

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**BUREAU OF LAND MANAGEMENT
FEDERAL LAND POLICY AND MANAGEMENT ACT
TITLE 43 UNITED STATES CODE**

Sec. 1733. Enforcement authority

(a) Regulations for implementation of management, use, and protection requirements; violations; criminal penalties

The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. Any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined no more than \$1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18.

(b) Civil actions by Attorney General for violations of regulations; nature of relief; jurisdiction

At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing public lands in violation of regulations issued by the Secretary under this Act.

(c) Contracts for enforcement of Federal laws and regulations by local law enforcement officials; procedure applicable; contract requirements and implementation

(1) When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he shall offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations. The Secretary shall negotiate on reasonable terms with such officials who have authority to enter into such contracts to enforce such Federal laws and regulations. In the performance of their duties under such contracts such officials and their agents are authorized 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 he has reasonable grounds to believe is being committed in his presence or view, or for a felony if 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; and seize without warrant or process any evidentiary item as provided by Federal law. The Secretary shall provide such law enforcement training as he deems necessary in order to carry out the contracted for responsibilities. While exercising the powers and authorities provided by such contract pursuant to this section, such law enforcement officials and their agents shall have all the immunities of Federal law enforcement officials.

(2) The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources. Such designated personnel shall receive the training and have the responsibilities and authority provided for in paragraph (1) of this subsection.

(d) Cooperation with regulatory and law enforcement officials of any State or political subdivision in enforcement of laws or ordinances.

In connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate 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. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of the public lands.

(e) Uniformed desert ranger force in California Desert Conservation Area; establishment; enforcement of Federal laws and regulations

Nothing in this section shall prevent the Secretary from promptly establishing a uniformed desert ranger force in the California Desert Conservation Area established pursuant to section 1781 of this title for the

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**BUREAU OF LAND MANAGEMENT
FEDERAL LAND POLICY AND MANAGEMENT ACT
TITLE 43 UNITED STATES CODE**

purpose of enforcing Federal laws and regulations relating to the public lands and resources managed by him in such area. The officers and members of such ranger force shall have the same responsibilities and authority as provided for in paragraph (1) of subsection (c) of this section.

(f) Applicability of other Federal enforcement provisions

Nothing in this Act shall be construed as reducing or limiting the enforcement authority vested in the Secretary by any other statute.

(g) Unlawful activities

The use, occupancy, or development of any portion of the public lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pursuant to any such regulation, is unlawful and prohibited.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**UNITED STATES FOREST SERVICE
TITLE 16 UNITED STATES CODE**

Sec. 559. Arrests by employees of Forest Service for violations of laws and regulations

All persons employed in the Forest Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests, and any person so arrested shall be taken before the nearest United States magistrate judge, within whose jurisdiction the forest is located, for trial; and upon sworn information by any competent person any United States magistrate judge in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

Sec. 559a. Reward for information leading to arrest and conviction for violating laws and regulations.

The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property.

Sec. 559b. Prevention of manufacture, etc., of marijuana and other controlled substances

(a) Purpose

The purpose of sections 559b to 559f of this title is to authorize the Secretary of Agriculture (hereinafter in sections 559b to 559f of this title referred to as the "Secretary") to take actions necessary, in connection with the administration and use of the National Forest System, to prevent the manufacture, distribution, or dispensing of marijuana and other controlled substances.

(b) Law enforcement authority

Nothing in sections 559b to 559f of this title shall diminish in any way the law enforcement authority of the Forest Service.

(c) Definitions

As used in sections 559b to 559f of this title, the terms "manufacture", "dispense", and "distribute" shall have the same meaning given such terms in section 802 of title 21.

Sec. 559c. Powers of officers and employees of Forest Service

For the purposes of sections 559b to 559f of this title, if specifically designated by the Secretary and specially trained, not to exceed 1,000 special agents and law enforcement officers of the Forest Service when in the performance of their duties shall have authority to--

- (1) carry firearms;
- (2) conduct, within the exterior boundaries of the National Forest System, investigations of violations of and enforce section 841 of title 21 and other criminal violations relating to marijuana and other controlled substances that are manufactured, distributed, or dispensed on National Forest System lands and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest);
- (3) make arrests with a warrant or process for misdemeanor violations, or without a warrant or process for violations of such misdemeanors that any such officer or employee has probable cause to believe are being committed in his presence or view, or for a felony with a warrant or without a warrant if he has probable cause to believe that the person to be arrested has committed or is committing such felony, for offenses committed within the National Forest System or which affect the administration of the National Forest System;
- (4) serve warrants and other process issued by a court or officer of competent jurisdiction;
- (5) search with or without warrant or process any person, place, or conveyance according to Federal

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**UNITED STATES FOREST SERVICE
TITLE 16 UNITED STATES CODE**

law or rule of law; and

(6) seize with or without warrant or process any evidentiary item according to Federal law or rule of law.

Sec. 559d. Cooperation with other Federal, State, and local law enforcement agencies

For the purposes of sections 559b to 559f of this title, in exercising the authority provided by section 559c of this title—

(1) the Forest Service shall cooperate with any other Federal law enforcement agency having primary investigative jurisdiction over the offense committed;

(2) the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any Federal agency, State, or political subdivision in the investigation of violations of and enforcement of section 401 of the Controlled Substances Act (21 U.S.C. 841), other laws and regulations relating to marijuana and other controlled substances, and State drug control laws or ordinances for offenses committed within the National Forest System or which affect the administration of the National Forest System.

(3) the Forest Service shall cooperate with the Attorney General in carrying out the seizure and forfeiture provisions of section 511 of the Controlled Substances Act (21 U.S.C. 881) for violations of the Controlled Substances Act [21 U.S.C. 801 et seq.] relating to offenses committed within the National Forest System, or which affect the administration of the National Forest System;

(4) the Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service; and

(5) the Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in a multi-agency law enforcement task force investigation of violations of the Controlled Substances Act [21 U.S.C. 801 et seq.] and other offenses committed in the course of or in connection with such violations.

Sec. 559g. Designation authority of Secretary of Agriculture

(a) Purpose

It is the purpose of this section to authorize the Secretary of Agriculture to make law enforcement operations more efficient in connection with the administration and use of the National Forest System.

(b) Officers of other agencies

The Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service.

(c) Acceptance by Forest Service

The Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in the investigation and enforcement of any Federal or State law or ordinance and regulation of any such agency, when such investigation or enforcement is mutually beneficial to the National Forest System and the cooperating agency or jurisdiction, upon entering into a memorandum of understanding or cooperative agreement with such agency or jurisdiction.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**U.S. FISH AND WILDLIFE SERVICE
TITLE 16 UNITED STATES CODE**

Sec. 742j-1. Airborne hunting

(d) Enforcement; regulations; arrest; search; issuance and execution of warrants and process; cooperative agreements

The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Sec. 742l. Enforcement authority for the protection of fish and wildlife resources

(a) Law enforcement training program

(1) In order to provide for and encourage training, research, and development for the purpose of improving fish and wildlife law enforcement and developing new methods for the prevention, detection, and reduction of violation of fish and wildlife laws, and the apprehension of violators of such laws, the Secretary of the Interior and the Secretary of Commerce may each--

(A) establish and conduct national training programs to provide, at the request of any State, training for State fish and wildlife law enforcement personnel;

(B) develop new or improved approaches, techniques, systems, equipment, and service to improve and strengthen fish and wildlife law enforcement; and

(C) assist in conducting, at the request of any appropriate State official, local or regional training programs for the training of State fish and wildlife law enforcement personnel. Such training programs shall be conducted to the maximum extent practicable through established programs.

(2) There are authorized to be appropriated beginning with fiscal year 1980 such funds as may be necessary to carry out the purposes of subsection (b) of this section, and the Secretary of the Interior and the Secretary of Commerce may each require reimbursement from the States for expenditures made pursuant to subsections (b)(1)(A) and (C) of this section.

(b) Law enforcement cooperative agreement

Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Commerce may each utilize by agreement, with or without reimbursement, the personnel, services and facilities of any other Federal or State agency to the extent he deems it necessary and appropriate for effective enforcement of any Federal or State laws on lands, waters, or interests therein under his jurisdiction which are administered or managed for fish and wildlife purposes and for enforcement of any laws administered by him relating to fish and wildlife. Persons so designated by either Secretary, who are not employees of another Federal agency--

(1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, competitive examination, rates of compensation, and Federal employee benefits, but may be considered eligible for compensation for work injuries under subchapter III of chapter 81 of title 5;

(2) shall be considered to be investigative or law enforcement officers of the United States for the purposes of the tort claim provisions of title 28;

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**U.S. FISH AND WILDLIFE SERVICE
TITLE 16 UNITED STATES CODE**

(3) may, to the extent specified by either Secretary, search, seize, arrest, and exercise any other law enforcement functions or authorities under Federal laws relating to fish and wildlife, where such authorities are made applicable by this or any other law to employees, officers, or other persons designated or employed by either Secretary; and

(4) shall be considered to be officers or employees of the Department of the Interior or the Department of Commerce, as the case may be, within the meaning of sections 111 and 1114 of title 18.

(c) Disposal of abandoned or forfeited property

(1) In general Subject to paragraph (2), notwithstanding any other provision of law, all fish, wildlife, plants, or any other items abandoned or forfeited to the United States under any laws administered by the Secretary of the Interior or the Secretary of Commerce relating to fish, wildlife, or plants, shall be disposed of by either Secretary in such a manner as he deems appropriate (including, but not limited to, loan, gift, sale, or destruction).

(2) Prohibition on sale of certain items

In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

(d) Disclaimer

Nothing in this section shall be construed to invalidate any law enforcement agreement or delegation made by the Secretary of the Interior or the Secretary of Commerce with respect to fish and wildlife matters prior to November 8, 1978.

(e) to (j) Omitted

(k) Law enforcement operations

With respect to any undercover or other enforcement operation which is necessary for the detection and prosecution of violations of any laws administered by the United States Fish and Wildlife Service or the National Marine Fisheries Service relating to fish, wildlife, or plants, the Secretary of the Interior or the Secretary of Commerce may, notwithstanding any other provision of law--

(1) direct the advance of funds which may be deposited in commercial banks or other financial institutions;

(2) use appropriations for payment for information, rewards, or evidence concerning violations, without reference to any rewards to which such persons may otherwise be entitled by law, and any moneys subsequently recovered shall be reimbursed to the current appropriation; and

(3) use appropriations to establish or acquire proprietary corporations or business entities as part of an undercover operation, operate such corporations or business entities on a commercial basis, lease space and make other necessary expenditures, and use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations: Provided, That at the conclusion of each such operation the proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**NATIONAL PARK SERVICE
TITLE 16 UNITED STATES CODE**

Sec. 1a-6. Law enforcement personnel within National Park System

(a) Omitted

(b) Designation authority of Secretary; powers and duties of designees

In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may--

(1) 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;

(2) 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; and

(3) 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.

(c) Supplemental special policemen; designation authority of Secretary; cooperation with State officials in enforcement of State law; reimbursement to State; concurrent jurisdiction; delegation of enforcement responsibilities

The Secretary of the Interior is hereby authorized to--

(1) 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 exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision;

(3) mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) of this section with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties' activities outside their respective jurisdictions under such agreement; and

(4) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection. 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.

(d) Special policemen not deemed Federal employees; exceptions

(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
LAW ENFORCEMENT AUTHORITY - FEDERAL LAND MANAGEMENT AGENCIES**

**NATIONAL PARK SERVICE
TITLE 16 UNITED STATES CODE**

subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(e) Federal investigative jurisdiction and State civil and criminal jurisdiction not preempted within National Park System

Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS FEDERAL JURISDICTION

EXCLUSIVE FLETC LEGAL DIVISION STUDENT TEXT (JUNE 2007)

In areas of exclusive jurisdiction, only the federal government has law enforcement authority. This occurs when the federal government has received, through one of the methods outlined above, all of the authority of the state on a certain tract of land contained within the state's borders. With exclusive jurisdiction, no reservations have been made to the state, except that state and local officers have the authority to serve process, such as arrest warrants, resulting from activities that occurred outside the area of exclusive jurisdiction.

CONCURRENT FLETC LEGAL DIVISION STUDENT TEXT (JUNE 2007)

Concurrent jurisdiction exists when both the state and federal governments have authority over a particular area. Usually this occurs when a state has ceded land to the United States, but has reserved to itself the right to exercise its state authority. In these jurisdictions, both the state and federal governments may prosecute those who violate their respective laws.

PROPRIETARY FLETC LEGAL DIVISION STUDENT TEXT (JUNE 2007)

Proprietary jurisdiction is primarily state jurisdiction with exceptions for federal laws of general application and federal laws and regulations specifically applicable to the particular type of land involved. Proprietary jurisdiction exists when the United States has acquired some right or title to an area within a state's borders, but has not acquired any measure of the state's authority over the area. In essence, the United States has rights generally equivalent to a private landowner. In these situations, state law applies within the proprietary area to the same extent it does throughout the remainder of the state. However, under the Supremacy and Property Clauses of the U.S. Constitution, you may also enforce federal statutes or regulations enacted to protect these proprietary areas.

SPECIAL MARITIME AND TERRITORIAL JURISDICTION 18 UNITED STATES CODE

Sec. 7. Special maritime and territorial jurisdiction of the United States defined The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(3) Any lands reserved or acquired for the use of the United States, and under the **exclusive or concurrent jurisdiction** thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

ASSIMILATIVE CRIMES ACT 18 UNITED STATES CODE

Sec. 13. Laws of States adopted for areas within Federal jurisdiction

(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired **as provided in section 7 of this title**, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(b)(1) Subject to paragraph (2) and for purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the **special maritime and territorial jurisdiction** of the United States.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

OVERVIEW

| State | State Authority | Notes |
|------------|-----------------|-----------------------------------------------------------------------------------------------|
| Arizona | Yes | By Written Agreement with the Sheriff |
| California | Yes | By Written Agreement with the Sheriff |
| Colorado | Limited | By appointment as a Special Wildlife Officer |
| Idaho | Yes | By appointment by the Sheriff. State law does not require written agreement. BLM policy does. |
| Montana | Yes | By Written Agreement with the Sheriff |
| Nevada | No | |
| New Mexico | Yes | By Written Agreement with the Sheriff |
| Oregon | Yes | OR State law does not require an agreement, but BLM policy does. |
| Utah | Yes | By Written Agreement with the Sheriff |
| Wyoming | No | |

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

ARIZONA

13-3875. Cross-certification of federal peace officers; policy; powers; qualifications; liability; records (Arizona Revised Statutes Chapter 38, Article 6)

- A. The sheriff of each county shall develop and adopt a policy on cross-certification of federal peace officers, including whether cross-certification shall be permitted in that county.
- B. A federal peace officer who is employed by an agency of the United States and who has completed the basic training curriculum for the officer's agency shall possess and exercise all law enforcement powers of peace officers in this state for one year, including, if directed by the officer's employer, the capability to enforce the criminal laws of this state if the federal peace officer:
1. Submits to the sheriff a written request for certification as a peace officer in this state.
 2. Submits evidence that the officer has been certified as a federal peace officer, is authorized by federal law to engage in or supervise the prevention, detection, investigation or prosecution of a violation of federal law and is authorized by federal law to make arrests, serve warrants and carry firearms.
- C. Each federal peace officer who requests cross-certification may submit to the sheriff a written request for certification as a peace officer in this state pursuant to subsection B. The cross-certification remains in effect for one year from the date on which the certification was authorized by the sheriff.
- D. Neither the state nor any political subdivision is liable for any acts or failure to act by a federal peace officer.
- E. The Arizona peace officer standards and training board shall maintain records of all federal peace officers who are certified as peace officers in this state.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

CALIFORNIA

California PENAL CODE

830. Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions, any police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city, any chief of police, or police officer of a district, including police officers of the San Diego Unified Port District Harbor Police, authorized by statute to maintain a police department, any marshal or deputy marshal of a superior court or county, any port warden or port police officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs the peace officer or in which the peace officer serves.

(2) Where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

830.8. (a) Federal criminal investigators and law enforcement officers are not California peace officers, but may exercise the powers of arrest of a peace officer in any of the following circumstances:

(1) Any circumstances specified in Section 836 or Section 5150 of the Welfare and Institutions Code for violations of state or local laws.

(2) When these investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of these duties.

(3) When requested by a California law enforcement agency to be involved in a joint task force or criminal investigation.

(4) When probable cause exists to believe that a public offense that involves immediate danger to persons or property has just occurred or is being committed. In all of these instances, the provisions of Section 847 shall apply. These investigators and law enforcement officers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfied the training requirements of Section 832, or the equivalent thereof. **This subdivision does not apply to federal officers of the Bureau of Land Management or the Forest Service of the Department of Agriculture.** These officers have no authority to enforce California statutes without the written consent of the sheriff or the chief of police in whose jurisdiction they are assigned.

(b) Duly authorized federal employees who comply with the training requirements set forth in Section 832 are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government, or on any street, sidewalk, or property adjacent thereto, and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction the property is situated.

(c) National park rangers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided these rangers are

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

CALIFORNIA

exercising the arrest powers incidental to the performance of their federal duties or providing or attempting to provide law enforcement services in response to a request initiated by California state park rangers to assist in preserving the peace and protecting state parks and other property for which California state park rangers are responsible. National park rangers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfactorily completed the training requirements of Section 832.3, or the equivalent thereof.

(d) Notwithstanding any other provision of law, during a state of war emergency or a state of emergency, as defined in Section 8558 of the Government Code, federal criminal investigators and law enforcement officers who are assisting California law enforcement officers in carrying out emergency operations are not deemed California peace officers, but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws. In these instances, the provisions of Section 847 and of Section 8655 of the Government Code shall apply.

COLORADO

Colorado Revised Statutes

16-2.5-101 Peace Officer Description and General Authority Statute text

(1) A person who is included within the provisions of this article and who meets all standards imposed by law on a peace officer is a peace officer, and, notwithstanding any other provision of law, no person other than a person designated in this article is a peace officer. A peace officer may be certified by the peace officers standards and training board pursuant to part 3 of article 31 of title 24, C.R.S., and, at a minimum, has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and in the performance of his or her duties, unless otherwise limited within this part 1.

(2) A peace officer certified by the peace officer standards and training board shall have the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. All other peace officers shall have the authority to carry firearms, concealed or otherwise, while engaged in the performance of their duties or as otherwise authorized by the written policy of the agency employing the officer.

(3) As used in every statute, unless the context otherwise requires, "law enforcement officer" means a peace officer.

16-2.5-102 Certified Peace Office – Post Certification Required

The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officer standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; the director of the Colorado bureau of investigation; a security officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; and the department of corrections inspector general.

16-2.5-116 Colorado Wildlife Officers and special wildlife officers

(2) A special wildlife officer is a peace officer whose authority is limited as defined by the director of the division of wildlife pursuant to section 33-1-110 (5), C.R.S.

33-1-110 Duties of the Director of the Division

(5) The director shall appoint Colorado wildlife officers and **may appoint special wildlife officers** to serve without pay, who shall have the powers and authority designated by the director. A special wildlife officer commission shall not be issued until the applicant has submitted to the division an application setting forth his or her qualifications to act as such an officer. Such qualifications shall include a minimum of forty hours of continuing law enforcement education per calendar year. The director may revoke the special wildlife officer commission of any such person at his or her pleasure.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

IDAHO

Idaho Statutes TITLE 67 STATE GOVERNMENT AND STATE AFFAIRS CHAPTER 23

67-2337. EXTRATERRITORIAL AUTHORITY OF PEACE OFFICERS.

(1) As used in this section, "peace officer" shall mean a certified full-time paid employee of a police or law enforcement agency whose duties include and primarily consist of the prevention, investigation and detection of crime, and the enforcement of penal, traffic, or highway laws of this state or any political subdivision.

(2) All authority that applies to peace officers when performing their assigned functions and duties within the territorial limits of the respective city or political subdivisions, where they are employed, shall apply to them outside such territorial limits to the same degree and extent only when any one (1) of the following conditions exist:

(a) A request for law enforcement assistance is made by a law enforcement agency of said jurisdiction.

(b) The peace officer possesses probable cause to believe a crime is occurring involving a felony or an immediate threat of serious bodily injury or death to any person.

(c) When a peace officer is in fresh pursuit as defined in and pursuant to chapter 7, title 19, Idaho Code.

(3) Subsection (2) of this section shall not imply that peace officers may routinely perform their law enforcement duties outside their jurisdiction in the course and scope of their employment.

(4) Cities or political subdivisions may enter into mutual assistance compacts with other cities or political subdivisions of this state or of states immediately adjacent. In the case of a mutual assistance compact between cities or political subdivisions, the original, employing agency shall be responsible for any liability arising from the acts of its employees participating in such compact. Any mutual assistance compact between a city or political subdivision of this state with a city or political subdivision of any other state shall include a written statement of assumption of liability consistent with the requirements of this section.

(5) Circumstances surrounding any actual exercise of peace officer authority outside the territorial limits of the city, county, or political subdivision of their employment shall be reported, as soon as safety conditions allow, to the law enforcement agency having jurisdiction where the authority granted herein is exercised and the officer shall relinquish authority and control over any event to the authority having jurisdiction.

(6) The state of Idaho and its agencies or departments shall not be liable for the acts of police officers, other than its own employees, commissioned by the director of the Idaho state police, for acts done under a mutual assistance compact created under this section.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

MONTANA

Montana Code Annotated

44-11-304. Authorization to enter agreement -- general content -- authority of peace officer.

(1) Any one or more law enforcement agencies of this state may enter into a mutual aid agreement with any one or more law enforcement agencies of any other state or the United States to provide the law enforcement or emergency services that all of the parties are authorized by law to perform. If required by applicable law, the agreement must be authorized and approved by the governing body of each party to the agreement.

(2) The agreement must fully set forth the powers, rights, and obligations of the parties to the agreement.

(3) Subject to 44-11-308, a mutual aid agreement may grant a peace officer of any party law enforcement agency acting within the territorial jurisdiction of any other party law enforcement agency authority to act as if he were a duly appointed and qualified peace officer of the law enforcement agency he is assisting.

45-2-101. General definitions.

Unless otherwise specified in the statute, all words must be taken in the objective standard rather than in the subjective, and unless a different meaning plainly is required, the following definitions apply in this title:

(55) "Peace officer" means a person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses while acting within the scope of the person's authority.

87-1-503. Ex officio wardens.

All sheriffs and their deputies; all constables; all peace officers of the state or any subdivision of the state; the executive director and investigators of the board of outfitters; all state forest officers; as authorized by cooperative agreement, any officers of the United States forest service, agents of the United States fish and wildlife service, **and peace officers of the bureau of land management**, national park service, and corps of engineers that are assigned to duty in this state; former fish and game wardens; and field personnel of the department as the director may appoint **are ex officio wardens**, without pay, except that the department may, in its discretion, allow travel expenses as provided for in 2-18-501 through 2-18-503, which, if allowed, must be paid upon proper vouchers from the state fish and game funds. **Ex officio wardens have the same powers with reference to the enforcement of the fish and game laws of this state and the laws relating to parks and outdoor recreation contained in Title 23, chapters 1 and 2, except chapter 2, part 7, as regularly appointed wardens**, and it is their duty to assist, whenever possible, in the enforcement of those laws.

NEVADA

Nevada Revised Statutes

289.150 Sheriffs, their deputies and correctional officers; city and town marshals, policemen and correctional officers; court bailiffs; constables and their deputies.

The following persons have the powers of a peace officer:

1. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers.
2. Marshals, policemen and correctional officers of cities and towns.
3. The bailiff of the Supreme Court.
4. The bailiffs of the district courts, Justice Courts and municipal courts whose duties require them to carry weapons and make arrests.
5. Constables and their deputies whose official duties require them to carry weapons and make arrests

171.124 Arrest by peace officer or officer of Drug Enforcement Administration.

1. Except as otherwise provided in subsection 3 and [NRS 33.070](#) and [33.320](#), a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

- (a) For a public offense committed or attempted in his presence.
- (b) When a person arrested has committed a felony or gross misdemeanor, although not in his presence.
- (c) When a felony or gross misdemeanor has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
- (d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.
- (e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

2. He may also, at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter [453](#) of NRS.

171.1245 Arrest by agent of Federal Bureau of Investigation or Secret Service.

An agent of the Federal Bureau of Investigation or Secret Service may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.
2. When a person arrested has committed a felony or gross misdemeanor, although not in his presence.
3. When a felony or gross misdemeanor has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
4. On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.
5. When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

NEVADA

171.1255 Arrest by officer or agent of Bureau of Indian Affairs or police officer employed by Indian tribe.

1. Except as otherwise provided in subsection 2, an officer or agent of the Bureau of Indian Affairs or a person employed as a police officer by an Indian tribe may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in his presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in his presence.

(c) When a felony or gross misdemeanor has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

(f) When the peace officer has probable cause to believe that the person to be arrested has committed a battery upon that person's spouse and the peace officer finds evidence of bodily harm to the spouse.

2. Such an officer or agent may make an arrest pursuant to subsection 1 only:

(a) Within the boundaries of an Indian reservation or Indian colony for an offense committed on that reservation or colony; or

(b) Outside the boundaries of an Indian reservation or Indian colony if he is in fresh pursuit of a person who is reasonably believed by him to have committed a felony within the boundaries of the reservation or colony or has committed, or attempted to commit, any criminal offense within those boundaries in the presence of the officer or agent.

171.126 Arrest by private person.

A private person may arrest another:

1. For a public offense committed or attempted in his presence.

2. When the person arrested has committed a felony, although not in his presence.

3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

NEW MEXICO

New Mexico Statutes

29-1-11. Authorization of Tribal and Pueblo Police Officers and Certain Federal Officers to Act as New Mexico Peace Officers – Authority, Payment and Procedure for Commissioned Peace Officers

E. All persons who are duly commissioned federal law enforcement officers employed by the federal bureau of investigation; drug enforcement administration; bureau of alcohol, tobacco and firearms; United States secret service; United States customs service; immigration and naturalization service; United States marshals service; postal inspection service; United States probation department; and United States pretrial services agency; and **other appropriate federal officers whose primary duty is law enforcement related, who are assigned in New Mexico and who are required to be designated by the county sheriff on a case-by-case basis in the county in which they are working, are recognized and authorized to act as New Mexico peace officers and have all the powers of New Mexico peace officers to enforce state laws in New Mexico, including the power to make arrests for violation of state laws.** The department of public safety shall maintain a registry that lists the name and affiliated federal agency of every federal law enforcement officer recognized and authorized to act as a New Mexico peace officer pursuant to the provisions of this subsection. This subsection shall not be construed to impose liability upon or to require indemnification by the state for any act performed by a federal law enforcement officer pursuant to this subsection.

F. The provisions of Subsection E of this section regarding designation of federal law enforcement officers by a county sheriff do not apply to federal law enforcement officers who are duly commissioned officers of a police or sheriff's department for an Indian nation, tribe or pueblo in New Mexico or who are federal law enforcement officers employed by the bureau of Indian affairs.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

OREGON

Oregon Revised Statutes

133.005 Definitions for ORS 131.655, 133.005 to 133.381 and 133.410 to 133.450. As used in ORS 131.655 and 133.005 to 133.381 and 133.410 to 133.450, unless the context requires otherwise:

- (1) "Arrest" means to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense. A "stop" as authorized under ORS 131.605 to 131.625 is not an arrest.
- (2) "Federal officer" means a special agent or law enforcement officer employed by a federal agency and who is empowered to effect an arrest with or without a warrant for violations of the United States Code and who is authorized to carry firearms in the performance of duty.
- (3) "Peace officer" means a member of the Oregon State Police or a sheriff, constable, marshal, municipal police officer, investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or any other state, or an investigator of the Criminal Justice Division of the Department of Justice of the State of Oregon.

133.245 Arrest by federal officer; procedure.

- (1) A federal officer may arrest a person:
 - (a) For any crime committed in the federal officer's presence if the federal officer has probable cause to believe the person committed the crime.
 - (b) For any felony or Class A misdemeanor if the federal officer has probable cause to believe the person committed the crime.
 - (c) When rendering assistance to or at the request of a law enforcement officer, as defined in ORS 414.805.
 - (d) When the federal officer has received positive information in writing or by telephone, telegraph, teletype, radio, facsimile machine or other authoritative source that a peace officer holds a warrant for the person's arrest.
- (2) The federal officer shall inform the person to be arrested of the federal officer's authority and reason for the arrest.
- (3) In order to make an arrest, a federal officer may use physical force as is justifiable and authorized of a peace officer under ORS 161.235, 161.239 and 161.245.
- (4)
 - (a) A federal officer making an arrest under this section without unnecessary delay shall take the arrested person before a magistrate or deliver the arrested person to a peace officer.
 - (b) The federal officer retains authority over the arrested person only until the person appears before a magistrate or until the law enforcement agency having general jurisdiction over the area in which the arrest took place assumes responsibility for the person.
- (5) A federal officer when making an arrest for a nonfederal offense under the circumstances provided in this section shall have the same immunity from suit as a state or local law enforcement officer.
- (6) A federal officer is authorized to make arrests under this section upon certification by the Department of Public Safety Standards and Training that the federal officer has received proper training to enable that officer to make arrests under this section.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

UTAH

Utah State Code – Title 53 Public Safety Code

53-13-102. Peace officer classifications.

The following officers may exercise peace officer authority only as specifically authorized by law:

- (1) law enforcement officers;
- (2) correctional officers;
- (3) special function officers; and
- (4) federal officers.

53-13-106. Federal officers -- State law enforcement authority.

(1) (a) "Federal officer" includes:

- (i) a special agent of the Federal Bureau of Investigation;
- (ii) a special agent of the United States Secret Service;
- (iii) a special agent of the United States Department of Homeland Security, excluding a customs inspector or detention removal officer;
- (iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;
- (v) a special agent of the Federal Drug Enforcement Agency;
- (vi) a United States marshal, deputy marshal, and special deputy United States marshal; and
- (vii) a U.S. Postal Inspector of the United States Postal Inspection Service.

(b) Notwithstanding Subsection (2), federal officers listed in Subsection (1) (a) have statewide law enforcement authority relating to felony offenses under the laws of this state.

(c) The council **may designate other federal peace officers**, as necessary, if the officers:

- (i) are persons employed full-time by the United States government as federally recognized law enforcement officers primarily responsible for the investigation and enforcement of the federal laws;
- (ii) have successfully completed formal law enforcement training offered by an agency of the federal government consisting of not less than 400 hours; and
- (iii) maintain in-service training in accordance with the standards set forth in Section 53-13-103.

(2) Except as otherwise provided under Title 63, Chapter 8, Federal Jurisdiction, and Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law enforcement authority only if:

- (a) the state law enforcement agencies and county sheriffs with jurisdiction enter into an agreement with the federal agency to be given authority; and
- (b) except as provided in Subsection (3), each federal officer employed by the federal agency meets the waiver requirements set forth in Section 53-6-206.

(3) A federal officer working as such in the state on or before July 1, 1995, may exercise state law enforcement authority without meeting the waiver requirement.

(4) At any time, consistent with any contract with a federal agency, a state or local law enforcement authority may withdraw state law enforcement authority from any individual federal officer by sending written notice to the federal agency and to the division.

(5) The authority of a federal officer under this section is limited to the jurisdiction of the authorizing state or local agency, and may be further limited by the state or local agency to enforcing specific statutes, codes, or ordinances.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
STATE PEACE OFFICER AUTHORITY FOR FEDERAL LAW ENFORCEMENT OFFICERS**

WYOMING

Wyoming State Statutes – Title 7

CHAPTER 2 - PEACE OFFICERS 7-2-101. Definitions.

(a) As used in W.S. 7-2-101 through 7-2-107:

(iv) "Peace officer" means:

(A) Any duly authorized sheriff, under sheriff or deputy sheriff who has qualified pursuant to W.S. 9-1-701 through 9-1-707;

(B) Any duly authorized member of a municipal police force, a college or university campus police force or the Wyoming highway patrol who has qualified pursuant to W.S. 9-1-701 through 9-1-707;

(C) Game and fish law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 and:

(I) When enforcing felony statutes following observation or discovery of the commission of a felony which was observed or discovered during the performance of their statutory duties;

(II) While responding to requests to assist other peace officers performing their official duties or when enforcing a valid arrest warrant for any crime; or

(III) When enforcing any provision of title 23 and chapter 13 of title 41, any rule and regulation promulgated by the Wyoming game and fish commission or any other statute for which they are granted statutory enforcement authority.

(D) Agents of the division of criminal investigation appointed pursuant to W.S. 9-1-613 who have qualified pursuant to W.S. 9-1-701 through 9-1-707;

(E) Investigators and brand inspectors of the Wyoming livestock board who have qualified pursuant to W.S. 9-1-701 through 9-1-707:

(I) When enforcing W.S. 6-3-201, 6-3-203, 6-3-401 through 6-3-403, 6-3-407, 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the provisions of title 11 and any laws prohibiting theft, killing or mutilation of livestock or any part thereof and any rule or regulation promulgated by the Wyoming livestock board or any other law for which they are granted statutory enforcement authority;

(II) When responding to a request to assist another peace officer as defined in this paragraph performing his official duty; or

(III) Enforcing a valid arrest warrant for a crime specified in subdivision (E) (I) of this paragraph.

(F) Any duly authorized arson investigator employed by the state fire marshal who has qualified pursuant to W.S. 9-1-701 through 9-1-707;

(G) Any superintendent, assistant superintendent or full-time park ranger of any state park or historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park or historic site, or when responding to a request to assist other peace officers performing their official duties;

(H) Any duly authorized detention officer in the performance of his duties and who has qualified pursuant to W.S. 9-1-701 through 9-1-707;

(J) Investigators employed by the Wyoming state board of outfitters and professional guides and qualified pursuant to W.S. 9-1-701 through 9-1-707, when enforcing W.S. 23-2-401 and 23-2-406 through 23-2-418 and board rules and regulations promulgated under W.S. 23-2-410(a)(ii);

(K) Any peace officer certified by another state who has been appointed as a special deputy sheriff of a Wyoming county pursuant to W.S. 18-3-602(c);

(M) Certified law enforcement officers of an adjoining state while responding to a request for assistance from a peace officer in this state pursuant to the "Law Enforcement Interstate Mutual Aid Act" or other lawful request; and

(N) The director and full-time staff instructors of the Wyoming law enforcement academy when duly appointed and acting pursuant to W.S. 9-1-633(b).

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
SUPPLEMENTAL RULEMAKING, AND OTHER AUTHORITIES**

SUPPLEMENTARY RULES

43 CFR 8365.1-6

- Generally Permanent in Nature
- Administrative Procedures Act (APA) Requirements
 - Publish as proposed rules in the Federal Register unless public review and comment requirements have been met through the planning process.
- State Director (Only) Signs
- Applies to specified areas and activities
- The Rules shall:
 - Be available for inspection in each local office having jurisdiction over the lands, sites, or facilities.
 - Be published in the Federal Register
 - Be published in a newspaper of general circulation in the affected vicinity, or be made available to the public by such other means as deemed most appropriate by the authorized officer.

CLOSURE/RESTRICTION ORDERS

43 CFR 8364.1

- Generally temporary in nature with specific ending date and exigent circumstances should exist
- Administrative Procedures Act Requirements
 - Publish as proposed rules in the Federal Register unless public review and comment requirements have been met through the planning process or,
 - Notice and public procedure are impracticable, unnecessary, or contrary to the public interest (APA Exception (B))
- Authorized Officer (District/Field Manager) Signs
- Applies to specified areas and activities
- Closure Order shall:
 - Identify the public lands, roads, trails, or waterways that are closed to entry or restricted as to use.
 - Specify the uses that are restricted.
 - Specify the period of time during which the closure or restriction shall apply.
 - Identify those persons who are exempt from closure or restrictions.
 - Be posted in the local BLM office having jurisdiction over the lands to which the order applies
 - Be posted at places near and/or within the area to which the closure or restriction applies, in such manner and location as is reasonable to bring prohibitions to the attention of users.
 - Include a statement on the reasons for the closures.
 - Published in the Federal Register – may go into effect prior to publication if APA Exception (B) is met.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
SUPPLEMENTAL RULEMAKING, AND OTHER AUTHORITIES**

**WILD AND SCENIC RIVERS SPECIAL RULES
43 CFR 8351.2-1**

- Generally Permanent in Nature
- Administrative Procedures Act Requirements
 - Publish as proposed rules in the Federal Register unless public review and comment requirements have been met through the planning process or,
 - Notice and public procedure are impracticable, unnecessary, or contrary to the public interest (APA Exception (B))
- Authorized Officer (District/Field Manager) Signs
- Applies to lands and water surface administered by the BLM within the boundary of any component of the National Wild and Scenic River System.
- Each Order Shall
 - Describe the lands, road, trail or waterway to which the order applies
 - Specify the time during which the closure or restriction applies
 - State each prohibition which is applied
 - Be posted in accordance with 43 CFR 8351.2-1(d)

**FIRE PREVENTION ORDERS
43 CFR 9212.2**

- Generally temporary in nature with specific ending date and exigent circumstances should exist
- Administrative Procedures Act Requirements
 - Exception (B) is met if
 - Published only as needed on an annual basis
 - Restricted to Fire Season
 - Restricted activities are related to Wildfire Prevention and Suppression
 - Otherwise, publish as proposed rules in the Federal Register unless public review and comment requirements have been met through the planning process.
- Authorized Officer (District/Field Manager) Signs
- Applies to specified areas and activities to prevent wildfire or facilitate its suppression.
- Each Order shall:
 - Identify the public lands, road, trails, or waterways that are closed to entry or restricted as to use;
 - Specify the time during which the closure or restriction shall apply;
 - Identify those persons who, without a written permit, are exempt from the closure or restrictions;
 - Be posted in the local BLM office having jurisdiction over the lands to which the order applies;
 - Be posted at places near the closed or restricted area where it can be readily seen.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
SUPPLEMENTAL RULEMAKING, AND OTHER AUTHORITIES**

**OHV SPECIAL RULES
43 CFR 8341.2**

- Temporary until adverse impacts related to ORV use are eliminated and measures implemented to prevent recurrence (i.e. route designation)
- Administrative Procedures Act Requirements
 - None - Exception (B) is met. Notice and public procedure are contrary to the public interest
- Authorized Officer (District/Field Manager) Signs
- Applies to OHV activity when they are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, or other authorized uses or other resources.
- No specific public notice or posting requirements identified.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
MODEL MEMORANDUMS OF UNDERSTANDING**

Federal Land Management

MEMORANDUM OF UNDERSTANDING
BETWEEN THE

BUREAU OF LAND MANAGEMENT
[STATE(S) OFFICE(S)]

AND THE

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, REGION ____,
BUREAU OF RECLAMATION, _____ REGION,
NATIONAL PARK SERVICE, _____ REGION OR _____ NATIONAL PARK
U.S. FISH AND WILDLIFE SERVICE, _____ REGION OR NATIONAL WILDLIFE REFUGE
BUREAU OF INDIAN AFFAIRS, _____ REGION

I. PURPOSE

This Memorandum of Understanding (MOU) prescribes the procedures and guidelines for designating law enforcement authority between the United States Department of the Interior (USDI), Bureau of Land Management, [State Office], and the (include all that are party to the MOU).

- U. S Department of Agriculture (USDA), Forest Service, Region ____.
- Bureau of Reclamation, _____ Region.
- National Park Service, _____ Region or _____ National Park
- U.S. Fish and Wildlife Service, _____ Region or National Wildlife Refuge
- Bureau of Indian Affairs, _____ Region

pursuant to the terms of the following authority.

II. AUTHORITY

This MOU is made pursuant to 43 U.S.C 1733 and [include all that apply]

- USDI/USDA Master Agreement of February 27, 1990, and is implemented by Memorandum of Understanding dated April 5, 1994, and pursuant to Title 16 U.S.C., 559d, 559d(4) and 559g.
- Department of the Interior (DOI), Memorandum of Understanding dated June 2004, and pursuant to [include all that apply]
 - Title 43 U.S.C. § 373b and 373c, (Bureau of Reclamation)

Federal Land Management

- Title 16 U.S.C. § 1a-6, (National Park Service)
- Title 16 U.S.C § 742(b), 3375, 668dd(g) (Fish and Wildlife Service)
- Title 25 U.S.C. § 2804(a) (Bureau of Indian Affairs)
- DOI Reorganization Plan Number 3 of 1950 (DOI – OLESEM)

III. STATEMENT OF MUTUAL INTEREST AND MUTUAL BENEFITS:

The [Agencies/Bureaus] have determined that cross designation of law enforcement authorities to Law Enforcement Officers and Special Agents of the [Agencies/Bureaus], and Law Enforcement Rangers and Special Agents of the Bureau of Land Management, will increase protection of the resources on lands administered by the [Agencies/Bureaus], and it is mutually beneficial, economical, and advantageous to the public interest.

The [Agencies/Bureaus] have also determined that in cases where a specific need for law enforcement assistance and investigative support has been identified or where a law enforcement emergency or a violation in progress exists, it shall be mutually beneficial, economical, and advantageous to the public interest to cross-designate law enforcement officials. In such instances the procedures set out shall apply for cross designation of authority between the agencies.

IV. DEFINITIONS:

(Mandatory – The following definitions must be included in all Agreements)

- A. Public Lands – means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior, through the Bureau of Land Management without regard to how the United States acquired ownership, except:
 - 1. Lands located on the outer Continental Shelf.
 - 2. Lands held for the benefit of Indians, Aleuts, and Eskimos. 43 U.S.C, 1702 (e)
- B. Special Agent-in-Charge - BLM Special Agent-in-Charge for the [State] Office; (include as appropriate similar positions of other bureaus/agencies, i.e. USFS Regional Special Agent-in-Charge for the Region subject to this agreement.)
- C. Manager-in-Charge - The State Director, BLM, [State] Office; (include as appropriate similar positions of other bureaus/agencies, i.e. The Regional Special Agent-in-Charge of the [Region], USDA Forest Service, or Regional Director, National Park Service, [Region]).
- D. Law Enforcement Officer - Law enforcement officers/law enforcement rangers/special agents of the USDI, Bureau of Land Management, or (include as appropriate other bureaus/agencies that are party to this Agreement), that meet the requirements of Section ___ of this Agreement.

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
MODEL MEMORANDUMS OF UNDERSTANDING**

Federal Land Management

- E. Responsible Agency/Bureau – The agency or bureau with jurisdiction over the land where the incident is occurring.
- F. Initial Action – Law enforcement action taken, including but not limited to issuance of a citation and/or arrest by a cross designated law enforcement officer, identified in this agreement, in response to violations(s) in progress or law enforcement emergencies until relieved by the responsible bureau/agency.
- G. Violations in Progress - Violations that are encountered on the lands of the other agency that are incidental to the normal duties of the cross-designated law enforcement officer or reported by a federal employee, contractor, a law enforcement agency, or the general public.
- H. Law Enforcement Emergencies - Incidents involving an immediate threat to persons, property, or resources for which time is of the essence.
- I. Investigative Support and Law Enforcement Assistance - Law enforcement assistance or follow up on a law enforcement incident or investigation that is not routine law enforcement and is not in support of a law enforcement emergency.
- J. Routine Law Enforcement - Regular or intermittent patrol work and response to law enforcement incidents conducted by designated law enforcement officers.
- K. Special Operations/Pre-planned Events – Pre-planned operations or events where the Responsible Agency/Bureau will coordinate with all involved agencies/bureaus to develop and implement a pre-event/operational plan.

(Optional – The following definitions may be included as appropriate.)

- Chief Ranger, National Park Service – The position at either a region or park which is responsible for that area’s protection and visitor use management activities including law enforcement.*
- Regional Special Agent (RSA) – Special Agent assigned to the [Region], Bureau of Reclamation.*
- Reclamation Lands - Real property administered by the Secretary, acting through the Commissioner of Reclamation, and includes all acquired and withdrawn lands and water areas under jurisdiction of the Bureau”. (16 USC 460l-32(1))*
- Reclamation Project – Any water supply or water delivery project constructed or administered by the Bureau of Reclamation under the Federal reclamation laws, and Acts supplementary thereto and amendatory thereof. (16 USC 460l-32(1))*

V. PROCEDURES:

- A. The Bureau of Land Management and the [Agencies/Bureaus] mutually agree to cross

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
MODEL MEMORANDUMS OF UNDERSTANDING**

Federal Land Management

designate law enforcement officers for the following purposes: *(Each is optional. Include all that apply. Limitations on what laws, and regulations that may be enforced within the terms of this MOU or limitations on how each the following should be carried out should be included also.)*

Initial Action

Violations in Progress - This requires cross designation to take initial action only. (See Section X. for designated law enforcement officers/positions).

Law Enforcement Emergencies - This requires a formal/informal request for emergency law enforcement response for incidents involving an immediate threat to persons, property, or resources. Documentation of the interagency assistance will follow as soon as possible, after assistance is rendered.

Investigative Support and Law Enforcement Assistance - This requires a request and approval from Special Agents-in-Charge by and for Bureau of Land Management. The cross designation will last through the duration of the assignment.

Routine Law Enforcement

Special Operations/Pre-planned Events

B. The Bureau of Land Management and the *[Agencies/Bureaus]* mutually agree that each Law Enforcement Officer cross designated by this MOU must meet the following:

1. Is a permanent, full-time Federal employee, individually authorized to make arrests and carry firearms as a Law Enforcement Officer or Special Agent, and is assigned law enforcement duties on a full-time basis;
2. Has successfully completed a basic course of instruction of the Federal Law Enforcement Training Center or other basic law enforcement training approved by the DOI's Office of Law Enforcement, Security, and Emergency Management;
3. Is successfully completing at least 40 hours of "in-service" law enforcement training each year;
4. Regularly qualifies with issued or approved firearms at least twice per year;
5. Has not been convicted of a misdemeanor crime of domestic violence and is not prohibited from possessing a firearm in accordance with 18 U.S.C. 922(g)(9)
6. Has been provided training by the BLM and *[Agencies/Bureaus]* in the Federal laws and regulations that relate to the public lands and the law enforcement policies and procedures of the BLM;

D. The Bureau of Land Management and the *[Agencies/Bureaus]* mutually agree to provide

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
MODEL MEMORANDUMS OF UNDERSTANDING**

Federal Land Management

cross-designated law enforcement personnel at least four (4) hours of training/briefing on the laws and regulations of the requesting agency.

- E. The Bureau of Land Management and the [Agencies/Bureaus] mutually agree that all cross-designated employee law enforcement actions taken or incidents detected or investigated on lands administered by the other agency will be reported to that agency. Necessary forms/formats will be provided by the requesting agency.

VI. SCOPE AND CONDITIONS:

- A. This cross designation of law enforcement authority is limited to [State(s)] for BLM and (include all that apply)

- USDA, Forest Service, Region ____.*
- Bureau of Reclamation, _____ Region.*
- National Park Service, _____ Region or _____ National Park*
- U.S. Fish and Wildlife Service, _____ Region or National Wildlife Refuge*
- Bureau of Indian Affairs, _____ Region*
- (INSERT ADDITIONAL STATE/REGION LIMITATIONS AS NEEDED)*

- B. Neither party shall be liable to the other or to its agents or employees for any loss, damage, personal injury, or death occurring in consequence of the performance of this MOU, except as provided herein.
- C. No member of, or delegate to Congress, or State Official, shall be admitted to any share or part of this MOU, or any benefit that may arise there from.
- D. During the performance of this MOU, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex age, disability, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, age, disability, or national origin.
- E. Each party will furnish written information necessary for mutual enforcement operations.
- F. Any issues which cannot be reconciled between the [Agencies/Bureaus] and individual BLM LEOs or any issue that affects either party's performance under this MOU shall be referred to the SAC. The SAC will be responsible for coordinating with the appropriate officials to mutually resolve any issue.
- G. Nothing in this MOU will be construed as affecting the authorities of either party or as

Federal Land Management

binding beyond their respective authorities.

- H. Nothing in this MOU shall obligate the BLM to expend appropriation or to enter into any contract or other obligation. Specific work projects or activities that involve the transfer of funds, service, or property between the parties to this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress. Each subsequent agreement or arrangement involving the transfer of funds, service, or property shall be made in writing and shall be independently authorized by appropriate statutory authority and regulations, including those applicable to procurement activities.
- I. Subject to availability of funds, each Party agrees to fund their own expenses associated with the implementation of this MOU. Nothing contained herein shall be construed as obligating BLM to any expenditure or obligation of funds in excess or in advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341.
- J. Any records or documents generated as a result of this MOU shall be part of the official BLM record maintained in accordance with applicable BLM Records Management policies. Any request for release of records associated with the implementation of this MOU to anyone outside the Parties must be determined based on applicable laws, including the Freedom of Information Act and the Privacy Act.
- K. This MOU shall be effective from the date of execution and shall remain in effect for five years, unless terminated with a 60-day written notice from either party to the other party. This MOU may be modified or amended upon written request of either party and written concurrence of the other party.

IX. PRINCIPLE CONTACTS:

(Insert names, addresses, and phone numbers of lead law enforcement officers)

X. LAW ENFORCEMENT OFFICERS AUTHORIZED TO TAKE ACTION IN ACCORDANCE WITH THIS MOU

(Insert Names and Duty Stations of law enforcement officer cross designated under this MOU.)

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
MODEL MEMORANDUMS OF UNDERSTANDING**

Federal Land Management

XI. APPROVED:

[Signature of State Director and Special Agent-in-Charge is required on all MOUs. Include appropriate signatures for other participating Agencies/Bureaus as required by their respective policies.]

[Name]
State Director, [State]
Bureau of Land Management

[Name]
[Title, Agency Name]

Date

Date

[Name]
Special Agent-in-Charge, [State]
Bureau of Land Management

[Name]
[Title, Agency Name]

Date

Date

[Name]
[Title, Agency Name]

[Name]
[Title, Agency Name]

Date

Date

Peace Officer Authority with State or Local Agency

MEMORANDUM OF UNDERSTANDING
BETWEEN THE

BUREAU OF LAND MANAGEMENT
[STATE(s) OFFICE(s)]

AND THE

[STATE OR LOCAL AGENCY]

I. PURPOSE

This Memorandum of Understanding (MOU) provides for the increased protection of persons and property on the public lands and roads administered by the United States Department of the Interior, Bureau of Land Management (BLM), through cooperation between the [State or Local Agency, i.e. Riverside County Sheriff's Office or New Mexico State Police] and the BLM, by the granting and acceptance of authority for BLM law enforcement officers to enforce State and local laws and regulations pursuant to this MOU.

II. AUTHORITY

A. Bureau of Land Management

Section 303(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(d)) provides that, in connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate 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.

B. [State or Local Agency]

[Cite the specific section of law that authorizes the Sheriff or other state/local law enforcement agency to confer authority to BLM Law Enforcement Officer's to enforce state/local laws. Include appropriate language that highlights the major points of the authorizing section. For example, "California Penal Code Section 830.8(b) grants authority to the Sheriff to give written consent to BLM law enforcement personnel to enforce laws of the State of California and ordinances of Riverside County on property owned or possessed by the United State Government or any street, sidewalk, or property adjacent thereto."]

III. DEFINITIONS

[The following are mandatory. Others may be added as needed or required].

A. Public Lands – means any land and interest in land owned by the United States within the

**GUIDE TO AUTHORITY AND JURISDICTION FOR BLM RANGERS AND SPECIAL AGENTS
MODEL MEMORANDUMS OF UNDERSTANDING**

Peace Officer Authority with State or Local Agency

several States and administered by the Secretary of the Interior, through the Bureau of Land Management without regard to how the United States acquired ownership, except:

1. Lands located on the outer Continental Shelf.
 2. Lands held for the benefit of Indians, Aleuts, and Eskimos. 43 U.S.C, 1702 (e)
- B. Law Enforcement Officer (LEO) - Law enforcement rangers and special agents employed by the BLM who have been delegated law enforcement authority by the Director, BLM.
- C. State Director – The State Director, BLM, [State] State Office;
- D. Special Agent-in-Charge (SAC) - BLM Special Agent-in-Charge for the [State] State Office;

IV. PROCEDURES

- A. The [State or Local Agency, i.e. Sheriff of Imperial County] has the authority to enforce [the State and local laws for State or County] on such public lands administered by the BLM that lie within the confines of [State or County]; and is limited as to the amount of protection, patrol, and investigation that can be provided on those public lands, waters, roads, and trails administered by the BLM within [State or County].
- B. The State Director, SAC, and the [State or Local Agency] hereby mutually agree that it is desirable to cooperate and collaborate in better utilizing the resources of both agencies while providing for more adequate protection of persons and property on the public lands as follows:
1. The [State/Local Agency] agrees to continue to enforce the civil and criminal laws of the [State or County] on the public lands waters, roads, and trails administered by the BLM within the normal scope of duty to the extent of current financial and manpower resources without reimbursement by the BLM.
 2. The BLM agrees, within the availability of funds and established Federal regulations and policies, to enforce the authorized Federal laws and regulations pertaining to the public lands administered by the BLM, and State and local laws in connection with their duties in the administration and regulation of the use and occupancy of the public lands as defined herein.
 3. The [State or Local Agency] and the BLM mutually agree to provide the maximum cooperation, assistance, and coordination possible, within the availability of funds and established laws, regulations, and policies governing the respective agencies that will assure the protection of persons and property on the public lands, waters, roads, and trails administered by the BLM within the confines of [State or County].
 4. The [State/Local Agency] further agrees that pursuant to [applicable Code Section]

Peace Officer Authority with State or Local Agency

will designate certain identified BLM LEOs (Attachment [X]) as [peace officers/special deputies/wardens] of the [State/Local Agency] for enforcement of [State/local laws, regulations, and ordinances] in the [State/County]. The [State/Local Agency] further understands and agrees that the BLM LEOs so designated are limited by the BLM to exercise said enforcement authority only in connection with their duties in the administration and regulation of the use and occupancy of the public lands as defined herein. Prior to any such designation, the BLM agrees to provide any training required by [State or local law, or the Agency] to such specified BLM LEOs.

It is understood and agreed that the authority granted by the [State or Local Agency] includes authority to execute any valid State or local warrant that the [State or Local Agency] has the authority to execute and for which the [State or Local Agency] has the authority to grant. However, it is understood that BLM limits its LEOs to exercise such authority only in connection with their duties in the administration and regulation of the use and occupancy of the public lands as defined herein, and, when feasible, upon the request of the [State or Local Agency].

5. The BLM further agrees to take the following mutually agreed upon actions related to violations of [State or County laws, regulations, or ordinances]. *(Each is optional. Include all that apply. Limitations on what laws, regulations, or ordinances that may be enforced within the terms of this MOU may be included also.)*
 - a. To respond to requests for back-up services to each other in emergency "officer needs assistance" situations, as may be reasonable, prudent, and necessary under the circumstances. It is further understood and agreed that all officers will be instructed that BLM LEOs are limited to responding to those situations not on public lands where they are the closest available officer and are within reasonable proximity, considering all factors, to the situation requiring assistance. All officers will be further instructed that BLM may discipline any of its LEOs who exercise State and/or local law enforcement authority in violation of the restrictions imposed upon them by BLM as set out in this MOU.
 - b. To issue citations, arrest, and/or release persons suspected of violations of [State or Local] laws, regulations, or ordinances related to the administration and regulation of the use, occupancy, and development of Public Lands.
 - c. To detain persons suspected of violating [State or Local] laws, regulations, or ordinances, any witnesses to those violations, and to protect any related crime scene, pending arrival of the State or local agency having primary jurisdiction.
 - d. To arrest, transport, and release to an available [State or Local] law enforcement officer any person having a valid state or local warrant for his/her arrest when requested by [State or Local Agency].
 - d. To take other mutually agreed upon actions related to violations of [State or

Peace Officer Authority with State or Local Agency

County laws, regulations, or ordinances] as described in Attachment [X] of this MOU.

V. SCOPE AND CONDITIONS

- A. Neither party shall be liable to the other or to its agents or employees for any loss, damage, personal injury, or death occurring in consequence of the performance of this MOU, except as provided herein.
- B. No member of, or delegate to Congress, or State Official, shall be admitted to any share or part of this MOU, or any benefit that may arise there from.
- C. The BLM LEOs will remain under the supervision and responsibility of the BLM. The BLM LEOs shall not be considered as coming within the scope of the *[State or Local Agency]* employment and none of the benefits of *[State or Local Agency]* will be conferred under this MOU.
- D. Each party will furnish written information necessary for mutual enforcement operations.
- E. Any issues which cannot be reconciled between the *[State/Local Agency]* and individual BLM LEOs or any issue that affects either party's performance under this MOU shall be referred to the SAC. The SAC will be responsible for coordinating with the appropriate officials to mutually resolve any issue.
- F. Nothing in this MOU will be construed as affecting the authorities of either party or as binding beyond their respective authorities.
- G. Nothing in this MOU shall obligate the BLM to expend appropriation or to enter into any contract or other obligation. Specific work projects or activities that involve the transfer of funds, service, or property between the parties to this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress. Each subsequent agreement or arrangement involving the transfer of funds, service, or property shall be made in writing and shall be independently authorized by appropriate statutory authority and regulations, including those applicable to procurement activities.
- H. Subject to availability of funds, each Party agrees to fund their own expenses associated with the implementation of this MOU. Nothing contained herein shall be construed as obligating BLM to any expenditure or obligation of funds in excess or in advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341.
- I. Any records or documents generated as a result of this MOU shall be part of the official BLM record maintained in accordance with applicable BLM Records Management policies. Any request for release of records associated with the implementation of this MOU to anyone outside the Parties must be determined based on applicable laws,

Peace Officer Authority with State or Local Agency

including the Freedom of Information Act and the Privacy Act.

- J. This MOU shall be effective from the date of execution and shall remain in effect for five years, unless terminated with a 60-day written notice from either party to the other party. This MOU may be modified or amended upon written request of either party and written concurrence of the other party.