



AUTHORITY

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I. PURPOSE

To describe the Federal laws and regulations relating to the public lands and their resources and the authorities granted to law enforcement officers (LEOs) of the Bureau of Land Management (BLM).

II. OBJECTIVE

To ensure that LEOs and their supervisors are informed and understand the scope of their law enforcement authority.

III. AUTHORITY

Federal Land Policy and Management Act (43 U.S.C. 1733) grants specific authority to the Secretary to authorize Federal personnel or appropriate local officials to carry out her/his law enforcement responsibilities with respect to the public lands and their resources. The Act also authorizes cooperation with State and local law enforcement officials in the enforcement of State and local laws or ordinances on public lands and may include reimbursement for expenses incurred that assist the BLM in the administration and regulation of use and occupancy of the public land, including the granting of the State or local law enforcement authority to BLM LEOs. BLM LEOs are authorized to enforce all Federal laws and regulations relating to the public lands or their resources including, but not limited to:

- A.** Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.).
- B.** Wild Free Roaming Horse and Burro Act (16 U.S.C. 1331-1340).
- C.** Land and Water Conservation Fund Act (16 U.S.C. 460 I 6a).
- D.** Federal Cave Resources Act (16 U.S.C. 4306).
- E.** Sikes Act (16 U.S.C. 670j).
- F.** Antiquities Act (16 U.S.C. 433).
- G.** National Trails System Act (16 U.S.C. 1241-1246).
- H.** Taylor Grazing Act (43 U.S.C. 315a).
- I.** Unlawful Inclosures of Public Land Act (43 U.S.C. 1061-1064).
- J.** Migratory Bird Act (16 U.S.C. 703).
- K.** Lacey Act (16 U.S.C. 3372).
- L.** Endangered Species Act (16 U.S.C. 1538).
- M.** Bald Eagle Act (16 U.S.C. 668(a)).
- N.** Native American Graves Protection and Repatriation Act (18 U.S.C. 1170)
- O.** Federal Oil and Gas Royalty Management Act (30 U.S.C. 1701).
- P.** Clean Water Act (33 U.S.C. 1319).
- Q.** Resource Conservation and Recovery Act (42 U.S.C. 6928(d)).
- R.** Mineral Leasing Act (30 U.S.C. 195).
- S.** Section 47, 111, 371, 372, 641, 1001, 1361, 1510, 1851 1861, 1864, and other sections of Title 18 U.S.C. as they relate to the use, management, and development of the public lands; protection of the property located thereon; or protection of any employee or volunteer of the BLM in the performance of their official duties.
- T.** Section 841 of Title 21 U.S.C. as it relates to public lands through cultivation of a controlled substance, creating a hazard, causing pollution, or using booby traps.
- U.** Oaths and Affidavits (43 U.S.C. 1466).
- V.** Title 43 CFR as it relates to public lands.
- W.** Title 50 CFR Part 20 as it relates to the taking of migratory birds on public lands, and Part 100 as it relates to the subsistence taking of fish and wildlife on public lands in Alaska.

- X. Executive Order 11644 related to Off-road Vehicles.
- Y. Departmental Manual (446 DM).

IV. POWERS

A. General Powers

An LEO has the powers to: Carry firearms; execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; make arrests without warrant or process for a misdemeanor s/he has reasonable grounds to believe is being committed in her/his presence or view, or for a felony if s/he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; search without warrant or process any person, place, or conveyance according to any Federal law or rule of law; seize without warrant or process any evidentiary item as provided by Federal law; and take oaths, affirmations, affidavits or depositions with the same force and effect as if administered or taken before an officer having a seal.

B. Use of Force to Make Arrest

The primary consideration in the use of force is the timely and effective application of the appropriate level of force required to establish and maintain lawful control. A paramount consideration is the preservation of life and prevention of bodily injury. (GO 14) (446 DM 1.5G) (H-9260-2, Chapter IV.A)

C. Persons in Custody

An LEO who has in custody or who is charged with the custody of any person(s) under arrest or detention is responsible for the proper safeguarding and protection of such person(s) and their property.

D. Subjects of the Opposite Gender

When it becomes necessary for an LEO to detain and arrest subjects of the opposite gender, certain procedures will be followed. (See H- 9260-2, Chapter VI.B.2.)

E. Temporary Safekeeping of Federal Offenders by Marshals

United States Marshals shall provide for the safekeeping of any person arrested, or held under authority of any enactment of Congress pending commitment to an institution. An LEO must take persons arrested for a Federal offense(s) to the nearest jail facility approved by the U.S. Marshals Service for Federal prisoners. An LEO may take persons arrested for a Federal offense(s) to any other facility pursuant to instructions received from the U.S. Marshals Officials or the U.S. Attorney. (Ref 18 U.S.C. 4086) (See H-9260-2, Chapter IV.I.)

F. Injury to Person in Custody

Law enforcement officers are responsible for the safety of any person in her/his custody. Should an injury occur to the person in custody, the LEO will follow established procedures for well being, aid, and reporting of such incidents. (See H-9260-2, Chapter V.)

G. Juveniles

Juveniles are afforded the same constitutional rights as are adults, as well as certain other rights which have been established by the Congress and the court. (See H- 9260-2, Chapter IV-H)

1. Fingerprinting/Photographing

Juvenile offenders, unless prosecuted as adults, will not be fingerprinted or photographed except with written consent from a U.S. District Court Judge.

2. News Media Releases

(See GO 32, Paragraph IV.A.3.)

3. Detention

- a.** If release of the juvenile to the parent or legal guardian is possible, the proper release forms required by the court or detention facility must be signed by the parent or legal guardian.
- b.** Detention of the juvenile must be in a federally approved facility. In many areas, local juvenile homes and facilities may be utilized. Juveniles must not be incarcerated with adults at any time.

4. Prosecution. (Ref Title 18 U.S.C. 5031 et. seq.).**H. Use of Informants**

Informants, hereafter referred to as Sources of Information, are essential to the successful investigation, apprehension, and prosecution of violators of laws enforced by the BLM. Without these Sources of Information, BLM LEOs would be deprived of certain evidentiary material and information necessary to succeed in BLM's enforcement mission. All BLM LEOs are encouraged to seek out and develop reliable and productive Sources of Information and evidence. Only BLM Special Agents are authorized to document, control, and make payments to confidential, participating paid Sources of Information. However, BLM Law Enforcement Rangers are encouraged to cultivate and develop Sources of Information. Sources of Information developed by any BLM employee, having the potential or expectation of being confidential, participating, paid Sources of Information, will be referred to, and registered with, the Special Agent-in-Charge (SAC), with review and/or inspection by the Director, Office of Law Enforcement and Security. (See H-9260-2, Chapter II.)

V. JURISDICTION**A. Employee Responsibility**

When a BLM employee has knowledge or believes that a violation of the law has occurred within the BLM's jurisdiction, s/he must report it to a BLM LEO. Non-law enforcement employees will not carry out any law enforcement actions (demanding identification, collecting evidence, vehicle pursuit, arrest) that are clearly outside the scope of their employment.

B. LEO Responsibility

Law enforcement officers are trained and authorized to make immediate decisions on what law enforcement action(s) are to be taken. Utilizing this authority is critical in situations that involve exigent circumstances where failure to act immediately would likely lead to loss of life, loss of evidence, or the disappearance of the suspect. When immediate action is not necessary and time permits, the LEO may consult with others to determine what actions will be taken to apprehend the violator or otherwise hold her/him accountable for violations. The actions that LEOs may use are:

1. Verbal Warning

This action is a way to advise a person of the violation committed and solicit their voluntary compliance. It is normally done when the LEO observes or reasonably suspects that a person has committed a minor violation in an inadvertent manner of minor consequence. Verbal warnings will be documented on the Patrol Log (Form 9260-15) (H-9260-1, Chapter X, Illustration X-12).

2. Written Warning

This method is an official means of obtaining compliance with the law and providing a permanent record without arrest and/or fine. It will be documented on the written warnings/field interview contact (Form 9260-10) (H-9260-1, Chapter X, Illustration X-2). This form will only be used by LEOs.

3. Citation

The Citation or Violation Notice (Form 9260-9) (H-9260-1, Chapter X, Illustrations X-3, X-4, and X-5) serves to bring the violator before the court without the necessity of arresting the person and taking her/him before a U.S. Magistrate Judge. A citation or violation notice is a written document initiating a misdemeanor case in a U.S. District Court. This action will be utilized only when sufficient probable cause exists that the violation occurred and the subject cited is the violator. Authorization to issue violation notices is granted only to LEOs. Law enforcement officers may also issue State and local citations when so authorized. (See Paragraph V.C. of this General Order.)

4. Physical Arrest

If there is probable cause, the offender may be arrested and taken without unreasonable delay before the nearest available U.S. Magistrate Judge having jurisdiction. (See Rule 5, Federal Rules of Criminal Procedure.) A criminal complaint must be filed forthwith. All arrests must be documented on the Incident/Investigation Report (Form 9260-1) (H-9260-1, Chapter X, Illustration X-1). State and local arrests may also be made when so authorized. (See Paragraph V.C. of this General Order.)

5. Service of a Warrant(s)

Pursuant to the FLPMA and Rule 4 of the Federal Rules of Criminal Procedure, LEOs have authority to execute and/or serve Federal arrest and search warrants and summons issued by a court or officer of competent jurisdiction. State and local warrants may also be executed and/or served when so authorized. (See Paragraph V.C. of this General Order)

C. Other Federal, State and Local Law Enforcement Authority

The law enforcement authority delegated to BLM LEOs extends to the public lands and the resources administered by the BLM. It does not extend to violations of State or local ordinances on private lands or State lands, even if the BLM has entered into local management agreements. Scattered and interspersed patterns of ownership and the proprietary nature of the public lands and the potential for overlapping jurisdictions dictates the need for cooperating with other Federal, State, and local agencies in providing for enforcement of laws and regulations relating to the public lands and resources. Managers and LEOs will cooperate fully with other Federal, State, and local agencies. BLM actions should be complementary and supportive of other Federal, State, or local laws, regulations, ordinances, or initiatives. Where possible, the BLM should provide for prohibitions and restrictions that complement those proffered by such agencies. In order to provide for consistency in enforcement, it may be necessary for LEOs to be granted law enforcement authority from other agencies. Only LEOs, and not other BLM employees, will be authorized to exercise the law enforcement authorities of another agency within the scope of their duties.

1. Federal

Several Federal agencies have been authorized to cross-designate Federal LEOs of other agencies, i.e., the U.S. Marshals Service, the Drug Enforcement Administration, the Bureau of Immigration and Customs Enforcement, the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Reclamation. Exercise of the law enforcement authority of another Federal agency must involve activities that are necessary for the protection of the Federal lands or resources, and the agency providing the cross-designation must have the legal authority to grant same. A Nationwide interagency agreement between the Department of the Interior law enforcement agencies and the U.S. Forest Service provides for cross-designation in certain circumstances. Memoranda of Understanding for implementing the cross-designation of BLM LEOs by another Federal agency must be reviewed and approved by the Director, Office of Law Enforcement and Security. (See General Order 23, Paragraph V,C.)

2. State and Local

In connection with the administration and regulation of the use and occupancy of the public lands, the FLPMA authorizes cooperation with the regulatory and law enforcement officials of any State or political subdivision thereof in the enforcement of the laws or ordinances of such State or subdivision. This authorization makes it possible for BLM LEOs to be granted law enforcement authority by State and local law enforcement agencies. The State Director is authorized to enter into cooperative agreements with State and local agencies. Exercise of the law enforcement authority of a State or local agency must involve activities that are necessary for the protection of the public lands or resources administered by the BLM. Agreements that would require BLM LEOs to conduct activities not relating to the public lands or their resources are prohibited, except as provided above. Before an LEO is granted State or local law enforcement authority, the following conditions must be met: (1) BLM Management must determine that this authority is required for the protection of public lands or their resources; (2) the agency providing the authorization has the legal authority to grant same; (3) a memorandum of understanding or a cooperative agreement has been established to implement the authority and provide for operating procedures; (4) the duties required under the authority have been identified in the LEO's official position description; and (5) the LEO meets the training standards required by the agency granting the authority. BLM LEOs must not accept appointments as reserve State and local officers without the approval of the SAC and/or SD. (See GO 23, Paragraph V.)

VI. HANDBOOK REFERENCES

1. H-9260-1, Chapter X
2. H-9260-2, Chapter IV, V, and VI

