



National Park Service

[Electronic copy. Signed original on file in Office of Policy]

DIRECTOR'S ORDER #9: LAW ENFORCEMENT PROGRAM

Approved: /s/ Fran P. Mainella
Director

Effective Date: March 23, 2006

Duration: Until Amended or Terminated

Director's Order #9 (DO-9), in conjunction with [Reference Manual #9](#) (RM-9) and United States Park Police (USPP) General Orders, establishes and defines general standards, policies, and procedures for all law enforcement functions within the National Park Service (NPS). This DO supplements [section 8.3 of Management Policies 2006](#). DO-9, Release No. 1, March 2000, is hereby superseded and replaced.

CONTENTS:

1. BACKGROUND AND PURPOSE
2. AUTHORITY
3. ACCOUNTABILITY AND RESPONSIBILITY
4. CONTROLLING POLICIES AND STANDARDS
5. THIRD PARTY ENFORCEABILITY

1. BACKGROUND AND PURPOSE

The NPS Organic Act (16 U.S.C. 1-4), establishing the National Park Service, directs the NPS to:

...promote and regulate the use of Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

In support of the NPS mission, law enforcement serves the public interest to protect resources and people, prevent crime, conduct investigations, apprehend criminals, and serve the needs of the visitors. To help in accomplishing this mission, the NPS employs two law enforcement branches: (1) United States Park Ranger (USPR) and Special Agent (SA), and

(2) the United States Park Police (USPP). This Director's Order applies to all commissioned law enforcement employees of the NPS.

2. AUTHORITY

Authority to issue this Director's Order is contained in the NPS Organic Act and in delegations of authority found in Part 245 of the DOI Manual (DM). Reference Manual (RM) 9 will address law enforcement topics in greater detail for USPRs and SAs, and will be issued by the Associate Director, Visitor and Resource Protection. General Orders will address law enforcement topics in greater detail for the USPP and will be issued by the Chief, U.S. Park Police. Both of these level 3 documents will be prepared in close consultation with the Office of the Solicitor.

2.1 Authority to carry out law enforcement duties-- is found in law including the General Authorities Act of 1976 (16 U.S.C. 1a-6(b)), which under 41 Fed. Reg. 44876 (1976) has been delegated to NPS employees who possess specific law enforcement certification (Type I and II Law Enforcement Commissions) and USPP Officers. Such employees and officers may:

- Carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that [National Park] system or the person to be arrested is fleeing therefrom to avoid arrest.
- Execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system, or where the person subject to the warrant or process is in the national park system in connection with any Federal offense.
- Conduct investigations (wherever that investigation may lead) of offenses against the United States committed in the national park 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.

2.2 Law Enforcement Authority

Inside Park Boundaries: Within national park system boundaries, the Service will fulfill its law enforcement responsibilities using NPS employees. However, the NPS is authorized by 16 U.S.C. 1a- 6(c) to appoint (deputize) another agency's qualified law enforcement personnel as special police when it will benefit the administration of a park area. Deputations may be issued only for the purpose of obtaining supplemental law enforcement assistance when deemed economical and in the public interest, and with the concurrence of the other agency. Deputations may not be used to delegate NPS law enforcement responsibilities to state or local governments. All such appointments must be approved by the bureau director of law enforcement or his/her designee, and supported by a written agreement with the other agency at the park or national level, except when there is insufficient time because of an emergency law enforcement situation.

Outside Park Boundaries: The Service is also authorized to use appropriated funds for "Rendering of emergency rescue, fire fighting, and [other] cooperative assistance to nearby

law enforcement and fire prevention agencies and for related purposes outside of the National Park System"(16 U.S.C. 1b(1)). Further, insofar as 16 U.S.C. 1b(1) does not confer arrest authority to NPS personnel who act outside park boundaries, State arrest authority is first needed before NPS personnel can enforce State law or engage in law enforcement activity outside national park system boundaries.

This authority will be used in emergency situations, only after first determining that such actions will facilitate the administration of the park or be an effective management tool for obtaining mutual assistance from other agencies. Furthermore, the authority is intended for use only in response to an unexpected occurrence that requires immediate action, which may include one or more of the following:

- Emergency responses such as life or death incidents, serious injury/ fatality accident/ incident scenes, crime scenes involving the protection of human life, officer needs assistance, threats to health or safety of the public.
- Emergency or law enforcement incidents directly affecting visitor safety or resource protection.
- Probable-cause felonies and felonies committed in the presence of and observed by USPR, SA or USPP.
- Misdemeanors committed in the presence of USPR, SA or USPP that present an immediate threat to the health and safety of the public.

The Service may not assume law enforcement responsibility outside of park boundaries *(except in two exceptions relating to the USPP who under the District of Columbia Code 5-201 (2001) have the same police powers as the Metropolitan Police of the District of Columbia and were given police authorities under the District of Columbia Code 5-206 (2001) enabling them to act as police officers on all Federal reservations in nine counties and one city adjacent to the District of Columbia)* in lieu of the legitimate responsibilities of nearby agencies. Cooperative assistance rendered to nearby law enforcement agencies outside of park boundaries should be limited to only those actions or efforts that support or assist those agencies.

3. ACCOUNTABILITY AND RESPONSIBILITIES

The Director of the NPS will ensure that a viable law enforcement program exists within the NPS. The responsibility to manage the NPS law enforcement program will be entrusted to the Associate Director, Visitor and Resource Protection, and to the Chief, United States Park Police, each having been designated as a "Bureau Director of Law Enforcement." The Associate Director will represent the interests of the U.S. Park Rangers and Special Agents. The Chief will represent the interests of the U.S. Park Police. The incumbent of these positions will be responsible for providing mission-oriented policy, procedures, and standards, and providing effective review, oversight and inspection of the NPS law enforcement program.

Congress has authorized the designation of certain employees as law enforcement officers, with the responsibility to "... maintain law and order and protect persons and property within areas of the National Park System" (16 U.S.C. 1a 6(b)). Only employees who meet the standards prescribed by, and who are designated by, the Secretary of the Interior may perform law enforcement duties. The duties of these commissioned employees will not be limited to just law enforcement; they will also continue to incorporate a diversity of other

protection concerns, as stipulated in House Report No. 94-1569.

The authority and responsibility to manage the US Park Police flow from the Director to the Chief of the USPP. The authority and responsibility to manage the NPS Commissioned Park Ranger program flow from the Director to the Regional Director(s), to park superintendent (s). Park superintendents are responsible and accountable for the management of the law enforcement program within their respective area. The NPS Special Agent program is managed by the Special Agent In Charge (SAC) in the Division of Law Enforcement and Emergency Services. This authority flows from the Director to the Associate Director, Visitor and Resource Protection, to the Division Chief, Law Enforcement and Emergency Services, to the SAC.

4. POLICIES AND STANDARDS

4.1 The Department of the Interior Law Enforcement Handbook (Departmental Manual (DM-446)) prescribes overarching policies and procedures for administering and implementing the law enforcement programs in the Department of the Interior. These directives and standards implement statutory provisions, public law and regulations relating to federal law enforcement. The NPS will abide by these Departmental policies and procedures and implement them through DO 9 and RM 9, and USPP General Orders.

4.2 National Park Service Management Policies 8.3.1, Law Enforcement Programs
The objectives of the NPS law enforcement program are (1) the prevention of criminal activities through resource education, public safety efforts, and deterrence; (2) the detection and investigation of criminal activity and the apprehension and successful prosecution of criminal violators; and (3) homeland security. In carrying out the law enforcement program, the Service will make reasonable efforts to provide for the protection, safety, and security of park visitors, employees, concessioners, and public and private property, and to protect the natural and cultural resources entrusted to its care.

The NPS law enforcement program will be managed and supervised in accordance with all applicable laws and regulations; Part 446 of the Department of the Interior Manual; NPS Management Policies, DO-9 and RM-9, and the USPP General Orders, as appropriate.

4.3 The Context for Law Enforcement

Park law enforcement activities will be managed to protect resources, manage public use and promote public safety and visitor enjoyment. This is in keeping with guidance provided by Congress in 1976 when it amended the General Authorities Act (16 USC 1a-3):

The Committee intends that the clear and specific enforcement authority contained in this subsection, while necessary for the protection of the Federal employees so involved, will be implemented by the Secretary to ensure that law enforcement activities in our National Park System will continue to be viewed as one function of a broad program of visitor and resource protection. (House Report No. 94-1569, September 16, 1976)

4.4 Jurisdiction

The term "jurisdiction" defines the sphere of authority and outlines the boundaries or

territorial limits within which any particular authority (federal or state) may be exercised. Jurisdiction may be either "exclusive," "partial," "concurrent," or "proprietary." Insofar as is practicable, the Service will seek to acquire concurrent legislative jurisdiction for all units of the national park system, as required by the 1976 amendment to the General Authorities Act, 16 U.S.C. 1a-3 (see RM-9).

4.5 Use of Force

Commissioned employees may use a wide variety of defensive equipment and force options in response to various threats and other enforcement situations. The primary consideration is the timely and effective application of the appropriate level of force required to establish and maintain lawful control. The only justifications for the use of force are:

- To defend self
- To defend others
- To effect an arrest
- To restrain or control violent, threatening, or resistive behavior, or to disperse an unlawful group

Commissioned employees may use deadly force only when necessary; i.e. when the ranger, special agent or USPP officer has an objectively reasonable belief, in light of the facts and circumstances confronting the ranger, agent or officer, that the subject of such force poses an imminent danger of death or serious physical injury to the ranger, agent or officer, or to another person. If force other than deadly force reasonably appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, that is the preferred level of force. In no instance shall deadly force be utilized unless such use is objectively reasonable under the circumstances. "Deadly force" is the use of any force that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury, but unexpectedly results in such death or injury.

4.6 Community Relations and Outreach

The NPS will provide information to the public and the news media in accordance with applicable laws, Departmental policy, and Director's Order #75A, Civic Engagement and Public Involvement (www.nps.gov/policy/DOrders/75A.htm). The appropriate bureau director of law enforcement should identify appropriate opportunities to enhance the effectiveness of law enforcement by (1) publicizing arrests, weapons seizures and successful prosecutions for the purpose of deterrence; (2) emphasizing cooperation and assistance activities such as Park Watch; and (3) assisting in public education and awareness about the full range of threats to and the challenges of protecting park resources.

4.7 Technologically-assisted Law Enforcement-related Physical Surveillance

The NPS may use technologically-assisted physical surveillance, including the use of tracking, illumination, telescopic, detection, video and other technology-dependent devices, to aid legitimate and lawful law enforcement surveillance activities if it is consistent with the Constitution and applicable laws.

4.8 Investigation of Commissioned Employee Misconduct

The National Park Service is committed to maintaining the integrity of its employees and is dedicated to upholding the trust of the public it serves. To preserve that integrity and trust, the NPS investigates complaints against our employees. Criminal and administrative complaints against law enforcement commissioned personnel will be coordinated through the Bureau's internal investigative program or other entity as required by law or regulation.

5. Third-Party Enforceability

This order is intended only to improve the internal management of the NPS and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

-----*End of Director's Order*-----