striping, Ch. 35 § 2.1.2
 - Variance for small watercraft, Ch. 35 § 2.1.6
 - Vessel coloring, Ch. 35 § 2.1.1
 - Vessel equipment, Ch. 35 § 2.2
 - Vessel markings, Ch. 35 § 2.1
 - Wording, Ch. 35 § 2.1.5
- Non-law enforcement vessels
 - Vehicle markings, Ch. 35 § 2.1.3

BRANCH CHIEF, OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR)

- Role and functions, Ch. 1 § 5.14

C

CHECKPOINTS, Ch. 17 §§ 1 to 2.4

- Directives, Ch. 17 § 2
- Generally, Ch. 17 § 2.1.1
- Operations plan, Ch. 17 § 2.1.2
- Policy, Ch. 17 § 1
- Radar and laser speed detecting devices, Ch. 17 § 2.4
 - Guidelines for application, Ch. 17 § 2.4.2
 - Procedures, Ch. 17 § 2.4.3

CHECKPOINTS—Cont'd

Radar and laser speed detecting devices—Cont'd

Use of systems, Ch. 17 § 2.4.1

Sobriety checkpoints, Ch. 17 §§ 2.2, 2.3

Approval, Ch. 17 § 2.2.2

Purpose, Ch. 17 § 2.2.1

Reports, Ch. 17 § 2.3

CHILDREN AND MINORS

Juvenile offenders, Ch. 22 §§ 1 to 3.7 (*See* **JUVENILE OFFENDERS**)

CLOSED CIRCUIT TELEVISION (CCTV), Ch. 26 §§ 1, 3.1 to 3.6

Accountability, Ch. 26 § 3.5

Controlled facility, Ch. 26 § 3.3

Directives, Ch. 26 § 3

Introduction, Ch. 26 § 3.1

Operation and use, Ch. 26 § 3.2

Policy, Ch. 26 § 1

Public notice and comments, Ch. 26 § 3.6

Recorded CCTV images, Ch. 26 § 3.4

Use in jail/custodial holding facilities, Ch. 26 § 3.7

CODE OF FEDERAL REGULATIONS

Title 36

Application of regulations to persons on park lands, Ch. 3 § 5.1

COLLISION REPORTS

Bicycles, Ch. 20 § 3.1.5

Motor vehicle and boat collision report information

Boat accident reporting, Ch. 20 § 3.2.7

Contents of narrative, Ch. 20 § 3.1.1

Definitions, Ch. 20 § 2

Directives, Ch. 20 § 3.1

Documentation of all reported/observed collisions, Ch. 20 § 3.1.1

Fatal collisions, Ch. 20 § 3.1.2

Fatal/serious personal injury collision, Ch. 20 § 3.2.3

Hit and run collisions, Ch. 20 § 3.2.5

NPS vehicle or vessel collision, Ch. 20 § 3.2.4

Personal injury collision, Ch. 20 § 3.2.2

Policy, Ch. 20 § 1

Post-accident facilities, Ch. 20 § 3.1.4

Property damage collision, Ch. 20 § 3.2.1

Records management system (RMS)

Release or disclosure of information, Ch. 37 § 3.1.10

Report form, Ch. 20 § 4

Servicewide traffic accident reporting system (STARS) or successor systems, Ch. 20 § 3.2.6

State reports, Ch. 20 § 3.1.3

COMMISSIONED EMPLOYEES

Accountability for commissions, Ch. 5 § 4.2

INDEX

COMMISSIONED EMPLOYEES—Cont'd

- Active status, Ch. 5 § 7.1
- Appointment of NPS employees by other agencies, Ch. 24 §§ 4.1 to 4.11 (*See*
COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES)
- Arrests
 - Cooperation in execution of warrants, Ch. 40 § 3.5.1
- Background investigations
 - FLETC students, Ch. 5 § 6.1.2
 - Special Agreement Check (SAC), Ch. 5 § 6.1.1
 - Types required, Ch. 5 § 6.1
 - Updates, Ch. 5 § 6.1.3
- Complaints against employees
 - Internal investigations, Ch. 16 §§ 1 to 20 (*See* **INTERNAL INVESTIGATIONS**)
- Crime prevention
 - Primary duty, Ch. 1 § 1.1
 - Responsibilities, Ch. 26 § 2.2
- Disqualification, Ch. 5 § 2.3
- Duty status, Ch. 5 §§ 7.3.1 to 7.3.9
- Ethics and conduct, Ch. 4 § § 1 to 4.4.1 (*See* **ETHICS AND CONDUCT**)
- Files, Ch. 5 § 5.2
- Firearms
 - Qualification standards (*See* **FIREARMS AND WEAPONS**)
 - Training and instruction (*See* **FIREARMS AND WEAPONS**)
- Force, use of
 - Deadly force, Ch. 10 §§ 1 to 5 (*See* **DEADLY FORCE**)
 - Generally, Ch. 10 §§ 1 to 5 (*See* **USE OF FORCE**)
- Good standing, Ch. 5 § 7.2
- Health and fitness requirements
 - Annual fitness test, Ch. 41 § 1.1
 - Compliance with regulations, Ch. 41 § 1.1
 - Critical incident stress management (CISM), Ch. 41 §§ 1.2, 2.1
 - Intervention, Ch. 41 § 2.1.2
 - Legal considerations, Ch. 41 § 2.1.3
 - Critical incident stress management (CISM) training, Ch. 41 § 2.1.1
 - Directives, Ch. 41 § 2
 - Infectious diseases
 - Protection of health and well-being, Ch. 41 §§ 1.3, 2.2
 - Policy, Ch. 41 § 1
- Internal investigations, Ch. 16 §§ 1 to 20 (*See* **INTERNAL INVESTIGATIONS**)
- Invalid status, Ch. 5 § 7.3.6
 - Procedures for other than active status commissions, Ch. 5 § 7.4.2
- Issuance of commissions, Ch. 5 § 1.1
- Light duty, Ch. 5 § 7.3.2
 - Pregnancy light duty, Ch. 5 § 7.3.3
- Lost or stolen shields or credentials
 - Procedure, Ch. 5 § 4.2
- Normal duty, Ch. 5 § 7.3.1
- Off duty status, Ch. 2 § 3.2
- On duty status, Ch. 2 § 3.1
- Oversight responsibility, Ch. 5 § 5.1

COMMISSIONED EMPLOYEES—Cont'd

- Photo appearance standards
 - Retired credentials, Ch. 5 § 3.3.3
 - Special agents, Ch. 5 § 3.3.2
 - Type I law enforcement commissions, Ch. 5 § 3.3.1
 - Type II law enforcement commissions, Ch. 5 § 3.3.1
- Pregnancy light duty, Ch. 5 § 7.3.3
- Probationary status, Ch. 5 § 7.3.7
- Proprietary jurisdiction
 - Enforcement issues, Ch. 3 §§ 4.1.1, 4.1.2
- Reapplication, Ch. 5 § 3.1
- Records
 - Files and folders, Ch. 5 § 5.2
- Reinstatement, Ch. 5 § 7.3.5
- Restricted duty, Ch. 5 §§ 7.3.4, 7.4.1
- Retention or reissuance of commissions, Ch. 5 § 3
- Retired credentials, Ch. 5 § 3.2
 - Photo appearance standards, Ch. 5 § 3.3.3
 - Policy, Ch. 5 § 3.2.1
 - Procedure, Ch. 5 § 3.2.2
- Revoked status, Ch. 5 § 7.3.9
 - Procedures for other than active status commissions, Ch. 5 § 7.4.4
- Seasonal training academies
 - Attendance by permanent employees, Ch. 5 § 1.5
 - Type II law enforcement commissions
 - Attendance required, Ch. 5 § 1.4.1
- Shields, Ch. 5 § 4.1
- Stolen or lost shields or credentials
 - Procedure, Ch. 5 § 4.2
- Surrender of commission
 - Reinstatement, Ch. 5 § 7.3.5
- Suspended status, Ch. 5 § 7.3.8
 - Procedures for other than active status commissions, Ch. 5 § 7.4.3
- Training (*See TRAINING*)
- Type I law enforcement commissions, Ch. 2 § 2.1
 - Appointment of NPS employees by other agencies
 - Eligibility, Ch. 24 § 4.2
 - Nominations, Ch. 5 § 1.2
 - Photo appearance standards, Ch. 5 § 3.3.1
 - Probationary status, Ch. 5 § 7.3.7
 - Standards, Ch. 5 § 1.3
 - Validity, Ch. 5 § 2.1
- Type II law enforcement commissions
 - Appointment of NPS employees by other agencies
 - Restrictions, Ch. 24 § 4.3
 - Authority, Ch. 2 § 2.2.2
 - Issuance, Ch. 5 § 2.2
 - Permanents, Ch. 2 § 2.2.1; Ch. 5 § 2.2
 - Photo appearance standards, Ch. 5 § 3.3.1
 - Seasonal, Ch. 2 § 2.2.1
 - Standards, Ch. 5 § 1.4.1

INDEX

COMMISSIONED EMPLOYEES—Cont'd

Type II law enforcement commissions—Cont'd

Seasonal training academies

Attendance by permanent employees, Ch. 5 § 1.5

Violation notices, Ch. 19 §§ 1, 2

Weapons

Qualification standards (*See FIREARMS AND WEAPONS*)

Training and instruction (*See FIREARMS AND WEAPONS*)

COMMUNICATIONS



COMPUTERIZED INFORMATION SYSTEMS, Ch. 40 §§ 1 to 3



CONCURRENT JURISDICTION, Ch. 1 § 4.2.4; Ch. 3 § 3.2.3

Advantages, Ch. 3 § 4.2.3

Objectives, Ch. 3 § 4.2.1

Principles, Ch. 3 § 4.2.2

COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES, Ch. 24 §§ 1 to 5.2.11



COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES—Cont'd



CRIME PREVENTION

- Commissioned employees
 - Primary duty, Ch. 1 § 1.1
 - Responsibilities, Ch. 26 § 2.2
- Employees' responsibilities, Ch. 26 § 2.2
- Physical security coordinator, Ch. 26 § 2.1
- Policy, Ch. 26 § 1

D

DEADLY FORCE



INDEX

DEADLY FORCE—Cont'd



DEFINED TERMS

- Administrative investigation, Ch. 11 § 5.1
- Attorney general juvenile certification
 - Juveniles, Ch. 22 § 2.8
- Authority, Ch. 3 § 2.1
- Case agent, Ch. 16 § 4.1
 - Deadly force investigation, Ch. 11 § 5.2
 - Investigations management, Ch. 15 § 3
- Closing correspondence, Ch. 16 § 4.2
- Collision
 - Collision reports, Ch. 20 § 2.1
- Complaint, Ch. 16 § 4.3
- Complaint categories, Ch. 16 § 4.4
- Complaint findings/disposition classifications, Ch. 16 § 4.4
- Cooperating agency with primary jurisdiction
 - Investigations management, Ch. 15 § 3
- Deadly force, Ch. 10 § 2.1; Ch. 11 § 5.3
- Defensive equipment, Ch. 1 § 2.3
- Delinquent act
 - Juveniles, Ch. 22 § 2.3
- Discharge
 - Firearms, Ch. 30 § 2.1
 - Intentional, Ch. 10 § 2.6
 - Unintentional, Ch. 10 § 2.6
- Display
 - Use of force, Ch. 10 § 2.2
- Emergency operation
 - Emergency responses, pursuits and roadblocks, Ch. 18 § 2.2
- Emergency vehicle
 - Emergency responses, pursuits and roadblocks, Ch. 18 § 2.3
- Federal air marshal (FAM)
 - Flying while armed, Ch. 21 § 2.5
- Federal flight deck officer
 - Flying while armed, Ch. 21 § 2.4
- Field stripping
 - Armorer program, Ch. 30 § 4.1.6

DEFINED TERMS—Cont'd

- Ground security coordinator (GSC)
 - Flying while armed, Ch. 21 § 2.1
- Initial interview, Ch. 11 § 5.4
- Intermediate weapons
 - Deadly force, Ch. 10 § 2.4
- Investigations
 - Deadly force, Ch. 11 § 5.1
- Investigative services branch, WASO
 - Investigations management, Ch. 15 § 3
- Involved commissioned employee, Ch. 11 § 5.5
- Jurisdiction, Ch. 3 § 2.2
 - Collision reports, Ch. 20 § 2.2
- Juvenile, Ch. 22 § 2.1
- Juvenile Justice and Delinquency Prevention Act, Ch. 22 § 2.6
- Law enforcement, Ch. 1 § 2.1
- Law enforcement program, Ch. 1 § 2.2
- Locking device, Ch. 30 § 2.6
- Maximum risk prisoners
 - Flying while armed, Ch. 21 § 2.2
- Medical Professional, Ch. 11 § 5.6
- Objective reasonableness
 - Use of force, Ch. 10 § 2.5
- Parent
 - Juveniles, Ch. 22 § 2.2
- Park, Ch. 1 § 2.4
- Personally owned firearms, Ch. 30 § 2.3
- Physical control techniques
 - Use of force, Ch. 10 § 2.3
- Pilot-in-command (Captain)
 - Flying while armed, Ch. 21 § 2.3
- Practice
 - Firearms qualifying standards, Ch. 8 § 1.1
- Pursuit
 - Emergency responses, pursuits and roadblocks, Ch. 18 § 2.1
- Qualification
 - Firearms qualifying standards, Ch. 8 § 1.1
- Rolling roadblock
 - Emergency responses, pursuits and roadblocks, Ch. 18 § 2.5
- Runaway
 - Juveniles, Ch. 22 § 2.5
- Scene investigator, deadly force incident, Ch. 11 § 5.7
- Secondary weapons, Ch. 30 § 2.4
- Service firearm, Ch. 30 § 2.2
- 6c, Ch. 1 § 2.5
- Special maritime and territorial jurisdiction
 - Juveniles, Ch. 22 § 2.7
- Status offender
 - Juveniles, Ch. 22 § 2.4
- Statutory roadblock
 - Emergency responses, pursuits and roadblocks, Ch. 18 § 2.4

INDEX

DEFINED TERMS—Cont'd

- Tire deflation devices
 - Emergency responses, pursuits and roadblocks, Ch. 18 § 2.6
- Training
 - Firearms training, Ch. 8 § 1.1
- Use of firearms, Ch. 30 § 2.5
 - Intentional discharge, Ch. 10 § 2.6
 - Unintentional discharge, Ch. 10 § 2.6
- Use of deadly force, Ch. 11 § 5.3
- Use of force, Ch. 10 § 2.6
- Victim and Witness Assistance
 - Earliest Opportunity for Provision of Services, Ch. 28 § 4.4
 - Financial or Pecuniary Harm, Ch. 28 § 4.4
 - Serious Crime, Ch. 28 § 4.4
 - Victim of Crime, Ch. 28 § 4.4
 - Witness, Ch. 28 § 4.4

DEPARTMENTAL LAW ENFORCEMENT OFFICIAL

- Role and functions, Ch. 1 § 5.1

DEPUTATION OF NPS EMPLOYEES BY OTHER AGENCIES, Ch. 24 §§ 4.1 to 4.11
(*See COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES*)

DEPUTATION OF SPECIAL POLICE, Ch. 24 §§ 2.1, 5.1.1 to 5.2.11 (*See SPECIAL POLICE*)

DEPUTY CHIEF, LESES, INVESTIGATIVE SERVICES BRANCH (DCISB)

- Role and functions, Ch. 1 § 5.13

DIPLOMATIC IMMUNITY

- Foreign nationals and diplomatic immunity, Ch. 25 §§ 1 to 3.6 (*See FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY*)

DIRECTOR OF THE NPS

- Role and functions, Ch. 1 § 5.2

DISPATCH/COMMUNICATION SERVICES, Ch. 40 §§ 1 to 3.5



DISPATCH/COMMUNICATION SERVICES—Cont'd



E

ELECTRONIC CONTROL DEVICES (ECDs, Tasers)



EMERGENCY RESPONSES

- Definitions, Ch. 18 § 2
- Directives, Ch. 18 § 3
- Emergency operation
 - Defined, Ch. 18 § 2.2
 - Disregarding traffic regulations, Ch. 18 § 3.1.5
- Emergency vehicle, defined, Ch. 18 § 2.3
- Financial management of law enforcement emergencies, Ch. 38 §§ 1 to 5.6
(See **FINANCIAL MANAGEMENT OF LAW ENFORCEMENT EMERGENCIES**)
- Intergovernmental cooperation with other law enforcement agencies
 - Emergency assistance, Ch. 24 §§ 1.2, 2.2
- Policy, Ch. 18 § 1
- Vehicle warning devices, Ch. 18 § 3.1.6

EMPLOYEES

- Chief park rangers
 - Evidence management
 - Certification of inventory, Ch. 13 § 2.1.1
 - Designation of custodian, Ch. 13 § 2.1.2
- Impoundment of property, Ch. 14 §§ 1, 2
- NCIC coordinator
 - Designation, Ch. 40 § 3.5.5

INDEX

EMPLOYEES—Cont'd

- Chief park rangers—Cont'd
 - Role and functions, Ch. 1 § 5.11
- Complaints against employees
 - Internal investigations, Ch. 16 §§ 1 to 20 (*See* **INTERNAL INVESTIGATIONS**)
- Crime prevention
 - Commissioned employees
 - Primary duty, Ch. 1 § 1.1
 - Responsibilities, Ch. 26 § 2.2
- Departmental law enforcement official
 - Role and functions, Ch. 1 § 5.1
- Deputation of NPS employees by other agencies, Ch. 24 §§ 4.1 to 4.11 (*See* **COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES**)
- Deputy Chief, LESES, Investigative Services Branch
 - Role and functions, Ch. 1 § 5.13
- Director of the NPS
 - Role and functions, Ch. 1 § 5.2
- Duties, Ch. 1 § 1.1
- Ethics and conduct, Ch. 4 §§ 1 to 4.4.1 (*See* **ETHICS AND CONDUCT**)
- Internal investigations, Ch. 16 §§ 1 to 20 (*See* **INTERNAL INVESTIGATIONS**)
- Law enforcement, security, and emergency services division
 - Chief, Ch. 1 § 5.5
 - Deputy chief, operations and policy, Ch. 1 § 5.6
- Non-commissioned employees, Ch. 2 § 4
- Off duty status, Ch. 2 § 3.2
- On duty status, Ch. 2 § 3.1
- Park rangers
 - Role and functions, Ch. 1 § 5.12
- Physical security
 - Responsibilities, Ch. 26 § 2.2
- Regional chief rangers
 - Role and functions, Ch. 1 § 5.9
- Regional directors
 - Role and functions, Ch. 1 § 5.7
- Regional law enforcement specialists
 - Role and functions, Ch. 1 § 5.10
- Requirements, Ch. 1 § 1.1
- Rights, Ch. 16 § 13
 - Collective bargaining, Ch. 16 § 13.2
 - General, Ch. 16 § 13.1
 - Uniform advice of, Ch. 16 § 13.3
 - Notice for compelled (non-criminal) interview, Ch. 16 § 13.3.2
 - Notice for criminal interview, Ch. 16 § 13.3.3
 - Notice for voluntary interview, Ch. 16 § 13.3.1
- Special agents
 - Role and functions, Ch. 1 § 5.16
- Superintendent of the national park service law enforcement training center
 - Role and functions, Ch. 1 § 5.17
- Type I law enforcement commissions (*See* **COMMISSIONED EMPLOYEES**)
- Type II law enforcement commissions (*See* **COMMISSIONED EMPLOYEES**)

EMPLOYEES—Cont'd

- Visitor and resource protection
 - Associate director, Ch. 1 § 5.3
 - Deputy associate director, Ch. 1 § 5.4

EQUIPMENT

- Communications
 - Dispatch/communication services
 - Communications center equipment, Ch. 40 § 3.4.7
- Firearms and weapons
 - Generally (*See FIREARMS AND WEAPONS*)
- Intermediate defensive equipment (*See INTERMEDIATE DEFENSIVE EQUIPMENT*)
- Motor vehicles
 - Law enforcement vehicles (*See LAW ENFORCEMENT VEHICLES*)
- Restraining devices and prisoner transport (*See PRISONER RESTRAINT AND TRANSPORT*)

ETHICS AND CONDUCT, Ch. 4 §§ 1 to 4.4.1

- Administrator code of conduct, Ch. 4 § 4.2.3
- Code of conduct, Ch. 4 § 4.2.2
 - Endorsement, Ch. 4 § 4.2.1
- Conflict of interest, Ch. 4 § 4.2.4
- Goals, Ch. 4 § 3
- Law enforcement personnel conduct
 - Principle, Ch. 4 § 4.1.1
- Oath of office, Ch. 4 § 4.3.2
 - Administration, Ch. 4 § 4.3.1
- Outside employment, Ch. 4 § 4.2.4
- Policy, Ch. 4 § 1
- Principles
 - Adaptability, Ch. 4 § 2.2
 - Compatibility, Ch. 4 § 2.5
 - Integrity, Ch. 4 § 2.3
 - Objectivity, Ch. 4 § 2.1
 - Versatility, Ch. 4 § 2.4
- Violations of standards
 - Reporting, Ch. 4 § 4.4.1

EVIDENCE MANAGEMENT



INDEX

EXCLUSIVE LEGISLATIVE JURISDICTION, Ch. 3 § 3.2.1

EXECUTION OF WARRANTS OR OTHER PROCESS, Ch. 23 §§ 1 to 2.2

- Detention and arrest, Ch. 23 § 2.2.1
- Directives, Ch. 23 § 2
- Federal warrants, Ch. 23 § 2.1.1
- Identification, Ch. 23 § 2.2.5
- Local notification, Ch. 23 § 2.2.3
- Planned execution of warrants, Ch. 23 § 2.2.2
- Policy, Ch. 23 § 1
- State warrants, Ch. 23 § 2.1.2
- Warrant briefing, Ch. 23 § 2.2.4

F

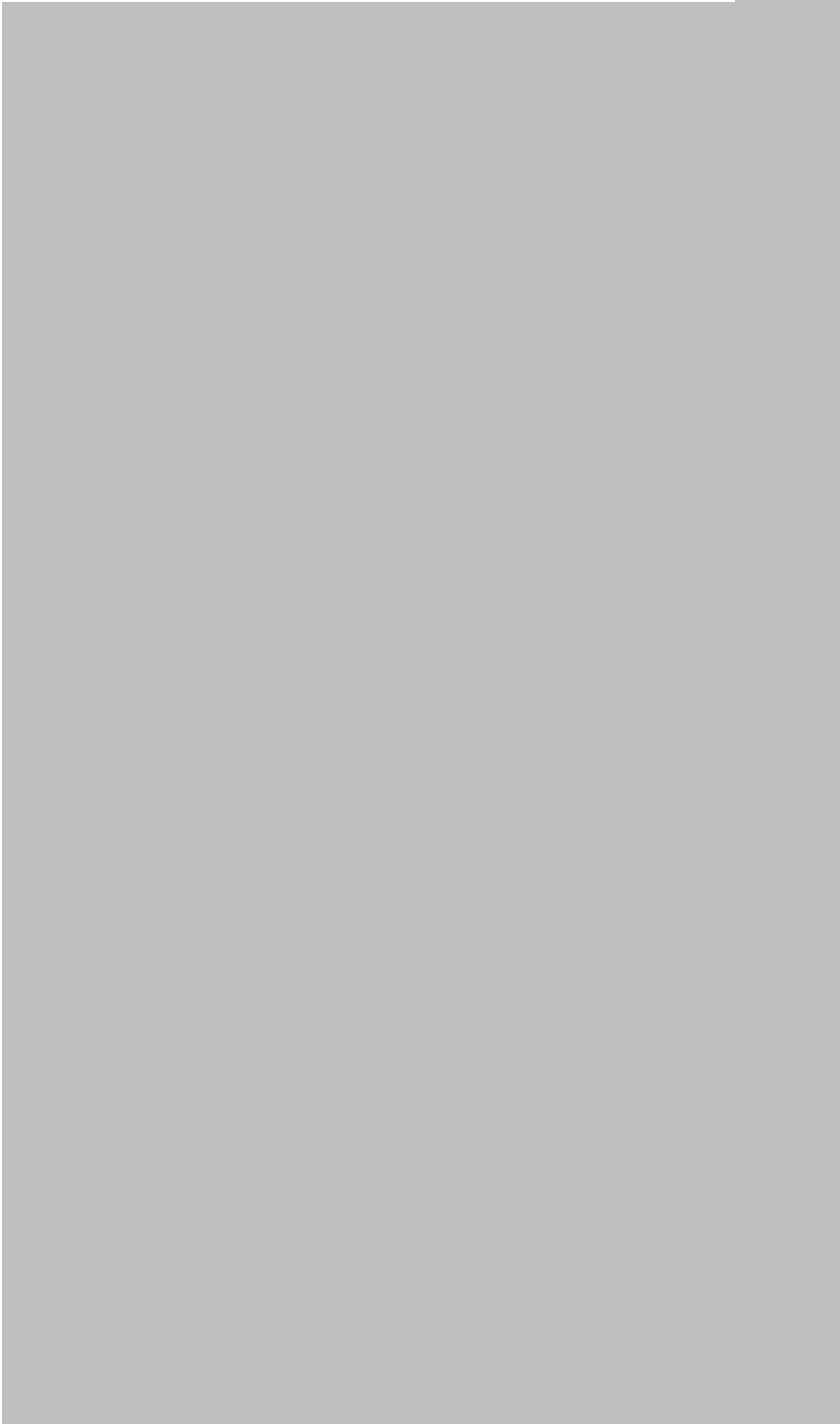
**FINANCIAL MANAGEMENT OF LAW ENFORCEMENT EMERGENCIES, Ch. 38
§§ 1 to 5.5**

- Accounting and reporting, Ch. 38 § 5
- Consolidated reporting, Ch. 38 § 5.2
- Documentation with supporting materials, Ch. 38 § 5.3
- Documenting and tracking expenditures, Ch. 38 § 5.1
- Inappropriate or unauthorized expenditures, Ch. 38 § 5.6
- Negative reports are not required, Ch. 38 § 5.5
- Regional director, responsibilities, Ch. 38 § 5.5
- Regional law enforcement specialist, responsibilities, Ch. 38 § 5.4
- Application and approval process, Ch. 38 § 3
- Anticipated or scheduled incident or event, Ch. 38 § 3.1
- Application for emergency funding, Ch. 38 § 3.2
- Written application request, Ch. 38 § 3.3
- Authorized obligations and expenditures, Ch. 38 § 4
- Conditions and restrictions, Ch. 38 § 4.1
- Limitation on authorized direct costs, Ch. 38 § 4.2
- Specific prior approval for purchase of capitalized equipment, Ch. 38 § 4.3
- Introduction, Ch. 38 § 1
- Policy, Ch. 38 § 2

FIREARMS AND WEAPONS



FIREARMS AND WEAPONS—Cont'd



INDEX

FIREARMS AND WEAPONS—Cont'd



Index

FIREARMS AND WEAPONS—Cont'd



FLYING WHILE ARMED, Ch. 21 §§ 1 to 3.6



FLYING WHILE ARMED—Cont'd



FORCE

- Deadly force, Ch. 10 §§ 1 to 5; Ch. 11 § 1 to 7 (*See* **DEADLY FORCE; USE OF FORCE**)
- Use of force, Ch. 10 §§ 1 to 5; Ch. 11 § 1 to 7 (*See* **DEADLY FORCE; USE OF FORCE**)

FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY, Ch. 25 §§ 1 to 3.6

- Directives, Ch. 25 § 3
- Full diplomatic immunity officials, Ch. 25 § 3.1
 - Ambassadors and ministers, Ch. 25 § 1
 - Brief stops, Ch. 25 § 3.1.4
 - Constraints on arrest, detention or prosecution, Ch. 25 § 3.1.3
 - Consular officers, Ch. 25 § 1
 - Diplomatic immunity by position, Ch. 25 § 3.1.2
 - Types of full immunity, Ch. 25 § 3.1.1
 - Honorary consular officers, Ch. 25 § 1
 - Introduction, Ch. 25 § 1
 - Law enforcement procedures, Ch. 25 § 3.3
 - Assaults against commissioned employees, Ch. 25 § 3.3.3
 - Diplomats as victims, Ch. 25 § 3.3.11
 - Driving under the influence, Ch. 25 § 3.3.6
 - Identification, Ch. 25 § 3.3.1
 - Moving violations, Ch. 25 § 3.3.5
 - Offenses involving consular officer family members, Ch. 25 § 3.3.10
 - Parking violations, Ch. 25 § 3.3.7
 - Search and seizure, Ch. 25 § 3.3.4
 - Traffic collisions, Ch. 25 § 3.3.9
 - Use of force, Ch. 25 § 3.3.2
 - Violation notices, Ch. 25 § 3.3.8
 - Limited diplomatic immunity officials, Ch. 25 § 3.2
 - Career consular officers, Ch. 25 § 1
 - Consular archives and documents, Ch. 25 § 3.2.2
 - Notifications, Ch. 25 § 3.2.3
 - Testimony in judicial proceedings, Ch. 25 § 3.2.5
 - Types of limited immunity, Ch. 25 § 3.2.1
 - Visitations, Ch. 25 § 3.2.4
 - Non-diplomatic foreign nationals, Ch. 25 § 3.5
 - Arrest, reporting, Ch. 25 § 3.5.3
 - Consular notification, Ch. 25 § 3.5.2
 - General requirements, Ch. 25 § 3.5.1
 - Policy, Ch. 25 § 2
 - Reporting, Ch. 25 § 3.4
 - Case incident report, Ch. 25 § 3.4.2
 - Media releases, Ch. 25 § 3.4.6
 - Office of Protocol, Department of State, Ch. 25 § 3.4.5



Index

FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY—Cont'd

Reporting—Cont'd

Park and field office reporting, Ch. 25 § 3.4.4

Requests for asylum, Ch. 25 § 3.6.2

State department notification, Ch. 25 § 3.4.1

Supervisory notification, Ch. 25 § 3.4.3

Requests for asylum, Ch. 25 § 3.6

Case incident reporting, Ch. 25 § 3.6.2

Notification procedures, Ch. 25 § 3.6.1

Protective custody, Ch. 25 § 3.6.3

FREEDOM OF INFORMATION ACT, Ch. 39 § 1

G

GENERAL AGREEMENT (formerly called Memoranda of Agreement (MOA) and Memoranda of Understanding (MOU))

Agreements with other law enforcement agencies, Ch. 24 § 3.1

GOOD SAMARITAN ACT, Ch. 24 § 2.3

H

HIGH SPEED PURSUITS

Definitions, Ch. 18 § 2

Directives, Ch. 18 § 3

Execution of pursuits, Ch. 18 § 3.3

Conditions of termination, Ch. 18 § 3.3.3

Constraints

Type of offense and risk factors, Ch. 18 § 3.1.1

Control as a primary objective, Ch. 18 § 3.3.1

Responsibilities, significant, Ch. 18 § 3.3.2

Termination guidelines, Ch. 18 § 3.3.4

Operation of pursuit vehicle

Dispatcher notification, Ch. 18 § 3.1.3

Disregarding of traffic regulations, Ch. 18 § 3.1.3

Due regard for safety persons and property, Ch. 18 § 3.1.2

Execution of pursuits, Ch. 18 § 3.3

Pursuit, defined, Ch. 18 § 2.1

Pursuit outside jurisdiction, Ch. 18 § 3.1.4

Policy, Ch. 18 § 1

Pursuit tactics, Ch. 18 § 3.2

Considerations, Ch. 18 § 3.2.2

Restrictions, Ch. 18 § 3.2.1

I

IMPOUNDMENT OF PROPERTY, Ch. 14 §§ 1, 2

INDEX

INCIDENT REPORTS

- Bicycles
 - Collision reports, Ch. 20 § 3.1.5
- Collision reports
 - Motor vehicle and boat collision report information (*See* **COLLISION REPORTS**)
- Records management system (RMS)
 - Incident reporting and supervisory notification
 - Information retrieval, Ch. 37 § 3.2.5
 - Notification requirements, Ch. 37 § 3.2.1
 - Offense codes, Ch. 37 § 3.2.3
 - Requirements for reporting, Ch. 37 § 3.2.2
 - Storage, Ch. 37 § 3.2.4
- Serious Incident Reporting System (SIRS)
 - Aircraft accidents, Ch. 36 § 2.1.1
 - Arson, Ch. 36 § 2.2.1
 - Assault or attack on an NPS employee, Ch. 36 § 2.1.1
 - Cultural resource theft/degradation, Ch. 36 § 2.2.1
 - Demonstrations or other hostile acts, Ch. 36 § 2.2.1
 - Directives, Ch. 36 § 2
 - Drug incidents, Ch. 36 § 2.1.1
 - Drug seizures in exceeds \$5,000, or major drug cases, Ch. 36 § 2.2.1
 - Employee arrest, Ch. 36 § 2.2.1
 - Employee fatalities, life-threatening injuries, or injuries requiring hospitalization, Ch. 36 § 2.1.1
 - Force, use of, Ch. 36 § 2.1.1
 - High property damage, Ch. 36 § 2.1.1
 - Inpatient hospitalization of three or more in any single incident, Ch. 36 § 2.2.1
 - Level 1 reports, Ch. 36 § 2.1.1
 - Level 2 reports, Ch. 36 § 2.2.1
 - Major events, Ch. 36 § 2.1.1
 - Missing persons, Ch. 36 § 2.2.1
 - Natural resource theft/degradation, Ch. 36 § 2.2.1
 - Oil spills of 10 gallons or more onto land or soil, Ch. 36 § 2.1.1
 - Political/international officials, Ch. 36 § 2.1.1
 - Purpose, Ch. 36 § 1
 - Report contents, Ch. 36 § 2.3
 - Search and rescue, minor operations, Ch. 36 § 2.2.1
 - Serious crimes, Ch. 36 § 2.1.1
 - Significant hazardous materials events, Ch. 36 § 2.1.1
 - Significant law enforcement events, Ch. 36 § 2.1.1
 - Structural fires, Ch. 36 § 2.2.1
 - Theft and burglary losses in excess of \$10,000, Ch. 36 § 2.2.1
 - Use of force, Ch. 36 § 2.1.1
 - Visitor or public fatalities, Ch. 36 § 2.2.1
 - Weapons discharge, Ch. 36 § 2.1.1
 - Intentional, Ch. 10 § 2.6
 - Unintentional, Ch. 10 § 2.6
 - Wildlife incidents, Ch. 36 § 2.2.1
 - Wildlife or vegetation die-off, Ch. 36 § 2.2.1

INTERAGENCY ACQUISITION AGREEMENTS (IAA)

Agreements with other law enforcement agencies, Ch. 24 § 3.1

INTERAGENCY AGREEMENTS (IA)

Agreements with other law enforcement agencies, Ch. 24 § 3.1

INTERMEDIATE DEFENSIVE EQUIPMENT



INDEX

INTERMEDIATE DEFENSIVE EQUIPMENT—Cont'd



INTERNAL INVESTIGATIONS, Ch. 16 §§ 1 to 20

- Amending complaint investigations, Ch. 16 §§ 15.1 to 15.4
- Annual Audit
 - Generally, Ch. 16 § 14
- Authority/reference, Ch. 16 § 3.1
- Classification determinations/procedures, Ch. 16 §§ 7.1 to 7.3
- Complaint database, Ch. 16 §§ 17.1 to 17.2
- Complaint process overview, Ch. 16 §§ 5.1 to 5.4
- Criminal offenses, Ch. 16 §§ 10.1 to 10.3
- Definitions, Ch. 16 §§ 4.1 to 4.19
- Determining investigative responsibility, Ch. 16 §§ 9.1 to 9.3
- Employee rights, Ch. 16 §§ 13.1 to 13.6
- Investigative procedures
 - Documentation, Ch. 16 § 11.2
 - Investigation, Ch. 16 § 11.1
- Policy, Ch. 16 § 2
 - Application, Ch. 16 § 3
- Purpose, Ch. 16 § 1
- Receiving complaints
 - Generally, Ch. 16 § 8.1
- Records maintenance, Ch. 16 § 18
- Release of information, Ch. 16 §§ 16.1 to 16.3
- Review and approval process, Ch. 16 §§ 12.1 to 12.3
- Roles and responsibilities, Ch. 16 §§ 6.1 to 6.8

INTERNAL INVESTIGATIONS—Cont'd

Standards, Ch. 16 § 2

Training, Ch. 16 § 19

INVESTIGATIONS MANAGEMENT, Ch. 15 §§ 1 to 6.2



J

JURISDICTION, Ch. 3 §§ 1 to 6

Concurrent jurisdiction, Ch. 1 § 4.2.4; Ch. 3 § 3.2.3

Advantages, Ch. 3 § 4.2.3

Objectives, Ch. 3 § 4.2.1

Principles, Ch. 3 § 4.2.2

Defined, Ch. 3 § 2.2

Exclusive legislative jurisdiction, Ch. 3 § 3.2.1

Inventory (previously Compendium), Ch. 3 § 6

Legislative jurisdiction

Defined, Ch. 3 § 2.3

Partial legislative jurisdiction, Ch. 1 § 4.2.4

Nonfederal lands, jurisdiction over, Ch. 3 § 5.2

Partial legislative jurisdiction, Ch. 1 § 4.2.4; Ch. 3 § 3.2.2

Proprietary jurisdiction, Ch. 1 § 4.2.4; Ch. 3 §§ 3.2.4, 4.1.1, 4.1.2

Status, Ch. 3 §§ 3.1.1, 3.1.2

Types of jurisdiction, Ch. 1 § 4.2.4; Ch. 3 §§ 3.2.1 to 3.2.4

INDEX

JUVENILE OFFENDERS



L

LAW ENFORCEMENT AUTHORITY

- Intent of authorities act, Ch. 2 § 1.2
- Management of law enforcement program, Ch. 1 § 3.1
 - Park superintendents, Ch. 1 § 5.8
 - Regional directors, Ch. 1 § 5.7
- Non-commissioned employees, Ch. 2 § 4
- Off duty employees, Ch. 2 § 3.2
- On duty employees, Ch. 2 § 3.1

LAW ENFORCEMENT AUTHORITY—Cont'd

- Scope of authority, Ch. 2 §§ 1.3.1, 1.3.2
- Source of authority, Ch. 2 § 1.1
- Type I law enforcement commissions, Ch. 2 § 2.1
- Type II law enforcement commissions, Ch. 2 § 2.2

LAW ENFORCEMENT NEEDS ASSESSMENTS

- Access to park
 - Effect, Ch. 1 § 4.2.9
- Communications, Ch. 1 § 4.2.11
- Cooperative assistance, Ch. 1 § 4.2.5
- Criminal activity
 - Effect on workload and costs, Ch. 1 § 4.2.8
- Documents providing for program direction, Ch. 1 § 4.1
- Elements generally, Ch. 1 § 4.2
- Environmental factors, Ch. 1 § 4.2.10
- Geographical factors, Ch. 1 § 4.2.10
- Jurisdiction
 - Bearing on scope of park's law enforcement program, Ch. 1 § 4.2.4
- People, protection of
 - Mitigation of threats to visitors and residents, Ch. 1 § 4.2.1
- Political factors, Ch. 1 § 4.2.10
- Property, protection of, Ch. 1 § 4.2.3
- Public use events
 - Impact on scope of park's law enforcement program, Ch. 1 § 4.2.7
- Resources, protection of
 - Inventory of and assignment of priorities to, Ch. 1 § 4.2.2
- Sociological factors, Ch. 1 § 4.2.10
- Special events
 - Impact on scope of park's law enforcement program, Ch. 1 § 4.2.7
 - Incidents that may require selectively increasing law enforcement efforts, Ch. 1 § 4.2.12
- Statutes providing for program direction, Ch. 1 § 4.1
- Technology, Ch. 1 § 4.2.11
- Transportation
 - Effect on law enforcement program, Ch. 1 § 4.2.9
- Visitation patterns and trends, Ch. 1 § 4.2.6

LAW ENFORCEMENT, SECURITY, AND EMERGENCY SERVICES DIVISION

- Chief
 - Role and functions, Ch. 1 § 5.5
- Deputy chief, operations and policy
 - Role and functions, Ch. 1 § 5.6

LAW ENFORCEMENT VEHICLES, Ch. 34 §§ 1 to 3

- Color, Ch. 34 § 2.5.1
- Cooperative LE markings, Ch. 34 § 2.5.3
- DARE markings, Ch. 34 § 2.5.4
- Directives, Ch. 34 § 2
- High visibility markings, Ch. 34 § 2.5.2
- Home-to-work transportation, Ch. 34 § 3

INDEX

LAW ENFORCEMENT VEHICLES—Cont'd

- Home-to-work transportation—Cont'd
 - Authorization and determination, Ch. 34 § 3.1
 - Directive and guidance, Ch. 34 § 3.2
 - Record keeping and audits, Ch. 34 § 3.3
- Low profile markings, Ch. 34 § 2.5.2
- Non-law enforcement vehicles
 - Vehicle markings, Ch. 34 § 2.5.5
- NPS markings, Ch. 34 § 2.5.2
- OEM safety equipment, Ch. 34 § 2.7
- Police packages, Ch. 34 § 2.4.1
- Policy, Ch. 34 § 1
- Unmarked vehicles, Ch. 34 § 2.8
 - Authorized use, Ch. 34 § 2.8.1
 - Emergency equipment, Ch. 34 § 2.8.3
 - License plates, Ch. 34 § 2.8.2
- Vehicle equipment, Ch. 34 § 2.6
 - Unmarked law enforcement vehicles, Ch. 34 § 2.8.3
- Vehicle maintenance, Ch. 34 § 2.3
- Vehicle markings, Ch. 34 § 2.5
- Vehicle operation, Ch. 34 §§ 2.1, 2.2
- Vehicle standards, Ch. 34 § 2.4

M

MEDIA RELATIONS

- Access, Ch. 39 § 4.1
- Foreign nationals and diplomatic immunity
 - Media releases, Ch. 25 § 3.4.6
- Non-releasable information, Ch. 39 § 3.1.8
- Policy, Ch. 39 § 2
- Press releases
 - Criminal investigations and prosecutions, Ch. 39 § 4.1.2
 - Foreign nationals and diplomatic immunity
 - Media releases, Ch. 25 § 3.4.6
- Prisoners
 - Contact with news media, Ch. 39 § 4.1.3
- Releasable information, Ch. 39 § 3.1.9
- Release of information
 - Clearances, Ch. 39 § 3.1.1
 - Criminal information, Ch. 39 § 4.1.2
 - Emergent circumstances, Ch. 39 § 3.1.4
 - Incident information disclosure, Ch. 39 § 3.1.3
 - Investigative records, Ch. 39 § 3.1.6
 - Press releases
 - Criminal investigations and prosecutions, Ch. 39 § 4.1.2
 - Restricted information, Ch. 39 § 3.1.5
 - Scope of requests for information, Ch. 39 § 3.1.2
- Searches and seizures
 - Media presence during execution of warrant, Ch. 39 § 4.1

MEDIA RELATIONS—Cont'd

Suspects

Contact with news media, Ch. 39 § 4.1.3

Withholding information, Ch. 39 § 3.1.7

MINORS

Juvenile offenders

General provisions, Ch. 22 §§ 1 to 3.7 (*See JUVENILE OFFENDERS*)

Missing children, Ch. 22 § 3.7

MOTOR VEHICLES

Checkpoints, Ch. 17 §§ 1 to 2.4 (*See CHECKPOINTS*)

Collision reports

Motor vehicle and boat collision report information (*See COLLISION REPORTS*)

Foreign nationals and diplomatic immunity

Driving under the influence, Ch. 25 § 3.3.6

Moving violations, Ch. 25 § 3.3.5

Parking violations, Ch. 25 § 3.3.7

Search and seizure, Ch. 25 § 3.3.4

Traffic collisions, Ch. 25 § 3.3.9

Violation notices, Ch. 25 § 3.3.8

High speed pursuits (*See HIGH SPEED PURSUITS*)

Impoundment of property, Ch. 14 §§ 1, 2

Law enforcement vehicles, Ch. 34 §§ 1 to 3 (*See LAW ENFORCEMENT VEHICLES*)

Prisoner restraint and transport

Vehicle prisoner cages, Ch. 12 §§ 1.5.1, 1.5.3

Roadblocks (*See ROADBLOCKS*)

Selective enforcement programs

Vehicle or pedestrian traffic, Ch. 17 §§ 1 to 2.4

N

NATIONAL CRIME INFORMATION CENTER (NCIC), Ch. 40 § 1

Coordinator, Ch. 40 § 3.5.5

Firearms

Evidence management

NCIC check requirements, Ch. 13 § 2.2.1

Protocols, Ch. 40 § 3.5.6

NEEDS ASSESSMENTS (*See LAW ENFORCEMENT NEEDS ASSESSMENTS*)

NON-COMMISSIONED EMPLOYEES, Ch. 2 § 4

NONFEDERAL LANDS

Jurisdiction over, Ch. 3 § 5.2

INDEX

NONRESIDENTS

Foreign nationals and diplomatic immunity (*See* **FOREIGN NATIONALS AND DIPLOMATIC IMMUNITY**)

O

OATHS

Oath of office, Ch. 4 § 4.3.2
Administration, Ch. 4 § 4.3.1

OBJECTIVES, Ch. 1 § 1.1

OFFICE OF LAW ENFORCEMENT AND SECURITY

Deputy assistant secretary
Role and functions, Ch. 1 § 5.1

P

PARK RANGERS

Chief park rangers
Evidence management
Certification of inventory, Ch. 13 § 2.1.1
Designation of custodian, Ch. 13 § 2.1.2
Impoundment of property, Ch. 14 §§ 1, 2
Investigations management
Role and function, Ch. 15 § 4.1
NCIC coordinator
Designation, Ch. 40 § 3.5.5
Role and functions, Ch. 1 § 5.11
Role and functions, Ch. 1 §§ 5.11, 5.12

PARK SUPERINTENDENTS

Law enforcement needs assessments, Ch. 1 § 4
Management of law enforcement programs, Ch. 1 §§ 3.1, 5.8
Role and functions, Ch. 1 § 5.8
Special police deputation
Authorizing official, Ch. 24 § 5.1.3

PARTIAL LEGISLATIVE JURISDICTION, Ch. 1 § 4.2.4; Ch. 3 § 3.2.2

PERSONNEL (*See* **EMPLOYEES**)

PHYSICAL SECURITY



POLICY, Ch. 1 § 3.1

PRISONER TRANSPORT



PROPRIETARY JURISDICTION, Ch. 1 § 4.2.4; Ch. 3 §§ 3.2.4, 4.1.1, 4.1.2

PUBLIC INFORMATION

- Freedom of information act, Ch. 39 § 1
- Non-releasable information, Ch. 39 § 3.1.8
- Policy, Ch. 39 § 2
- Releasable information, Ch. 39 § 3.1.9
- Release of information
 - Clearances, Ch. 39 § 3.1.1
 - Emergent circumstances, Ch. 39 § 3.1.4
 - Incident information disclosure, Ch. 39 § 3.1.3
 - Investigative records, Ch. 39 § 3.1.6
 - Media relations generally (*See MEDIA RELATIONS*)
 - Restricted information, Ch. 39 § 3.1.5
 - Scope of requests for information, Ch. 39 § 3.1.2
- Withholding information, Ch. 39 § 3.1.7

R

RECORDS MANAGEMENT SYSTEM (RMS)

- Computerization requirement, Ch. 37 § 3.1.1
- DCOP
 - Responsibilities, Ch. 37 § 3.3.2
- Directives, Ch. 37 § 3
- Electronic records and reports
 - Retention periods, Ch. 37 § 3.1.8
- Hard-copy records and reports
 - Retention periods, Ch. 37 § 3.1.8
- Incident reporting and supervisory notification
 - Information retrieval, Ch. 37 § 3.2.5
 - Notification requirements, Ch. 37 § 3.2.1
 - Offense codes, Ch. 37 § 3.2.3
 - Requirements for reporting, Ch. 37 § 3.2.2
 - Storage, Ch. 37 § 3.2.4
- Motor vehicle and boat collision report information
 - Release or disclosure of information, Ch. 37 § 3.1.10
- NPS unit
 - Responsibilities, Ch. 37 § 3.3.1
- Objectives, Ch. 37 § 1

INDEX

RECORDS MANAGEMENT SYSTEM (RMS)—Cont'd

- Parallel reporting requirements, Ch. 37 § 3.1.4
- Policy, Ch. 37 § 2
- Record retention
 - Guidelines, Ch. 37 § 3.1.7
 - Retention periods, Ch. 37 § 3.1.8
- Release or disclosure of information
 - Confidentiality, Ch. 37 § 3.1.3
 - Criteria and guidelines, Ch. 37 § 3.1.9
 - Disclosure outside the Department, Ch. 37 § 3.1.9
 - Federal department and agencies, Ch. 37 § 3.1.9
 - FOIA and Privacy Act regulations, Ch. 37 § 3.1.9
 - Motor vehicle and boat collision report information, Ch. 37 § 3.1.10
 - NIBRS information, Ch. 37 § 3.1.5
 - Social Security numbers, prohibited, Ch. 37 § 3.1.9
- Report contents, Ch. 37 § 3.1.2
- Restrictions on use, Ch. 37 § 3.1.6
- Violation notices
 - Records management system entries, Ch. 19 § 2.1.6

REGIONAL CHIEF RANGERS

- Role and functions, Ch. 1 § 5.9

REGIONAL DIRECTORS

- Role and functions, Ch. 1 § 5.7

REGIONAL LAW ENFORCEMENT SPECIALISTS

- Role and functions, Ch. 1 § 5.10

REIMBURSABLE SERVICE AGREEMENTS (RSA)

- Agreements with other law enforcement agencies, Ch. 24 § 3.1

REIMBURSABLE SERVICE AND SUPPORT AGREEMENTS (RSSA)

- Agreements with other law enforcement agencies, Ch. 24 § 3.1

RESTRAINT AND RESTRAINING DEVICES



RESTRAINT AND RESTRAINING DEVICES—Cont'd



RIGHTS, EMPLOYEE

Collective bargaining, Ch. 16 § 13.2

General, Ch. 16 § 13.1

Uniform advice of, Ch. 16 § 13.3

Notice for compelled (non-criminal) interview, Ch. 16 § 13.3.2

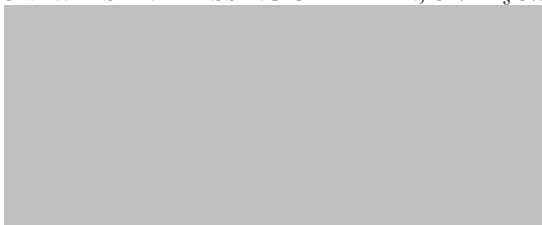
Notice for criminal interview, Ch. 16 § 13.3.3

Notice for voluntary interview, Ch. 16 § 13.3.1

ROADBLOCKS



RUNAWAYS AND MISSING CHILDREN, Ch. 22 § 3.7



S

SEARCHES AND SEIZURES

Execution of warrants or other process, Ch. 23 §§ 1, 2

Foreign nationals and diplomatic immunity

Law enforcement procedures, Ch. 25 § 3.3.4

Media presence during execution of warrant, Ch. 39 § 4.1

NPS personnel

Authority outside park jurisdiction, Ch. 24 § 2.2

INDEX

SECRETARY OF THE INTERIOR

- Cooperation with other law enforcement agencies
 - Authority, Ch. 24 §§ 1.1, 1.2

SELECTIVE ENFORCEMENT PROGRAMS



SHIELDS, Ch. 5 § 4.1

- Accountability for, Ch. 5 § 4.1

SPECIAL AGENTS

- In charge, Ch. 1 § 5.15
- Photo appearance standards, Ch. 5 § 3.3.2
- Role and functions, Ch. 1 § 5.16
- Special agent in charge, Ch. 1 § 5.15
- Training
 - Core requirements, Ch. 7 § 2.4.1
 - Initial training, Ch. 7 § 2.4
 - In-service/refresher training, Ch. 7 § 4.2.4
- Type I commissioned employees, Ch. 1 § 5.16

SPECIAL POLICE

- Deputation, Ch. 24 §§ 2.1, 5.1.1 to 5.2.11
 - Agency-wide deputation, Ch. 24 § 5.1.2
- Agreements
 - Written agreements required, Ch. 24 § 5.2.2
- Authority, Ch. 24 § 5.2.4
- Authorizing official, Ch. 24 § 5.1.3
- Compliance with NPS policies and procedures, Ch. 24 § 5.2.8
- Eligibility, Ch. 24 § 5.2.1
- Employment status, Ch. 24 § 5.2.3
- Identification, Ch. 24 § 5.2.7
- Individual deputation, Ch. 24 § 5.1.1
- Records, Ch. 24 § 5.2.10
- Reports, Ch. 24 § 5.2.9
- Term, Ch. 24 § 5.2.5
- Training requirements, Ch. 24 § 5.2.11
- Uniforms, Ch. 24 § 5.2.6

SUPERINTENDENT OF THE NPS LAW ENFORCEMENT TRAINING CENTER

- Role and functions, Ch. 1 § 5.17

SUPREMACY CLAUSE

- Effect on jurisdiction, Ch. 1 § 4.2.4

T

TASERS (*See* **ELECTRONIC CONTROL DEVICES**)

TERRY STOPS

NPS personnel

Authority outside park jurisdiction, Ch. 24 § 2.2

TORT LIABILITY

Good Samaritan act, Ch. 24 § 2.3

TRAINING

Computerized information systems, Ch. 40 § 2

Critical incident stress management (CISM), Ch. 41 § 2.1

Firearms

Qualification standards (*See* **FIREARMS AND WEAPONS**)

Training and instruction (*See* **FIREARMS AND WEAPONS**)

Initial training, Ch. 7 § 2

In-service/refresher training

Annual requirement, Ch. 7 § 4.1.2

Coordination with FLETC, Ch. 7 § 4.1.1

Core requirements, Ch. 7 § 4.2

Documentation, Ch. 7 § 4.1.4

Generally, Ch. 7 § 4.1

Instructional media, Ch. 7 § 4.1.3

Intermediate defensive equipment

Batons and impact equipment, Ch. 9 § 2.2.1

Chemical agents, Ch. 9 § 2.1.1; Ch. 31 § 2.2.1

Directives, Ch. 9 § 2; Ch. 31 § 2.1.4

Documentation, Ch. 9 § 2.5

Electronic control devices (ECDs), Ch. 9 § 2.3

Emerging technologies/newly developed equipment, Ch. 9 § 2.4

Policy, Ch. 9 § 1

Special agents, Ch. 7 § 4.2.4

Supervisory and administrative personnel, Ch. 7 § 4.2.3

Time requirements and training plans, Ch. 7 § 4.2.1

Training topics

Special agents, Ch. 7 § 4.2.4

Supervisory and administrative personnel, Ch. 7 § 4.2.3

Type I and Type II commissions, Ch. 7 § 4.2.2

Type I and Type II commissions, Ch. 7 § 4.2.2

Intermediate defensive equipment

In-service training

Batons and impact equipment, Ch. 9 § 2.2.1

Chemical agents, Ch. 9 § 2.1.1; Ch. 30 § 2.2.1

Directives, Ch. 9 § 2; Ch. 30 § 2.1.4

Documentation, Ch. 9 § 2.5

Electronic control devices (ECDs), Ch. 9 § 2.3

Emerging technologies/newly developed equipment, Ch. 9 § 2.4

Policy, Ch. 9 § 1

INDEX

TRAINING—Cont'd

- Lateral reinstatements
 - Initial training, Ch. 7 § 2.3
- Policy, Ch. 7 § 1
- Prior non-FLETC training, Ch. 7 § 2.1.2
- Recommission training, Ch. 7 § 3
 - Type I and Type II permanent commissions, Ch. 7 § 3.1
 - Less than three years, Ch. 7 § 3.1.1
 - More than three years, Ch. 7 § 3.1.2
 - Type II seasonal commissions
 - Less than three years, Ch. 7 § 3.2.1
 - More than three years, Ch. 7 § 3.2.2
- Seasonal training academies
 - Attendance by permanent employees, Ch. 5 § 1.5
 - Type II law enforcement commissions
 - Attendance required, Ch. 5 § 1.4.1
- Special agents
 - Core requirements, Ch. 7 § 2.4.1
 - Initial training, Ch. 7 § 2.4
 - In-service/refresher training, Ch. 7 § 4.2.4
- Superintendent of the national park service law enforcement training center
 - Role and functions, Ch. 1 § 5.17
- Type I and Type II permanent commissions
 - Core requirements, Ch. 7 § 2.1.1
 - Initial training, Ch. 7 § 2.1
- Type II seasonal commission
 - Core requirements, Ch. 7 § 2.2.1
 - Initial training, Ch. 7 § 2.2
 - Prior non-FLETC approved training, Ch. 7 § 2.2.2
- Weapons
 - Qualification standards (*See FIREARMS AND WEAPONS*)
 - Training and instruction (*See FIREARMS AND WEAPONS*)

TYPE I LAW ENFORCEMENT COMMISSIONS (*See COMMISSIONED EMPLOYEES*)


TYPE II LAW ENFORCEMENT COMMISSIONS (*See COMMISSIONED EMPLOYEES*)

U

UNIFORMS

- Appearance standards, Ch. 29 § 2.1.2
- Baton ring
 - Leather gear, Ch. 29 § 2.2.7
- Central issue items, Ch. 29 § 2.4
- Cloth shield patch, Ch. 29 § 2.3.1
- Concealment holsters, Ch. 29 § 2.3.5
- Defensive equipment, Ch. 29 § 2.1.1
- Directives, Ch. 29 § 2

UNIFORMS—Cont'd

- Duty belt
 - Leather gear, Ch. 29 § 2.2.4
- ECD holster
 - Leather gear, Ch. 29 § 2.2.2
- Emblems and insignia, Ch. 29 §§ 1, 2.1.1
- Equipment generally (*See* **EQUIPMENT**)
- Extendible baton case
 - Leather gear, Ch. 29 § 2.2.8
- Fanny pack and shoulder holsters, Ch. 29 § 2.3.3
- Flashlight holders, Ch. 29 § 2.3.6
- Grooming, Ch. 29 § 2.1.2
- Handcuff case
 - Leather gear, Ch. 29 § 2.2.3
- Leather gear, Ch. 29 § 2.2
 - Baton ring, Ch. 29 § 2.2.7
 - Duty belt, Ch. 29 § 2.2.4
 - ECD holster, Ch. 29 § 2.2.2
 - Extendible baton case, Ch. 29 § 2.2.8
 - Handcuff case, Ch. 29 § 2.2.3
 - Revolver ammunition carriers, Ch. 29 § 2.2.5
 - Semi-automatic magazine pouch, Ch. 29 § 2.2.6
 - Top draw holster, Ch. 29 § 2.2.1
- Luminescent material sights, Ch. 29 § 2.3.6
- 
- OC spray case, Ch. 29 § 2.2.9
- Park ranger law enforcement shield and law enforcement credentials
 - Central issue items, Ch. 29 § 2.4
- Policy, Ch. 29 § 1
- Radio and cell phone cases, Ch. 29 § 2.3.6
- Revolver ammunition carriers
 - Leather gear, Ch. 29 § 2.2.5
- Riot shields, Ch. 29 § 2.3.6
- Safety helmets, Ch. 29 § 2.3.6
- Semi-automatic magazine pouch
 - Leather gear, Ch. 29 § 2.2.6
- Semi-automatic pistol
 - Central issue items, Ch. 29 § 2.4
- Soft body armor, Ch. 29 § 2.3.2
- Special accessory cases for emergency items, Ch. 29 § 2.3.6
- Special duty holsters, Ch. 29 § 2.3.6
- Special uniform components, Ch. 29 § 2.3
- Tear gas masks, Ch. 29 § 2.3.6
- Three magazines
 - Central issue items, Ch. 29 § 2.4
- Top draw holster
 - Leather gear, Ch. 29 § 2.2.1

INDEX

USE OF FORCE

Deadly force



Definitions, Ch. 10 § 2
Force options authorized, Ch. 10 § 1
Foreign nationals and diplomatic immunity
 Law enforcement procedures, Ch. 25 § 3.3.2
Meaning of term “use of force,” Ch. 10 § 2.6
Personnel authorized to use force options, Ch. 10 § 1
Policy, Ch. 10 § 3
Primary consideration, Ch. 10 § 3.1
Use of force other than deadly force



3.2



Index

V

VEHICLES

- Checkpoints, Ch. 17 §§ 1 to 2.4 (*See CHECKPOINTS*)
- Collision reports
 - Motor vehicle and boat collision report information (*See COLLISION REPORTS*)
- Generally (*See MOTOR VEHICLES*)
- High speed pursuits (*See HIGH SPEED PURSUITS*)
- Law enforcement vehicles, Ch. 34 §§ 1 to 3 (*See LAW ENFORCEMENT VEHICLES; MOTOR VEHICLES*)
- Prisoner restraint and transport
 - Vehicle prisoner cages, Ch. 12 §§ 1.5.1, 1.5.3
- Roadblocks (*See ROADBLOCKS*)

VESSELS

- Boats and other watercraft
 - Generally (*See BOATS AND OTHER WATERCRAFT*)
 - Motor vehicle and boat collision report information (*See COLLISION REPORTS*)
- Impoundment of property, Ch. 14 §§ 1, 2

VICTIM AND WITNESS ASSISTANCE

- History, Purpose and Intent, Ch. 28 § 4
 - Authorities, Ch. 28 § 4.2
 - Background, Ch. 28 § 4.3
 - Coordination When Responsibility Shifts to Another Component, Ch. 28 § 4.7
 - Definitions, Ch. 28 § 4.4
 - Earliest Opportunity for Provision of Services, Ch. 28 § 4.4
 - Financial or Pecuniary Harm, Ch. 28 § 4.4
 - Serious Crime, Ch. 28 § 4.4
 - Victim of Crime, Ch. 28 § 4.4
 - Witness, Ch. 28 § 4.4
 - Exceptions, Ch. 28 § 4.5
 - Information, Ch. 28 § 4.6
 - Notice of Rights, Ch. 28 § 4.6
 - Referral, Ch. 28 § 4.6
 - Scope, Ch. 28 § 4.1
- Policy, Ch. 28 § 1
- Procedures, Ch. 28 § 5
 - Services, Ch. 28 § 5.1
- Victim Assistance Program, Ch. 28 § 2
- Training, Ch. 28 § 3

VICTIMS OF CRIME

- Foreign nationals and diplomatic immunity
 - Law enforcement procedures
 - Diplomats as victims, Ch. 25 § 3.3.11

VIOLATION NOTICES

- Administrative dispositions
 - Permitted voidings, Ch. 19 § 2.2.1
 - Prohibited voidings, Ch. 19 § 2.2.2

INDEX

VIOLATION NOTICES—Cont'd

- Appearances
 - Mandatory appearance, Ch. 19 § 2.1.4
 - Notice of person to appear, Ch. 19 § 2.1.1
- Central Violations Bureau (CVB) guidelines, Ch. 19 § 1
- Directives, Ch. 19 § 2
- Foreign nationals and diplomatic immunity
 - Law enforcement procedures, Ch. 25 § 3.3.8
- Forfeiture of collateral, Ch. 19 § 2.1.3
- Juvenile offenders
 - Criminal prosecution, Ch. 22 § 3.4.4
- Ordering procedures, Ch. 19 § 2.3.3
- Policy, Ch. 19 § 1
- Probable cause statements, Ch. 19 § 2.1.5
- Records management system entries, Ch. 19 § 2.1.6
- Records management system (RMS)
 - Records management system entries, Ch. 19 § 2.1.6
- Supporting documentation, Ch. 19 § 2.1.2
- Written notices
 - Notice retention, Ch. 19 § 2.3.2
 - Ordering procedures, Ch. 19 § 2.3.3
 - Recordation, Ch. 19 § 2.3.1

VISITORS

- Protection of people
 - Mitigation of threats to visitors and residents, Ch. 1 § 4.2.1
- Visitation patterns and trends
 - Effect on law enforcement services, Ch. 1 § 4.2.6
- Visitor and resource protection
 - Associate director, Ch. 1 § 5.3
 - Deputy associate director, Ch. 1 § 5.4
- Visitor management-resource protection assessment program
 - Law enforcement needs assessment, Ch. 1 § 4

W

WEAPONS (See FIREARMS AND WEAPONS)

WITNESS ASSISTANCE (See VICTIM AND WITNESS ASSISTANCE)

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It is the reader's responsibility to stay informed of current legislation, regulations, bulletins, directives, training practices and case law that may impact the guidance herein. Activities of Law Enforcement employees must be in compliance with all applicable laws, regulations, and policies.

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